

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO, WESTERN DIVISION**

LUND MOTION PRODUCTS, INC.
dba AMP RESEARCH,

Plaintiff,

v.

SOUTHERN TRUCK LLC aka TOP GUN
CUSTOMZ,

Defendant.

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Lund Motion Products, Inc. d/b/a AMP Research (“Plaintiff” or “Lund”) hereby complains of Defendant Southern Truck LLC a/k/a Top Gun Customz (“Defendant” or “Southern Truck”) and alleges as follows:

THE PARTIES

1. Plaintiff Lund Motion Products, Inc. d/b/a AMP Research is a Delaware corporation having a principal place of business at 3172 Nasa Street, Brea, CA 92821.
2. Upon information and belief, Defendant Southern Truck is a company organized under the laws of the state of Ohio with its principal place of business at 11927 Sager Road, Swanton, Ohio 43558.
3. Upon information and belief, Defendant Southern Truck has an address of incorporation at 2446 Greylyn Drive, Toledo, Ohio 43615.

JURISDICTION AND VENUE

4. Lund repeats, realleges and reincorporates by reference the allegations set forth in paragraphs 1 through 3.

5. Plaintiff asserts claims for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 100 *et seq.*, more particularly 35 U.S.C. §§ 271 and 281. This court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.

6. On information and belief, Southern Truck is engaged in the business of offering for sale in, selling in, and/or importing into, the United States retractable step products, including within this District, and is incorporated in this District.

7. Southern Truck is subject to the general personal jurisdiction of courts of general jurisdiction in Ohio because Southern Truck is incorporated in Ohio and has its principal place of business in Ohio. *See* Ohio Rev. Code § 2307.382(C); *Daimler AG v. Bauman*, 571 U.S. 117, 137 (2014). As such, this court may exercise jurisdiction over Southern Truck pursuant to Rule 4(k)(1) of the Federal Rules of Civil Procedure.

8. On information and belief, Southern Truck has an address of incorporation in the Northern District of Ohio. Therefore, venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b)(1) and (d) and 1400(b). On information and belief, Southern Truck has an address of incorporation in the Western Division of the Northern District of Ohio. Therefore, venue is proper within the district according to Local Rule 3.8(b).

THE PATENTS-IN-SUIT

9. Lund repeats, realleges and reincorporates by reference the allegations set forth in paragraphs 1 through 8.

10. Lund is the owner by assignment of U.S. Patent No. 9,272,667 (“the ’667 Patent”), entitled “Automated Retractable Vehicle Step,” which the United States Patent and Trademark Office lawfully and duly issued on March 1, 2016. A true and correct copy of the ’667 Patent is attached hereto as **Exhibit A**.

11. Lund is the owner by assignment of U.S. Patent No. 9,527,449 (“the ’449 Patent”), entitled “Controlling a Powered Vehicle Step,” which the United States Patent and Trademark Office lawfully and duly issued on December 27, 2016. A true and correct copy of the ’449 Patent is attached hereto as **Exhibit B**.

12. Lund is the owner by assignment of U.S. Patent No. 9,511,717 (“the ’717 Patent”), entitled “Automated Retractable Vehicle Step,” which the United States Patent and Trademark Office lawfully and duly issued on December 6, 2016. A true and correct copy of the ’717 Patent is attached hereto as **Exhibit C**.

13. Lund is the owner by assignment of U.S. Patent No. 11,198,395 (“the ’395 Patent”), entitled “Automated Retractable Vehicle Step,” which the United States Patent and Trademark Office lawfully and duly issued on December 14, 2021. A true and correct copy of the ’395 Patent is attached hereto as **Exhibit D**.

FACTUAL ALLEGATIONS AND BACKGROUND

14. Lund repeats, realleges and reincorporates by reference the allegations set forth in paragraphs 1 through 13.

15. AMP Research is a research and manufacturing company specializing in the innovation and development of aftermarket vehicle parts, including parts for trucks and sport utility vehicles. AMP developed and has sold its PowerStep™ line of products which feature

electric automatic vehicle steps that deploy when the vehicle doors are open and retract when the vehicle doors close. AMP pioneered “plug-and-play” technology that allows the retractable step system to communicate directly with the vehicle’s existing computer system.

16. In 2013 Lund acquired all of the assets of AMP Research and continued to develop and sell the PowerStep™ products. Lund manufactures all of the PowerStep™ products in the United States. The PowerStep™ products have become very well known in the industry and several major automotive manufactures—including Lincoln, Cadillac, GMC, Chevrolet, Range Rover, and Chrysler—have offered the PowerStep™ products as a factory option or as an accessory. Lund commercializes the PowerStep™ products using AMP Research as a d/b/a.

17. Lund has a large patent portfolio covering its innovative retractable vehicle steps, including the ’667 Patent, the ’449 Patent, the ’717 Patent, and the ’395 Patent (collectively the “Asserted Patents.”)

18. The Specialty Equipment Market Association (SEMA) trade show in Las Vegas, Nevada is touted as the “premier automotive specialty products trade event in the world” and draws more than 70,000 domestic and international buyers. Lund and AMP Research have been the recipients of several SEMA awards throughout the years. For example, Lund’s PowerStep XL™ product was the winner of the 2014 and 2015 SEMA New Product Award in the category of Exterior Accessory Products. Further, Lund’s PowerStep XL™ product was featured on the 2016 SEMA Show Hottest Truck winner, the ‘16/’17 Ford F-250 Super Duty Truck.

