

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LUND MOTION PRODUCTS, INC. d/b/a AMP RESEARCH,	§ § § § § § § § § § § § § § §	Case No. 3:22-cv-02414 <u>JURY TRIAL DEMANDED</u>
Plaintiff,		
v.		
EARL OWEN COMPANY, INC.,		
Defendant.		

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Lund Motion Products, Inc. d/b/a AMP Research (“Plaintiff” or “Lund”) hereby complains of Defendant Earl Owen Company, Inc. (“Defendant” or “Earl Owen”) 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. Defendant Earl Owen is a Texas corporation with a registered address of and principal place of business at 1235 W. Trinity Mills Rd, Carrollton, TX 75006.

JURISDICTION AND VENUE

3. Lund repeats, realleges and reincorporates by reference the allegations set forth in paragraphs 1 and 2.
4. 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.

5. On information and belief, Earl Owen 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.

6. Earl Owen is subject to the general personal jurisdiction of courts of general jurisdiction in Texas because Earl Owen is incorporated in Texas and has its principal place of business in Texas. *Daimler AG v. Bauman*, 571 U.S. 117, 137 (2014). As such, this court may exercise jurisdiction over Earl Owen pursuant to Rule 4(k)(1) of the Federal Rules of Civil Procedure.

7. On information and belief, Earl Owen resides, for the purposes of venue, in the Northern District of Texas, Dallas Division, because its address of incorporation is within Dallas County, Texas. Therefore, venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)(1) and (d) and 1400(b).

THE PATENTS-IN-SUIT

8. Lund repeats, realleges and reincorporates by reference the allegations set forth in paragraphs 1 through 7.

9. 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**.

10. 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**.

11. 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**.

12. 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

13. Lund repeats, realleges and reincorporates by reference the allegations set forth in paragraphs 1 through 12.

14. 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.

15. In 2013 Lund acquired all of the assets of AMP Research. 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.

16. 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.")

17. 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.

18. 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.

19. 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.

20. On information and belief, Southern Truck, LLC ("Southern Truck"), a manufacturer and distributor of aftermarket automotive parts, imports the Woden retractable step products and rebrands them as Southern Truck Power Step Boards ("the Accused Products").

21. On information and belief, Southern Truck then sells and offers to sell the Accused Products to and through national automobile part distributors including Earl Owen.

22. On information and belief, Earl Owen, a national distributor of aftermarket automotive parts, sells, offers for sale, and/or imports the Accused Products. On information and belief, Earl Owen purchases the Accused Products from Southern Truck and/or uses Southern Truck as an agent in the sale, offering for sale, and/or importation of the Accused Products.

23. On information and belief, Earl Owen sells and offers for sale the Accused Products through its website <https://earlowen.com/>. For example, Earl Owen sells and offers to sell such accused retractable step products that are compatible with specific Dodge, GM, Ford, and Jeep vehicles (see attached copy of Earl Owen web page attached as **Exhibit E**).

24. For example, Earl Owen 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, Earl Owen sells the Accused Products packaged with installation and assembly instructions. For example, the installation instructions for a Southern Truck Lifts GM Electric Step Board are attached as **Exhibit G**.

25. On information and belief, Earl Owen also sells and offers to sell the Accused Products from its location at 1235 West Trinity Mills Road, Carrollton, TX 75006.

26. On information and belief, Earl Owen also sells and offers to sell the Accused Products from its Earl Owen Supply, Inc., location at 606 East Lamberth Road, Sherman, TX 75090.

27. On information and belief, Earl Owen also installs and tests assembled versions of the Accused Products on the vehicles of customers and/or on vehicles for the purpose of exhibition and marketing (see, e.g., a YouTube video from the Earl Owen Company channel demonstrating a functional Southern Truck electric running board installed on a Chevrolet Silverado:

<https://www.youtube.com/watch?v=vYU0LEOvrPY>, noting the description of “We have plenty in stock.”).

28. Given the industry-leading status of Lund’s PowerStep™ products and Earl Owen’s business of distributing aftermarket accessories for trucks, Earl Owen was necessarily aware of the PowerStep™ products when Earl Owen marketed, sold, offered for sale, and/or imported its competing Accused Products.

