

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

(1) **KRISTEN M. COUCH, Special  
Administratrix of the Estate of Arthur  
Allen Couch, deceased,**

**Plaintiff,**

v.

**Case No. 13-CV-187-TCK-PJC**

(1) **O.L.S., INC., d/b/a Ozark Laser &  
Shoring and/or Ozark Laser Systems, a  
Missouri corporation,**

**Defendant.**

**COMPLAINT**

Plaintiff Kristen M. Couch, Personal Representative of the Estate of Arthur Allen Couch, deceased (“Couch”), for her claims against Defendants, O.L.S., Inc. d/b/a Ozark Laser & Shoring and/or Ozark Laser Systems (“Ozark”), alleges and states as follows:

**PARTIES, JURISDICTION AND VENUE**

1. Couch is the widow of Arthur Allen Couch. She is the duly appointed Personal Representative of the Estate of Arthur Allen Couch, pursuant to the April 6, 2010 order of the District Court in and for Tulsa County, in case number PB-2010-212. Couch resides in the State of Oklahoma, within this judicial district.

2. Ozark is a corporation formed under the laws of the State of Missouri, which does business under various names including Ozark Laser and Shoring, and Ozark Laser Systems. Ozark has its principal place of business in the State of Missouri. Ozark also has offices in Springdale, Arkansas, Oklahoma City, Oklahoma and Tulsa, Oklahoma.

3. This Court may properly exercise jurisdiction over the parties and the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1338 in that this action arises under the patent laws of the United States, including 35 U.S.C. § 271 et seq.

4. Venue is properly laid in this District pursuant to 28 U.S.C. §§ 1391(b)(c), 1400(b) as Ozark does business in this District and has sufficient minimum contacts to subject it to personal jurisdiction in this District.

### **FACTS**

5. Arthur Allen Couch invented, designed and built a novel, unique and useful ladder known as a “Trench Shield Ladder.” Accordingly, his ladder constituted a patentable invention. On or about June 21, 2005, his invention was duly and legally patented and issued under United States Patent No. 6,907,957 (the “‘957 Patent”), which was issued to Arthur Allen Couch. The ‘957 Patent is attached hereto as Exhibit “A.”

6. Arthur Allen Couch was the inventor of the Trench Shield Ladder and owner of all right, title and interest in the ‘957 Patent while he was alive, including the right to sue for and recover any damages for past, present or future infringement of the ‘957 Patent.

7. Arthur Allen Couch died on February 28, 2010. In probate proceedings related to the Estate of Arthur Allen Couch (the “Estate”), Couch was appointed as Personal Representative to the Estate on April 6, 2010. Accordingly, Couch is the duly authorized representative of the Estate for all purposes, including for purposes of enforcement of the ‘957 Patent.

8. Ozark is engaged in various businesses, including the sales and rental of construction-related equipment, in various states throughout the midwest, including the State of Oklahoma.

9. Ozark sought and was offered the opportunity to license the rights to use the '957 Patent, including the right to make, use, offer for sale or rent and/or sell or rent products claimed and protected by the '957 Patent. Ozark has to date declined the opportunity to license the rights to make, use, offer to sell or rent and/or sell or rent products claimed and protected by the '957 Patent.

10. Despite the fact that (1) Ozark has never had a license or right to exploit the '957 Patent in any manner; (2) had full knowledge of the death of Arthur Allen Couch, and (3) never contacted Couch regarding the '957 Patent, Ozark has wrongfully and without authorization made, used, offered for sale or rent and sold or rented products claimed and protected by the '957 Patent or products that are substantially equivalent to the claimed and protected products.

11. As the duly appointed and authorized Personal Representative of the Estate of Arthur Allen Couch, the owner of the '957 Patent, and by virtue of the Estate's exclusive right to enforce its rights in the '957 Patent and to make, use, offer for sale/rent and sell/rent the products claimed under the '957 Patent, Couch has the right and standing to sue for any infringement of the '957 Patent and recover damages for such infringement for the benefit of the Estate.

**COUNT I**  
**(Patent Infringement By Production and/or Use of Patented Product in Violation of 35 U.S.C. § 271(a))**

12. Couch adopts and realleges the allegations of Paragraphs 1 through 11 of this Complaint.

13. Ozark has infringed and continues to infringe the '957 Patent by making, using, offering for sale or rent and/or selling or renting products that are claimed in the '957 Patent or that are substantially equivalent to the claimed products, without authorization. For example, Ozark has advertised products claimed and protected by the '957 Patent for sale or rental on websites controlled by Ozark and on various written materials. Ozark has made or caused to be

made products claimed and protected by the '957 Patent for purposes of selling and/or renting such claimed and protected products. Ozark has used products claimed or protected by the '957 Patent. Ozark has rented products claimed and protected by the '578 Patent. Ozark has sold products claimed and protected by the '578 Patent.

14. Ozark's past and continuing infringement of the '957 Patent is willful and deliberate and made with full knowledge that Ozark had no right to exploit the '957 Patent, thus entitling Couch to enhanced damages pursuant 35 U.S.C. § 284 as well as an award of its attorneys' fees and costs incurred in prosecuting this action pursuant to 35 U.S.C. § 285.

**JURY TRIAL DEMAND**

Couch hereby demands a jury trial as provided by Rule 38 of the Federal Rules of Civil Procedure.

**PRAYER FOR RELIEF**

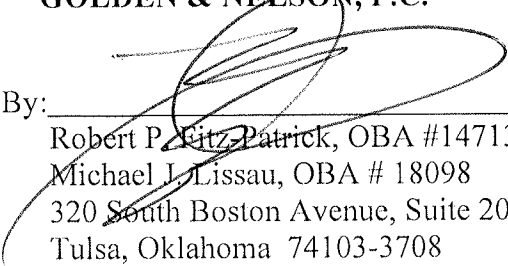
WHEREFORE, Couch prays that the Estate of Arthur Allen Couch be granted judgment in its favor and against Ozark, including the following relief:

- (a) A judgment declaring that Ozark has infringed the '957 Patent;
- (b) An award of damages for infringement of the '957 Patent for lost profits and/or reasonable royalties in an amount to be proven at trial;
- (c) An enhancement of damages pursuant to 35 U.S.C. § 284;
- (d) An order enjoining further acts of infringement as authorized by 35 U.S.C. § 283;
- (e) An award of attorneys' fees and costs as allowed by law;
- (f) An award of pre-judgment and post-judgment interest; and
- (g) Such other relief as the Court deems just and proper.

Respectfully submitted,

**HALL, ESTILL, HARDWICK, GABLE,  
GOLDEN & NELSON, P.C.**

By: \_\_\_\_\_

  
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ESTATE OF ARTHUR ALLEN COUCH,  
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