19. In recent years, foreign manufacturers have begun manufacturing retractable vehicle steps that infringe Lund’s patents and, without license, contract, or permission from Lund, have sold them globally, including to distributors in the United States.

20. One such company, which operates under several aliases and subsidiaries, including Anhui Aggeus Auto-Tech Co., Ltd., Wuhu Woden Auto Parts Co., Ltd., Wuhu Wowgood Auto-tech Co. Ltd., and Anhui Wollin International Co., Ltd. (hereinafter collectively described as “Woden”), is a Chinese manufacturing firm operating out of Wuhu, Anhui, an industrial city in eastern China.

21. On information and belief, Southern Truck is currently selling, offering for sale, and/or importing the infringing Woden retractable step products.

22. On information and belief, Southern Truck rebrands the Woden retractable step products as Southern Truck Step Boards (“the Accused Products”) and sells and offers to sell them to national automobile part distributors, such as Earl Owen Company, Inc. (see attached copy of Earl Owen web page attached as **Exhibit E**). Southern Truck sells and offers to sell such accused retractable step products that are compatible with specific Dodge, GM, Ford, and Jeep vehicles. *Id.* For example, Southern Truck sells and offers for sale the Southern Truck Lifts GM Electric Step Boards which are compatible with GMC Sierra and Chevrolet Silverado vehicles (see attached copy of Earl Owen web page attached as **Exhibit F**). On information and belief, Southern Truck provides instruction manual along with the step products (see the instructions for the products compatible with GMC Sierra and Chevrolet Silverado vehicles attached as **Exhibit G**).

23. On information and belief, Southern Truck also sells and offers to sell the Accused Products to and through the national distributor Meyer Distributing, Inc.

24. On information and belief, Southern Truck also sells and offers to sell the Accused Products from its locations in Ohio.

25. For example, upon information and belief, Southern Truck also sells and offers to sell the Accused Products from the location known as Top Gun Customz located at 11927 Sager Rd., Swanton Ohio 43558.

26. Given the industry-leading status of Lund's PowerStep™ products and Southern Truck's business of manufacturing, selling and importing aftermarket accessories for trucks, Southern Truck was necessarily aware of the PowerStep™ products when Southern Truck marketed, sold, offered for sale, and imported its competing Accused Products.

27. Upon information and belief, Top Gun Customz has attended SEMA to exhibit truck parts at least in 2010, 2011, and 2015 (see, e.g., <https://www.youtube.com/watch?v=MdWVy-wyIDA>).

FIRST CLAIM FOR RELIEF:

INFRINGEMENT OF THE '667 PATENT

28. Lund repeats, realleges and reincorporates by reference the allegations set forth in paragraphs 1 through 27.

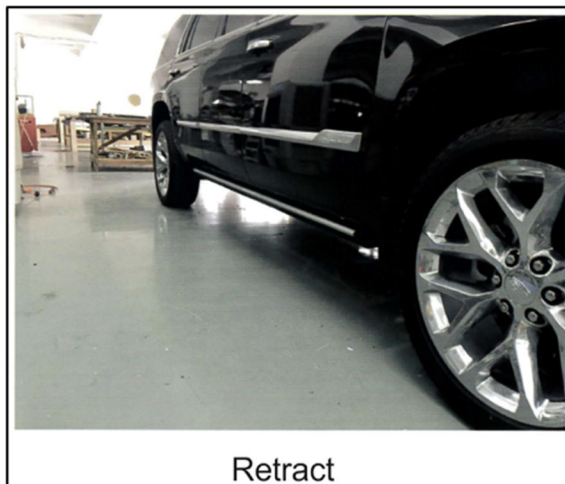
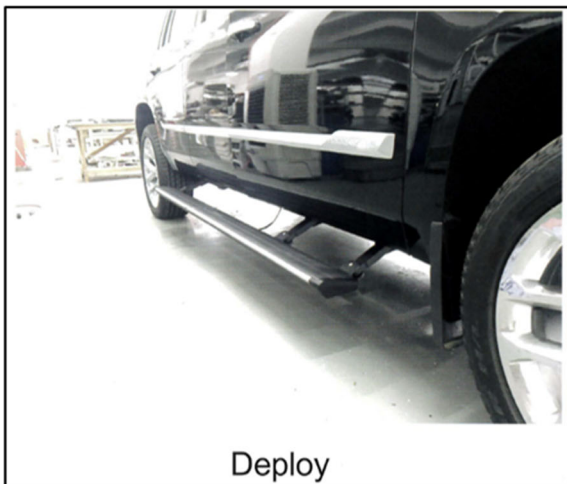
29. Upon information and belief, the Accused Products infringe at least Claim 1 of the '667 patent under 35 U.S.C. § 271(a) either literally or under the doctrine of equivalents.

30. Upon information and belief, Southern Truck has directly infringed one or more of the claims of the '667 patent through the manufacture, use, offering for sale, and/or selling within the United States, and/or importation into the United States, of retractable step products including the Accused Products in violation of 35 U.S.C. § 271(a).

31. For example, upon information and belief, the Accused Products, including the Southern Truck GM Electric Step, include all of the limitations of Claim 1 of the '667 patent.

