

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STREAMLIGHT, INC.,

Plaintiff,

v.

BASS PRO OUTDOOR WORLD, L.L.C. d/b/a
BASS PRO SHOPS; and
WRIGHT & MCGILL CO., LAKER FISHING
TACKLE DIVISION.

Defendants.

CIVIL ACTION NO.:
05-CV-2031-HB

AMENDED COMPLAINT

Plaintiff, Streamlight, Inc., (hereafter “Streamlight”) alleges as follows:

Parties

1. Streamlight is a Delaware corporation having its principal place of business at 30 Eagleville Road, Eagleville, Montgomery County, Pennsylvania 19403.

2. On information and belief, defendant Bass Pro Outdoor World L. L. C. (hereafter “Bass Pro”) is a Limited Liability Company organized under the laws of Missouri and having a principal place of business at 2500 East Kearney, Springfield, Missouri 65898. Bass Pro does business in Pennsylvania and is subject to the jurisdiction of this Court.

3. On information and belief, defendant Wright & McGill Co (hereafter “Wright & McGill/Laker”) is a Colorado corporation having its principle place of business at 4245 E. 46th Avenue, Denver, Colorado, and operates its Laker Fishing Tackle Division from its facility at 1225 West Hwy. 54, Camdenton, Missouri 65020. Wright & McGill/Laker does business in

Pennsylvania directly and through the Laker Fishing Tackle Division, and is subject to the jurisdiction of this Court.

Jurisdiction and Venue

4. This is a complaint for infringement of United States patents under 35 U.S.C. §§ 271 and 281.

5. Jurisdiction arises under 28 U.S.C. §§ 1331 and 1338.

6. Venue in this district is proper under 28 U.S.C. §§ 1391(b) and (c).

COUNT I

PATENT INFRINGEMENT

7. Streamlight is the assignee of the entire right, title and interest in United States Letters Patent No. 6,523,972 (“the ‘972 patent”) which issued on February 25, 2003. A copy of the ‘972 patent is attached hereto as Exhibit A.

8. The ‘972 patent grants Streamlight the right to prevent others from making, having made, using, importing, advertising, selling and offering for sale in the United States particular flashlights which are covered by a claim or claims of the ‘972 patent.

9. Bass Pro has infringed the ‘972 patent by using, selling and offering for sale head lamp flashlights which are covered by one or more claims of the ‘972 patent, including, without limitation, a head lamp flashlight bearing the trademark NIGHT STALKER. Wright & McGill/Laker has infringed the ‘972 patent by importing and selling to Bass Pro the NIGHT STALKER head lamp flashlights.

10. Bass Pro's and Wright & McGill/Laker's infringement of the '972 patent has been conducted with actual notice of the '972 patent since at least mid- January, 2005, as a result of written notice from Streamlight to Bass Pro by certified mail dated January 6, 2005.

11. On information and belief, based upon Bass Pro's and Wright & McGill/Laker's failure to respond to or to otherwise acknowledge Streamlight's request that Bass Pro cease and desist from selling the NIGHT STALKER, Bass Pro's and Wright & McGill/Laker's infringement is and has been willful.

COUNT II

PATENT INFRINGEMENT

12. Streamlight is the assignee of the entire right, title and interest in United States Letters Patent No. 6,250,771 ("the '771 patent") which issued on June 26, 2001. A copy of the '771 patent is attached hereto as Exhibit B.

13. The '771 patent grants Streamlight the right to prevent others from making, having made, using, importing, advertising, selling and offering for sale in the United States particular flashlights which are covered by a claim or claims of the '771 patent.

14. Bass Pro has infringed the '771 patent by having made and importing from China, using, selling and offering for sale head lamp flashlights which are covered by one or more claims of the '771 patent, including, without limitation, a head lamp flashlight bearing the trademark NIGHT STALKER. Wright & McGill/Laker has infringed the '771 patent by importing and selling to Bass Pro the NIGHT STALKER head lamp flashlights.

15. Bass Pro's and Wright & McGill/Laker's infringement of the '771 patent has been with actual notice of the '771 patent since at least January 2005 as a result of written notice from Streamlight to Bass Pro by certified mail dated January 6, 2005.

16. On information and belief, based upon Bass Pro's and Wright & McGill/Laker's failure to respond to or to otherwise acknowledge Streamlight's request that Bass Pro cease and desist from selling the NIGHT STALKER, Bass Pro's and Wright & McGill/Laker's infringement is and has been willful.

COUNT III

PATENT INFRINGEMENT

17. Streamlight is the assignee of the entire right, title and interest in United States Letters Patent No. 5,871,272 ("the '272 patent") which issued on February 16, 1999. A copy of the '272 patent is attached hereto as Exhibit C.

18. The '272 patent grants Streamlight the right to prevent others from making, having made, using, importing, advertising, selling and offering for sale in the United States particular flashlights which are covered by a claim or claims of the '272 patent.

19. Bass Pro has infringed the '272 patent by having made and importing from China, using, selling and offering for sale head lamp flashlights which are covered by one or more claims of the '272 patent, including, without limitation, a head lamp flashlight bearing the trademark NIGHT STALKER. Wright & McGill/Laker has infringed the '272 patent by importing and selling to Bass Pro the NIGHT STALKER head lamp flashlights.

20. Bass Pro's and Wright & McGill/Laker's infringement of the '272 patent has been with actual notice of the '272 patent since at least January 2005 as a result of written notice from Streamlight to Bass Pro by certified mail dated January 6, 2005.

21. On information and belief, based upon Bass Pro's and Wright & McGill/Laker's failure to respond to or to otherwise acknowledge Streamlight's request that Bass Pro cease and desist from selling the NIGHT STALKER, Bass Pro's and Wright & McGill/Laker's infringement is and has been willful.

PRAYERS FOR RELIEF

WHEREFORE, Streamlight demands judgment against Bass Pro, and demands relief as follows:

A. That this Court preliminarily and permanently enjoin Bass Pro, and those officers, directors, agents, employees and any person or entity in active concert or participation with any of them from infringing the '972 patent, the '771 patent and the '272 patent;

B. That Bass Pro be ordered to deliver up for destruction all infringing head lamps in their possession or under their control;

C. That this Court award Streamlight money damages under 35 U.S.C. § 284 sufficient to compensate Streamlight for the financial damage caused by Bass Pro's infringement, including enhanced damages if the infringement is found to be willful, and its reasonable attorney fees under 35 U.S.C. § 285 if this case is deemed to be exceptional;

D. That this Court preliminarily and permanently enjoin Wright & McGill/Laker, and those officers, directors, agents, employees and any person or entity in active concert or participation with any of them from infringing the '972 patent, the '771 patent and the '272 patent;

E. That Wright & McGill/Laker be ordered to deliver up for destruction all infringing head lamps in their possession or under their control;

F. That this Court award Streamlight money damages under 35 U.S.C. § 284 sufficient to compensate Streamlight for the financial damage caused by Wright & McGill/Laker's infringement, including enhanced damages if the infringement is found to be willful, and its reasonable attorney fees under 35 U.S.C. § 285 if this case is deemed to be exceptional; and

G. That this Court award to Streamlight such other and further relief as is authorized by statute or is deemed appropriate by this Court.

Respectfully submitted,

STREAMLIGHT INC.

Dated: 13 June, 2005 BY: /s/ John J. Marshall
JOHN J. MARSHALL (Pa. Atty. Id. 30,574.)
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Exhibits on filed with the Court Clerk