

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK**

TRUCK-LITE CO., INC.)	Civil Action No.:
)	
Plaintiff,)	
)	AMENDED COMPLAINT
vs.)	
)	
PETERSON MANUFACTURING)	DEMAND FOR JURY TRIAL
COMPANY,)	
)	
and)	
)	
PACIFIC INSIGHT)	
ELECTRONICS CORP.,)	
)	
Defendants.)	
)	
)	

Pursuant to Fed. R. Civ. P. 15, Truck-Lite Co., Inc. ("Truck-Lite") alleges for its Amended Complaint against Peterson Manufacturing Company ("Peterson") and Pacific Insight Electronics Corp. ("Pacific Insight") as follows:

PARTIES

1. Truck-Lite is a corporation organized and existing under the laws of the state of New York, with its principal place of business at 310 East Elmwood Avenue, Falconer, NY, 14733.
2. On information and belief, Peterson is a corporation organized and existing under the laws of the state of Missouri, with a place of business located at 4200 East 135 Street, Grandview, MO, 64030.
3. On information and belief, Pacific Insight is a corporation organized and existing under the laws of Canada, with a place of business located at 1155 Insight Drive, Nelson, British Columbia, V1L 5P5, Canada.

JURISDICTION AND VENUE

4. This action seeks a declaratory judgment under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. It presents an actual case or controversy under Article III of the United States Constitution and serves a useful purpose in clarifying and settling the legal rights at issue.

5. On information and belief, Peterson and Pacific Insight are co-assignees of U.S. Patent No. 6,842,111 (“the ‘111 patent”), entitled “Integrated Multifunction Flasher System,” a true and correct copy of which is attached hereto as Exhibit A.

6. The Defendants have explicitly charged Truck-Lite with infringement of the ‘111 patent.

7. Truck-Lite seeks a judgment against the Defendants that Truck-Lite’s products have not infringed and do not infringe the ‘111 patent and/or that the ‘111 patent is invalid.

8. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201 and 35 U.S.C. §1 *et seq.*

FACTS

9. Truck-Lite manufactures and sells various vehicular lighting and safety equipment.

10. On March 16, 2009, the Defendants sent a letter to Truck-Lite alleging that certain Truck-Lite devices infringe claims 1-5, 9-14, and 18-19 of the ‘111 patent. With this letter the Defendants also provided a copy of the ‘111 patent and a claim chart purportedly illustrating how the Truck-Lite devices meet each and every limitation of the independent claims of the ‘111 patent. A copy of the Defendants’ March 16, 2009 letter is attached hereto as “Exhibit B.”

11. Truck-Lite is not liable for infringing any claims of the ‘111 patent, because each such claim is invalid, and/or the accused Truck-Lite products have not infringed and do not infringe any valid claims of the ‘111 patent.

12. Accordingly, there is an actual, substantial and continuing justiciable controversy between Truck-Lite and the Defendants regarding the validity of the ‘111 patent and regarding alleged infringement of the ‘111 patent by Truck-Lite or by use of Truck-Lite products.

FIRST CLAIM FOR RELIEF

(Declaratory Relief – the ‘111 Patent)

13. Truck-Lite incorporates by reference each and every allegation set forth in paragraphs 1-12 as if fully set forth herein.

14. Truck-Lite has not directly or indirectly infringed and is not directly or indirectly infringing any claim of the '111 patent.

15. One or more of the claims of the '111 patent are invalid for failing to meet one or more of the requisite statutory and decisional requirements and/or conditions for patentability under Title 35 of the United States Code, including without limitation, §§ 102, 103, and/or 112.

16. Truck-Lite is entitled to a declaratory judgment that it has not infringed and is not infringing the '111 patent and/or that the claims of the '111 patent are invalid.

PRAYER FOR RELIEF

WHEREFORE, Truck-Lite requests the Court to enter a declaratory judgment in its favor and against the Defendants as follows:

- a. An order entering judgment in favor of Truck-Lite and against the Defendants;
- b. An order declaring Truck-Lite has not directly or indirectly infringed, and is not directly or indirectly infringing, any claim of the '111 patent;
- c. An order declaring the claims of the '111 patent to be invalid;
- d. An order awarding Truck-Lite its costs including expert fees, disbursements, and reasonable attorneys' fees incurred in this action, pursuant to 35 U.S.C. § 285; and
- e. An order granting such further relief as this Court deems just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Truck-Lite demands a trial by jury for all issues so triable.

Dated: June 8, 2009

Respectfully Submitted,
THE BILICKI LAW FIRM, P.C.

s/ Byron A. Bilicki

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