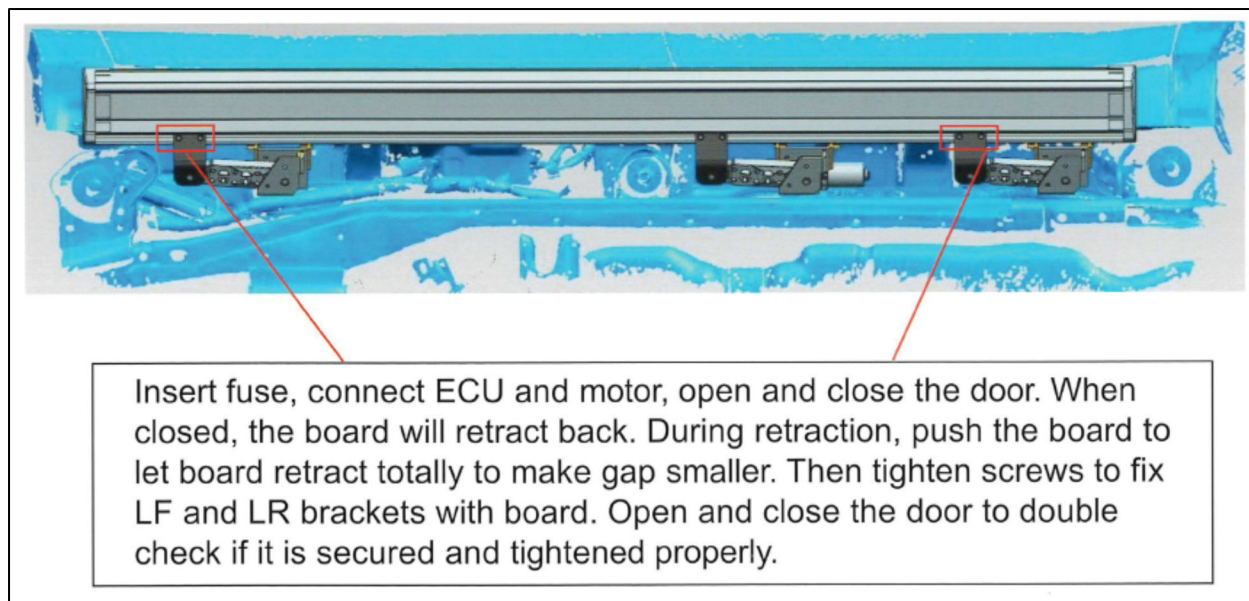
32. The Accused Products include a powered retractable vehicle step assist system configured for use with a vehicle (see **Exhibits F and G**).

33. The Accused Products include a stepping member with a stepping surface and the stepping member is movable between a retracted position and a deployed position with respect to the vehicle. See **Exhibit F** (“Southern Truck Power Step Boards ... feature a motorized ‘swing down and out’ function that automatically extend[s] the steps when you open the door on both sides of the vehicle,” and “[a]utomatically retracts when the doors are closed.”)



34. The Accused Products include at least one support member connectable with respect to an underside of the vehicle and connected to the stepping member. The support member is configured to at least partially support the stepping member with respect to the vehicle. See **Exhibit G**.

35. The Accused Products include a motor operably coupled to the support member and capable of effectuating movement of the stepping member from the retracted position to the deployed position. According to the Southern Truck installation instructions, the motor is coupled to the support member (See **Exhibit G**, including the figure below).



36. The Accused Products include a vehicle interface configured to connect with an already existing electronics port of the vehicle, namely the On-Board Diagnostic (“OBDII”) port. The vehicle interface is configured to electronically receive data via the existing electronics port, and the data is generated by existing electronics of the vehicle. *See Exhibit F* (“Southern Truck’s Power Step Boards include an easy plug and play assembly, connecting directly to your battery terminal and OBDII port, without the need for extensive and complex wiring.”)



37. Upon information and belief, the Accused Products include a controller in electronic communication with the motor and configured, in response to the data received from the already existing electronics port, to cause the motor to effectuate movement of the stepping member between the retracted position and the deployed position (see **Exhibits F and G**).

38. Upon information and belief, the data received by the controller of the Accused Products comprises door opened/closed status information originating from door electronics that do not incorporate any wireless sensors to detect door opened/closed status (see **Exhibit F** (“Southern Truck Power Step Boards ... feature a motorized ‘swing down and out’ function that automatically extend[s] the steps when you open the door on both sides of the vehicle,” and “[a]utomatically retracts when the doors are closed.”)). Upon information and belief, in the relevant vehicles, including at least the 2015 Sierra and Silverado model vehicles, the door opened/closed status information originates from wired door electronics using a wired circuit and latching mechanism. See pages 56–59 of <https://www.gmupfitter.com/wp->

[content/uploads/2021/06/Sierra_Silverado_Electrical_Body_Builders_Manual_Service_Manual_2015_en_US.pdf](#).

39. Upon information and belief, Southern Truck has actively induced others to infringe the '667 Patent by marketing, offering for sale, and selling the Accused Products, knowing and intending that such retractable step products would be used by customers and end users in a manner that infringes the '667 Patent. To that end, Southern Truck provides instructions and information to its customers and the end users, encouraging use of the retractable step products in a manner that infringes the '667 Patent (see, e.g., **Exhibit G**). These acts by Southern Truck constitute infringement of the '667 Patent in violation of at least 35 U.S.C. § 271(b).

40. Upon information and belief, the acts of Southern Truck constitute contributory infringement of the '667 Patent in violation of 35 U.S.C. § 271(c). Upon information and belief, Southern Truck contributorily infringes because, among other things, Southern Truck offers to sell and/or sells within the United States, and/or imports into the United States, retractable step products that constitute material parts of the invention of the asserted claims of the '667 Patent, that are not staple articles or commodities of commerce suitable for substantial non-infringing use, and that are known by Southern Truck to be especially made or especially adapted for use in an infringement of the '667 Patent.

