

KYLE BROUSSARD and GATOR TAIL, L.L.C., § CIVIL ACTION NO. _____

VERSUS

Defendants.

The plaintiffs, Kyle Broussard (“Broussard”) and Gator Tail, L.L.C. (“Gator Tail”) sue the defendant, Mud Buddy L.L.C. d/b/a Mud Buddy Manufacturing (“Mud Buddy”) for infringement of United States Patent Numbers 7,297,035 (“the ‘035 patent”), 7,048,600 (“the ‘600 patent”), and 7,052,340 (“the ‘340 patent.”)

1. This is an action for patent infringement arising under the United States patent laws, specifically 35 U.S.C. §§ 271 and 281.

2. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

3. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c), and § 1400(b).

4. Broussard is a Louisiana resident residing at 2402 Terre Ruelle, New Iberia, LA 70563.

5. Gator Tail is a Louisiana limited liability company with its principal place of business at 306 Broussard Road, Loreauville, Louisiana 70552.

6. Broussard owns the '600 patent and the '340 patent. A copy of the '600 patent is attached as Exhibit A. A copy of the '340 patent is attached as Exhibit B.

7. Gator Tail owns by assignment United States Patent number 7,297,035 ("the '035 patent"), duly and lawfully issued on November 20, 2007. A copy of the '035 patent is attached as Exhibit C.

8. Mud Buddy is a Utah company with its principal place of business at 9358 Springwood Lane, Sandy, Utah 84093. Mud Buddy does not maintain a registered agent in Louisiana. Thus, Mud Buddy may be served with process through the Louisiana Secretary of State by mailing the registered agent, Glenn Foreman at 9358 Springwood Lane, Sandy, Utah 84093.

9. Mud Buddy does business in this district and has committed acts of infringement in this district.

Causes of Action

Infringement of the patents.

10. The plaintiffs incorporate by reference all preceding paragraphs.

11. The '035 patent is a continuation, continuation-in-part, and incorporates the '600 patent and the '340 patent. Collectively, these are "the patents."

12. The defendant infringed and continues to infringe at least one claim in at least one of the patents by making, using, offering for sale, and selling within the United States outboard air-cooled motors, apparatuses, and assemblies covered by the one or more claims in the patents. The defendant acted without authority. The infringing products include and are not limited to

Mud Buddy Hyperdrive and HD series engines. Upon information and belief, the defendant's infringements will continue unless enjoined by this Court.

13. Upon information and belief, the defendant actively induced and continues to induce infringement of at least one claim in at least one of the patents by providing the infringing engines, with instructions for use of the infringing engines, within the United States. Upon information and belief, the defendant's inducements will continue unless enjoined by this Court.

14. Upon information and belief, the defendant has and continues to offer to sell, and to sell, components of the infringing engines, constituting material parts of the engines, knowing the same to be especially made or especially adapted for use in infringing at least one claim in at least one of the patents and not commodities of commerce suitable for substantial non-infringing use. Upon information and belief, the defendant's contributory infringements will continue unless enjoined by this Court.

15. Upon information and belief, the defendant has derived, received, and will continue to derive and receive from its infringing acts gains, profits, and advantages, tangible and intangible, to an extent unknown by the plaintiffs. Thus, the plaintiffs have been and continue to be greatly and irreparably damaged.

Prayer

16. For these reasons, the plaintiffs pray that the court order and render judgment that:
- a. The defendant infringed the patents;
 - b. The defendant, its subsidiaries, officers, agents, servants, employees and attorneys, and all those in active concert or participation with it be permanently restrained and enjoined from directly or indirectly infringing the patents;
 - c. The plaintiffs recover damages for the defendant's infringement of the patents;
 - d. The defendant willfully infringed the patents and that the Court treble the amount of actual damages awarded to the plaintiffs;

- e. This action be adjudged an exceptional case and that the Court award the plaintiffs attorneys' fees;
- f. The plaintiffs be awarded pre-judgment and post-judgment interests and costs of suit against the defendant;
- g. The plaintiffs be awarded all other relief at equity and at law to which they may be entitled.

Respectfully submitted,

s/Juston M. O'Brien

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