

under the laws of South Dakota, having its principal place of business at 1200 E. Birch Street, Brandon, South Dakota 57005. Luverne is doing business in this district and has committed acts of infringement in this district.

**FIRST CAUSE OF ACTION FOR INFRINGEMENT OF
UNITED STATES PATENT NO. 6,588,783**

4. PLAINTIFF is the owner by assignment of United States Patent No. 6,588,783, entitled "Apparatus for Assisting Entry into High Road Clearance Vehicles," with full rights in and to the claims and causes of action involved herein, which patent was duly and legally issued on July 8, 2003.

5. Upon information and belief, defendant LUVERNE has infringed, is infringing and is threatening to infringe United States Patent No. 6,588,783, by making, using, offering to sell, and selling infringing assisting steps in the United States, which is marketed at least under the title BAJA STEP, and by inducing others to make, use, offer to sell, and sell in the United States said infringing BAJA STEP, and by contributorily infringing said patent. The acts of infringement by the DEFENDANT have taken place and are taking place in this District and elsewhere.

6. Upon information and belief, the acts of infringement by the DEFENDANT have been willful and deliberate and DEFENDANT has made unlawful gains and profits from said infringement.

7. Unless enjoined by this Court, DEFENDANT will continue its willful infringement of United States Patent No. 6,588,783 and PLAINTIFF has been, and will continue to be, seriously and irreparably injured.

**SECOND CAUSE OF ACTION FOR INFRINGEMENT OF
UNITED STATES PATENT NO. 6,874,801**

8. PLAINTIFF is the owner by assignment of United States Patent No. 6,874,801, entitled "Apparatus for Assisting Entry into High Road Clearance Vehicles," with full rights in and to the claims and causes of action involved herein, which patent was duly and legally issued on April 5, 2005.

9. Upon information and belief, defendant LUVERNE has infringed, is infringing and is threatening to infringe United States Patent No. 6,874,801, by making, using, offering to sell, and selling infringing assisting steps in the United States, which is marketed at least under the title BAJA STEP, and by inducing others to make, use, offer to sell, and sell in the United States said infringing BAJA STEP, and by contributorily infringing said patent. The acts of infringement by the DEFENDANT have taken place and are taking place in this District and elsewhere.

10. Upon information and belief, the acts of infringement by the DEFENDANT have been willful and deliberate and DEFENDANT has made unlawful gains and profits from said infringement.

11. Unless enjoined by this Court, DEFENDANT will continue its willful infringement of United States Patent No. 6,874,801 and PLAINTIFF has been, and will continue to be, seriously and irreparably injured.

**THIRD CAUSE OF ACTION FOR INFRINGEMENT OF
UNITED STATES PATENT NO. 7,416,202**

12. PLAINTIFF is the owner by assignment of United States Patent No. 7,416,202, entitled "Apparatus for Assisting Entry into High Road Clearance Vehicles," with full rights in and to the claims and causes of action involved herein, which patent was duly and legally issued on August 26, 2008.

13. Upon information and belief, defendant LUVERNE has infringed, is infringing and is threatening to infringe United States Patent No. 7,416,202, by making, using, offering to sell, and selling infringing assisting steps in the United States, which is marketed at least under the title BAJA STEP, and by inducing others to make, use, offer to sell, and sell in the United States said infringing BAJA STEP, and by contributorily infringing said patent. The acts of infringement by the DEFENDANT have taken place and are taking place in this District and elsewhere.

14. Upon information and belief, the acts of infringement by the DEFENDANT have been willful and deliberate and DEFENDANT has made unlawful gains and profits from said infringement.

15. Unless enjoined by this Court, DEFENDANT will continue its willful infringement of United States Patent No. 7,416,202 and PLAINTIFF has been, and will continue to be, seriously and irreparably injured.

**FOURTH CAUSE OF ACTION FOR INFRINGEMENT OF
UNITED STATES PATENT NO. 7,717,444**

16. PLAINTIFF is the owner by assignment of United States Patent No. 7,717,444, entitled "Apparatus for Assisting Entry into High Road Clearance Vehicles," with full rights in and to the claims and causes of action involved herein, which patent was duly and legally issued on May 18, 2010.

17. Upon information and belief, defendant LUVERNE has infringed, is infringing and is threatening to infringe United States Patent No. 7,717,444, by making, using, offering to sell, and selling infringing assisting steps in the United States, which is marketed at least under the title BAJA STEP, and by inducing others to make, use, offer to sell, and sell in the United States said infringing BAJA STEP, and by contributorily infringing said patent. The acts of infringement by the DEFENDANT have taken place and are taking place in this District and elsewhere.

18. Upon information and belief, the acts of infringement by the DEFENDANT have been willful and deliberate and DEFENDANT has made unlawful gains and profits from said infringement.

19. Unless enjoined by this Court, DEFENDANT will continue its willful infringement of United States Patent No. 7,717,444 and PLAINTIFF has been, and will continue to be, seriously and irreparably injured.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF prays:

(a) That this Court enter judgment that DEFENDANT has infringed U.S. Patent Nos. 6,588,783; 6,874,801; 7,416,202; and 7,717,444.

(b) That this Court enter a preliminary and permanent injunction restraining DEFENDANT, their officers, agents, servants and employees, and each of them and anyone acting in concert therewith, from infringing U.S. Patent Nos. 6,588,783; 6,874,801; 7,416,202; and 7,717,444.

(c) That this Court order DEFENDANT to pay all damages sustained by PLAINTIFF resulting from said DEFENDANT'S infringement of U.S. Patent Nos. 6,588,783; 6,874,801; 7,416,202; and 7,717,444, and to compensate PLAINTIFF for such infringement, and that such damages be trebled.

(d) That this Court order an accounting with respect to sales by DEFENDANT of infringing products.

(e) That this Court order DEFENDANT to pay the PLAINTIFF'S costs, expenses, disbursements and attorney's fees herein.

(f) That this Court find this is an exceptional case and award attorney's fees and enhanced damages for DEFENDANT'S infringement of the patents; and

(g) That this Court award to PLAINTIFF such other and further relief as this Court may deem just and equitable.

DEMAND FOR JURY TRIAL

PLAINTIFF hereby demands trial by jury of all issues so triable.

Dated: October 17, 2012

Respectfully Submitted
MASON & PETRUZZI

James D. Petruzzi

/s/ James D. Petruzzi

James D. Petruzzi

MASON & PETRUZZI

Texas Bar No. 15853280

SD Tex. Bar No. 13827

4900 Woodway, Suite 745

Houston, Texas 77056

Tel: (713) 840-9993

Fax: (713) 877-9100

ATTORNEYS FOR PLAINTIFF

FICHTER DESIGNS, LLC.

OF COUNSEL

Robert M. Mason

MASON & PETRUZZI

Texas Bar No. 13158240

13601 Preston Road, Suite 402W

Dallas, Texas 75240

Tel:(972) 788-1500

Fax: (972) 788-1561