41. As a consequence of the infringement of the '667 Patent, Lund has suffered and will continue to suffer irreparable harm and injury, including monetary damages in an amount to be determined at trial.

42. Upon information and belief, unless enjoined, Southern Truck and/or others acting on its behalf, will continue their infringing acts relating to the '667 Patent, thereby causing additional irreparable injury to Lund for which there is no adequate remedy at law.

SECOND CLAIM FOR RELIEF:

INFRINGEMENT OF THE '449 PATENT

43. Lund repeats, realleges and reincorporates by reference the allegations set forth in paragraphs 1 through 42.

44. Upon information and belief, the Accused Products infringe at least Claim 12 of the '449 patent under 35 U.S.C. § 271(a) either literally or under the doctrine of equivalents.

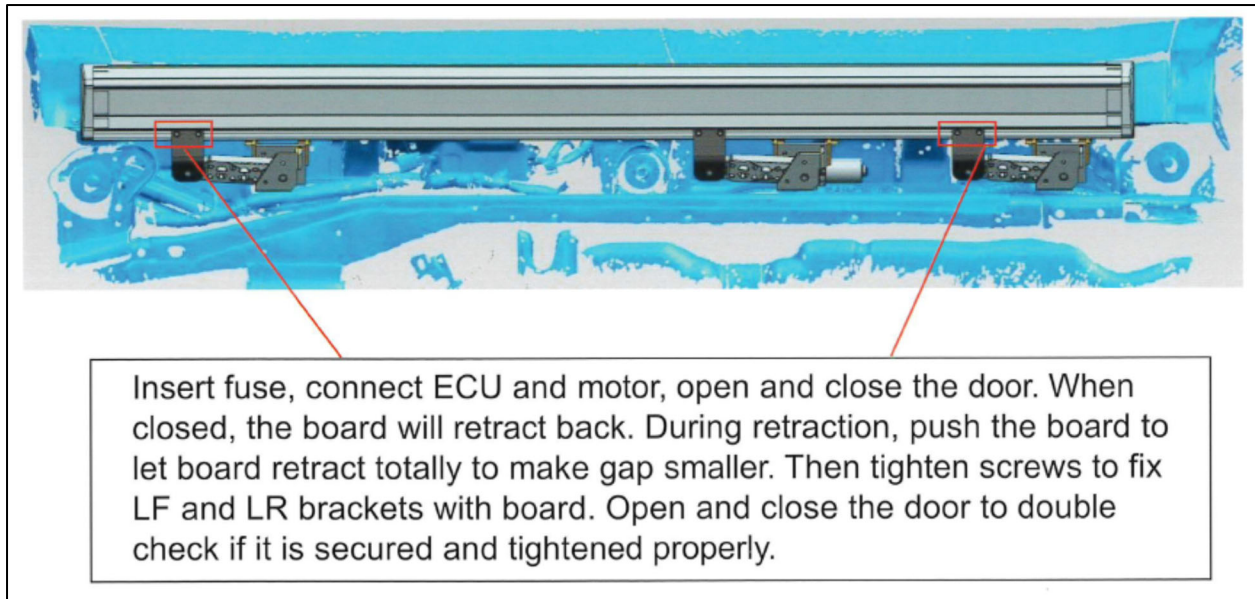
45. Upon information and belief, Southern Truck has directly infringed one or more of the claims of the '449 patent through the manufacture, use, offering for sale, and/or selling within the United States, and/or importation into the United States, of retractable step products including the Accused Products in violation of 35 U.S.C. § 271(a).

46. For example, upon information and belief, the Accused Products, including the Southern Truck GM Electric Step, include all of the limitations of Claim 12 of the '449 patent.

47. The Accused Products include a powered vehicle step system configured for use with a vehicle system (see **Exhibits F and G**).

48. The Accused Products include a stepping deck (see **Exhibit F**).

49. The Accused Products include a motor drivably coupled to the stepping deck. According to the Southern Truck installation instructions, the motor is coupled to the stepping deck (See **Exhibit G** including the figure below).

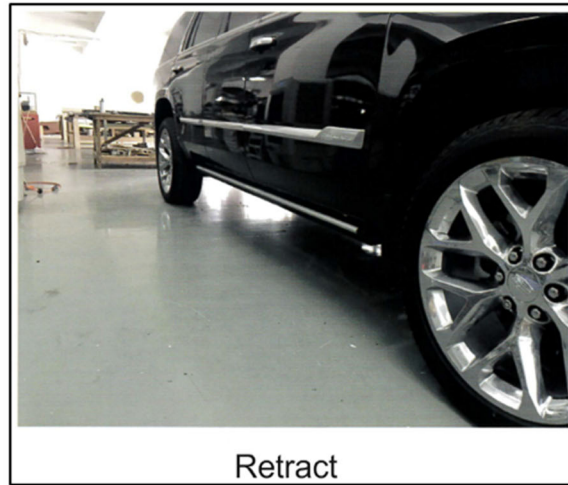
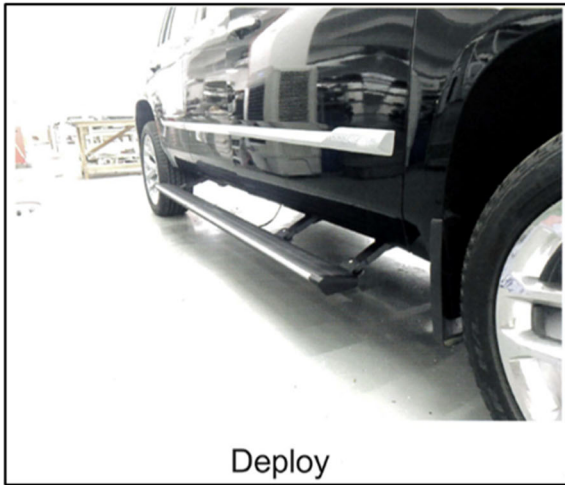


50. The Accused Products include a controller configured to receive door status information electronically obtained from a digital communication bus of the vehicle, namely the OBDII port (see **Exhibits F and G**). The Accused Products include functionality to “automatically extend the steps when you open the door on both sides of the vehicle,” and this information is obtained by “plug and play assembly, connecting directly to [a] battery terminal and OBDII port.” See **Exhibit F**.



51. Upon information and belief, the controller in the Accused Products is configured to electronically process the door status information according to an algorithm to determine that movement of the stepping deck is appropriate. The Accused Products use an algorithm to “automatically extend the steps” when the door is open and “automatically tuck[]” the steps away when the door is closed. *See Exhibit F.*

52. Upon information and belief, the controller of the Accused Products is configured to command the motor to cause movement of the stepping deck between a retracted position and a deployed position. According to the product page shown in **Exhibit F**, the step boards feature “a motorized ‘swing down and out’ function that automatically extends the steps” and the stepping board “[a]utomatically retracts.”



53. Upon information and belief, the vehicle step system of the Accused Products is configured to electronically obtain the door status information via a plug-in connection to the digital communication bus of the vehicle. The Accused Products “automatically extend the steps when you open the door on both sides of the vehicle” using “plug and play assembly, connecting directly to [a] battery terminal and OBDII port.” See **Exhibit F**.

54. Upon information and belief, Southern Truck has actively induced others to infringe the '449 Patent by marketing, offering for sale, and selling the Accused Products, knowing and intending that such retractable step products would be used by customers and end users in a manner that infringes the '449 Patent. To that end, Southern Truck provides instructions and information to its customers and the end users that such retractable step products be used to infringe the '449 Patent (see, e.g., **Exhibit G**). These acts by Southern Truck constitute infringement of the '449 Patent in violation of at least 35 U.S.C. § 271(b).

55. Upon information and belief, the acts of Southern Truck constitute contributory infringement of the '449 Patent in violation of 35 U.S.C. § 271(c). Upon information and belief, Southern Truck contributorily infringes because, among other things, Southern Truck offers to sell

and/or sells within the United States, and/or imports into the United States, retractable step products that constitute material parts of the invention of the asserted claims of the '449 Patent, that are not staple articles or commodities of commerce suitable for substantial non-infringing use, and that are known by Southern Truck to be especially made or especially adapted for use in an infringement of the '449 Patent.

56. Upon information and belief, the infringement of the '449 Patent by Southern Truck has been, and continues to be, willful, deliberate, and intentional by continuing its acts of infringement after becoming aware of the '449 Patent and its infringement thereof, thus acting in reckless disregard of the patent rights of Lund.

57. As a consequence of the infringement of the '449 Patent, Lund has suffered and will continue to suffer irreparable harm and injury, including monetary damages in an amount to be determined at trial.

58. Upon information and belief, unless enjoined, Southern Truck and/or others acting on its behalf, will continue their infringing acts relating to the '449 Patent, thereby causing additional irreparable injury to Lund for which there is no adequate remedy at law.

THIRD CLAIM FOR RELIEF:

INFRINGEMENT OF THE '717 PATENT

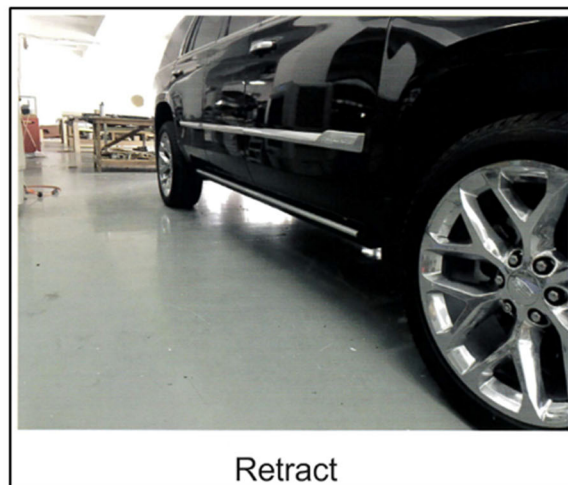
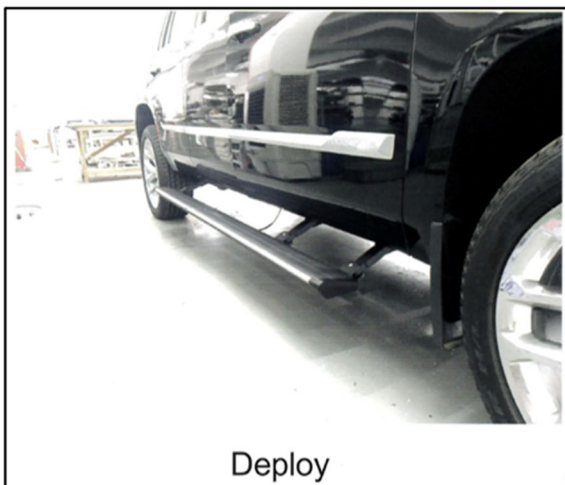
59. Lund repeats, realleges and reincorporates by reference the allegations set forth in paragraphs 1 through 58.

60. Upon information and belief, the Accused Products infringe at least Claim 9 of the '717 patent under 35 U.S.C. § 271(a) either literally or under the doctrine of equivalents.

61. Upon information and belief, Southern Truck has directly infringed one or more of the claims of the '717 patent through the manufacture, use, offering for sale, and/or selling within the United States, and/or importation into the United States, of retractable step products including the Accused Products in violation of 35 U.S.C. § 271(a).

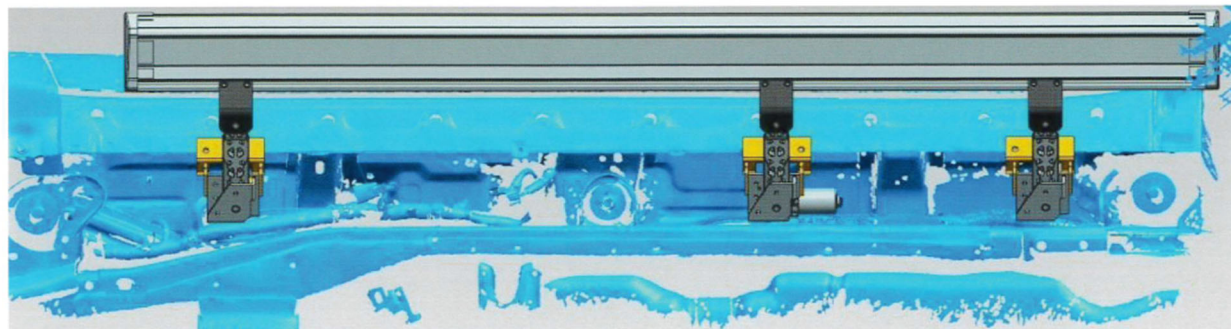
62. For example, upon information and belief, the Accused Products, including the Southern Truck GM Electric Step, include all of the limitations of Claim 9 of the '717 patent.

63. The Accused Products include a vehicle step assist system configured for use with a vehicle (see **Exhibits F and G**).



64. The Accused Products include a step unit comprising a stepping deck and configured for mounting to a vehicle (see **Exhibit G**, including the figure below).

4. Tighten nuts to fix brackets on the vehicle body



65. Upon information and belief, the Accused Products include a vehicle interface configured to connect with an already existing electronics port of the vehicle, namely the OBD-II port. The vehicle interface is configured to electronically receive data via the existing electronics port. Upon information and belief, said data is generated by existing electronics of the vehicle (see **Exhibit F** (“Southern Truck's Power Step Boards include an easy plug and play assembly, connecting directly to your battery terminal and OBDII port.”) and **Exhibit G** (“7. Open and close all doors to check if it works well.”)).



66. Upon information and belief, the Accused Products include a controller in electronic communication with the vehicle interface and with the step unit (see **Exhibit F** and **Exhibit G** (steps (16) and (17))).

67. The controller of the Accused Products is configured, in response to the data received from the already existing electronics port, to issue commands to the step unit to perform one or more operations associated with the step unit (see **Exhibit F** (“Southern Truck Power Step Boards ... feature a motorized ‘swing down and out’ function that automatically extend[s] the steps when you open the door on both sides of the vehicle,” and “[a]utomatically retracts when the doors are closed.”)).

68. Upon information and belief, Southern Truck has actively induced others to infringe the '717 Patent by marketing, offering for sale, and selling the Accused Products, knowing and intending that such retractable step products would be used by customers and end users in a

manner that infringes the '717 Patent. To that end, Southern Truck provides instructions and information to its customers and the end users that such retractable step products be used to infringe the '717 Patent (see, e.g., **Exhibit G**). These acts by Southern Truck constitute infringement of the '717 Patent in violation of at least 35 U.S.C. § 271(b).

69. Upon information and belief, the acts of Southern Truck constitute contributory infringement of the '717 Patent in violation of 35 U.S.C. § 271(c). Upon information and belief, Southern Truck contributorily infringes because, among other things, Southern Truck offers to sell and/or sells within the United States, and/or imports into the United States, retractable step products that constitute material parts of the invention of the asserted claims of the '717 Patent, that are not staple articles or commodities of commerce suitable for substantial non-infringing use, and that are known by Southern Truck to be especially made or especially adapted for use in an infringement of the '717 Patent.

70. Upon information and belief, the infringement of the '717 Patent by Southern Truck has been, and continues to be, willful, deliberate, and intentional by continuing its acts of infringement after becoming aware of the '717 Patent and its infringement thereof, thus acting in reckless disregard of the patent rights of Lund.

71. As a consequence of the infringement of the '717 Patent, Lund has suffered and will continue to suffer irreparable harm and injury, including monetary damages in an amount to be determined at trial.

72. Upon information and belief, unless enjoined, Southern Truck and/or others acting on its behalf, will continue their infringing acts relating to the '717 Patent, thereby causing additional irreparable injury to Lund for which there is no adequate remedy at law.

FOURTH CLAIM FOR RELIEF:
INFRINGEMENT OF THE '395 PATENT

73. Lund repeats, realleges and reincorporates by reference the allegations set forth in paragraphs 1 through 72.

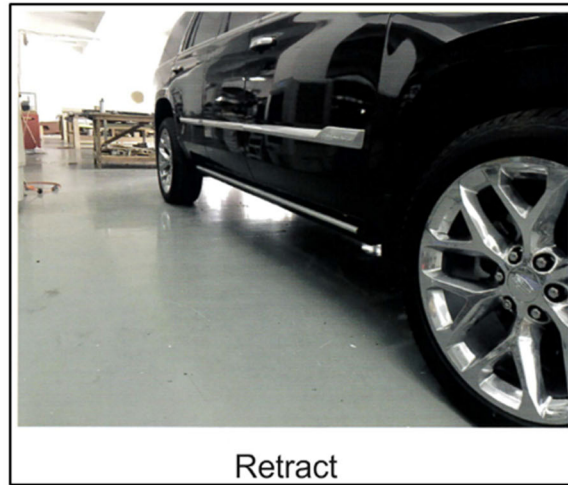
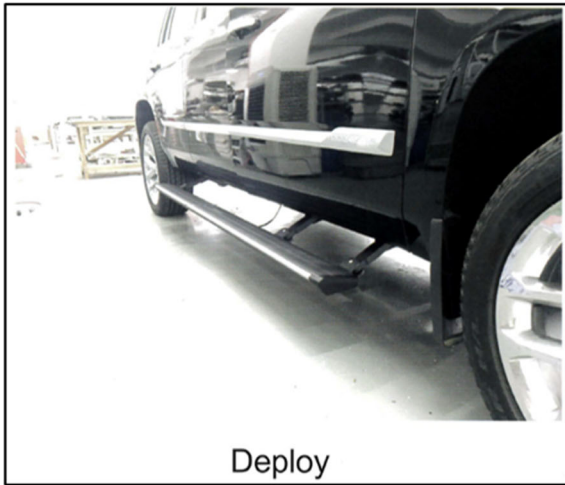
74. Upon information and belief, the Accused Products infringe at least Claim 1 of the '395 patent under 35 U.S.C. § 271(a) either literally or under the doctrine of equivalents.

75. Upon information and belief, Southern Truck has directly infringed one or more of the claims of the '395 patent through the manufacture, use, offering for sale, and/or selling within the United States, and/or importation into the United States, of retractable step products including the Accused Products in violation of 35 U.S.C. § 271(a).

76. For example, upon information and belief, the Accused Products, including the Southern Truck GM Electric Step, include all of the limitations of Claim 1 of the '395 patent.

77. The Accused Products include a powered retractable vehicle step assist system configured for use with a vehicle (see **Exhibit F**).

78. The Accused Products include a stepping member having a stepping surface and movable between a retracted position and a deployed position with respect to the vehicle. Said the stepping member is outboard of the retracted position when in the deployed position (see **Exhibit F** (“Southern Truck Power Step Boards ... feature a motorized ‘swing down and out’ function that automatically extend[s] the steps when you open the door on both sides of the vehicle,” and “[a]utomatically retracts when the doors are closed.”)).

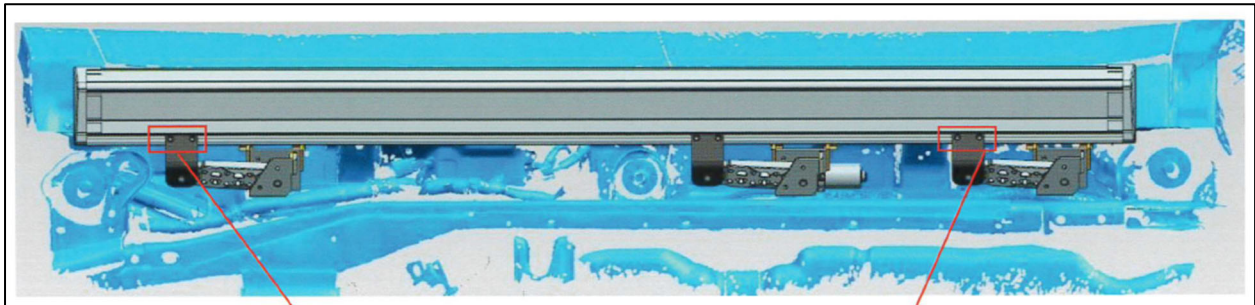
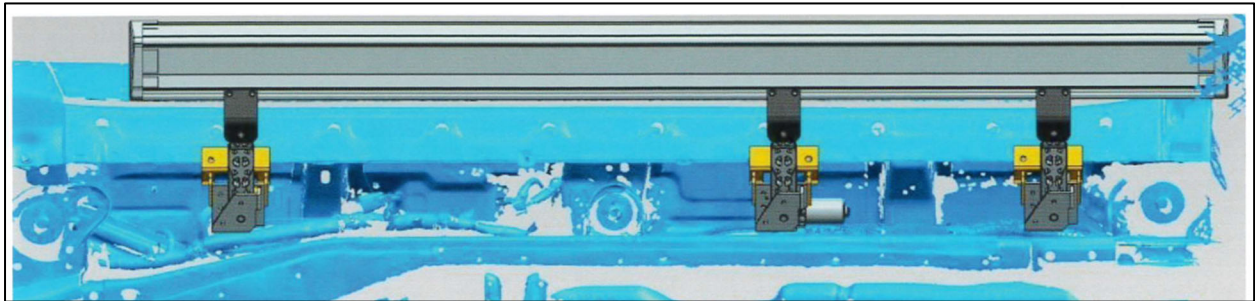


79. Upon information and belief, the stepping member of the Accused Products is dimensioned to span a length so as to assist passengers with entering and exiting first and second doors of the vehicle (see **Exhibit G** (instruction step 7 instructs to “open and close *all* doors to check if it works well” (emphasis added))).

80. Upon information and belief, the Accused Products include first and second support members connectable with respect to an underside of the vehicle and connected to the stepping member. Said support members are configured to at least partially support the stepping member beneath the first and second doors of the vehicle (see **Exhibit G** (instruction step 7)).

81. Upon information and belief, the first and second support members of the Accused Products each comprise at least a first support arm and a support bracket. The first support arm is connectable with respect to the underside of the vehicle so as to be pivotable about at least a first axis. Said support bracket is rigidly connected to the stepping member and connected to the first support arm to be pivotable about at least a second axis (see **Exhibit G** (steps 4 and 5)). As shown in step 3 of the installation instructions in **Exhibit G**, one end of the hinged arms has a bracket to connect to the stepping board and the other end has a bracket that connects to the vehicle body.

The drawing in steps 3 and 4 of the installation instructions in **Exhibit G** shows that each support member has a support arm bracketed to the underside of the vehicle such that it pivots about a first axis and a bracket rigidly connectable to the stepping member and that pivots with respect to an axis on the other end of the support arm.



82. The Accused Products include a drive unit, notably a motor, operably coupled to the first support member. Said drive unit is capable of effectuating movement of the stepping member between the retracted position and the deployed position (see **Exhibit F** (“Southern Truck Power Step Boards ... feature a motorized ‘swing down and out’ function that automatically extend[s] the steps when you open the door on both sides of the vehicle,” and “[a]utomatically retracts when the doors are closed.”)).



83. Upon information and belief, the Accused Products include a vehicle interface configured to electronically receive data generated by an existing computer system of the vehicle (see **Exhibit F** (“Southern Truck’s Power Step Boards include an easy plug and play assembly, connecting directly to your battery terminal and OBDII port.”)).



84. Upon information and belief, the Accused Products include a controller in electronic communication with the vehicle interface and the drive unit. Upon information and belief, said controller is configured, in response to the data received from the existing computer system of the vehicle, to cause the drive unit to effectuate movement of the stepping member from the retracted position to the deployed position. See **Exhibit F** (“Southern Truck Power Step Boards ... feature a motorized ‘swing down and out’ function that automatically extend[s] the steps when

you open the door on both sides of the vehicle,” and “[a]utomatically retracts when the doors are closed.”)

85. Upon information and belief, said data of the Accused Products comprises door status information indicating that the first door or the second door is opened. Upon information and belief, the door status information originates from door electronics that do not incorporate any wireless sensors to detect whether the door is opened in response to user actuation of a door handle. Upon information and belief, in the relevant vehicles, including at least the 2015 Sierra and Silverado model vehicles, the door opened/closed status information originates from wired door electronics using a wired circuit and latching mechanism, including both front and rear door latching mechanisms. See pages 56–59 of https://www.gmupfitter.com/wp-content/uploads/2021/06/Sierra_Silverado_Electrical_Body_Builders_Manual_Service_Manual_2015_en_US.pdf.

86. Upon information and belief, Southern Truck has actively induced others to infringe the '395 Patent by marketing, offering for sale, and selling the Accused Products, knowing and intending that such retractable step products would be used by customers and end users in a manner that infringes the '395 Patent. To that end, Southern Truck provides instructions and information to its customers and the end users that such retractable step products be used to infringe the '395 Patent (see, e.g., **Exhibit G**). These acts by Southern Truck constitute infringement of the '395 Patent in violation of at least 35 U.S.C. § 271(b).

87. Upon information and belief, the acts of Southern Truck constitute contributory infringement of the '395 Patent in violation of 35 U.S.C. § 271(c). Upon information and belief, Southern Truck contributorily infringes because, among other things, Southern Truck offers to sell

and/or sells within the United States, and/or imports into the United States, retractable step products that constitute material parts of the invention of the asserted claims of the '395 Patent, that are not staple articles or commodities of commerce suitable for substantial non-infringing use, and that are known by Southern Truck to be especially made or especially adapted for use in an infringement of the '395 Patent.

88. As a consequence of the infringement of the '395 Patent, Lund has suffered and will continue to suffer irreparable harm and injury, including monetary damages in an amount to be determined at trial.

89. Upon information and belief, unless enjoined, Southern Truck and/or others acting on its behalf, will continue their infringing acts relating to the '395 Patent, thereby causing additional irreparable injury to Lund for which there is no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Lund prays for judgment and seeks relief as follows:

A. Pursuant to 35 U.S.C. § 271, a determination that Southern Truck and its officers, agents, servants, employees, dealers, retailers, distributors, manufacturers, and all others in active concert and/or participation with Southern Truck have infringed each of the '667, '449, '717, and '395 patents.

B. Pursuant to 35 U.S.C. § 284, an award of monetary damages compensating Lund for Southern Truck's infringement of the '667, '449, '717, and '395 patents.

C. Pursuant to 35 U.S.C. § 285, a finding that this is an exceptional case, and an award of reasonable attorney's fees and non-taxable costs.

D. Pursuant to 35 U.S.C. § 284, an assessment of prejudgment and post-judgment interest and costs against Southern Truck, together with an award of such interests and costs.

E. Pursuant to 35 U.S.C. § 283, an injunction enjoining Southern Truck and its officers, agents, servants, employees, dealers, retailers, distributors, manufacturers, attorneys, and all others in active concert and/or participation with Southern Truck from infringing any and all of the '667, '449, '717, and '395 patents through the manufacture, importation, use, offer for sale, and/or sale of infringing products, and/or any of the other acts prohibited by 35 U.S.C. § 271.

F. An order requiring Southern Truck to account to Lund for any and all profits derived by Southern Truck or its subsidiaries and all damages sustained by Lund by virtue of Southern Truck's infringing activities.

G. Such other and further relief as this Court deems equitable and just under the circumstances.

Respectfully submitted,

/s/ Carrie L. Urrutia

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