29. Further, Earl Owen was and continues to be on notice of the Lund’s PowerStep™ products and their patent protections because Earl Owen also contracts with Lund for the distribution of PowerStep™ products (see, e.g., the product page for the PowerStep™ XL on the Earl Owen website at <https://earlowen.com/part/571614>, noting especially the photograph of the extended PowerStep™ with patent marking embossment visible and the video embedded in the page by Earl Owen advertising AMP Research’s “[p]atented design” within the first few seconds).



FIRST CLAIM FOR RELIEF:
INFRINGEMENT OF THE '667 PATENT

30. Lund repeats, realleges and reincorporates by reference the allegations set forth in paragraphs 1 through 29.

31. 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.

32. Upon information and belief, Earl Owen 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).

33. 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.

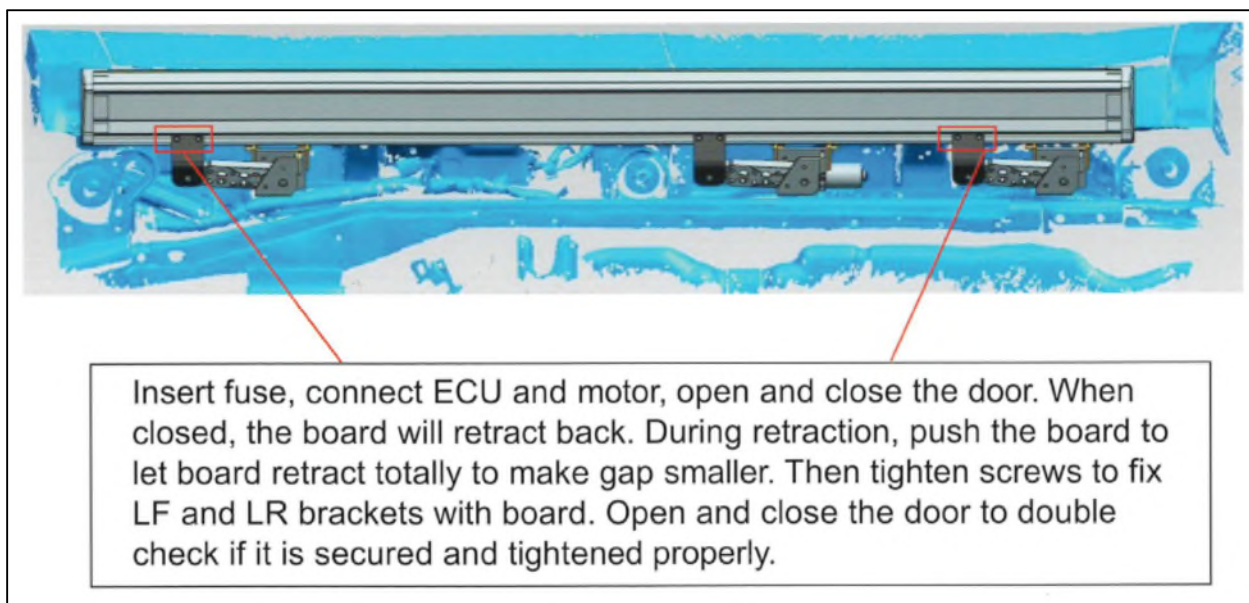
34. The Accused Products include a powered retractable vehicle step assist system configured for use with a vehicle (see **Exhibits F and G**).

35. 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.”)



36. 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.*

37. 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 installation instructions, the motor is coupled to the support member (see **Exhibit G**, including the figure below).



38. 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.”)



39. 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**).

40. 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.

41. Upon information and belief, Earl Owen 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, Earl Owen provides instructions and information to its customers and the end users that such retractable step products be used to infringe the ’667 Patent (see, e.g., **Exhibit G**). These acts by Earl Owen constitute infringement of the ’667 Patent in violation of at least 35 U.S.C. § 271(b).

42. Upon information and belief, the acts of Earl Owen constitute contributory infringement of the ’667 Patent in violation of 35 U.S.C. § 271(c). Upon information and belief, Earl Owen contributorily infringes because, among other things, Earl Owen 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 Earl Owen to be especially made or especially adapted for use in an infringement of the ’667 Patent.

43. 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.

44. Upon information and belief, unless enjoined, Earl Owen 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

45. Lund repeats, realleges and reincorporates by reference the allegations set forth in paragraphs 1 through 44.

46. 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.

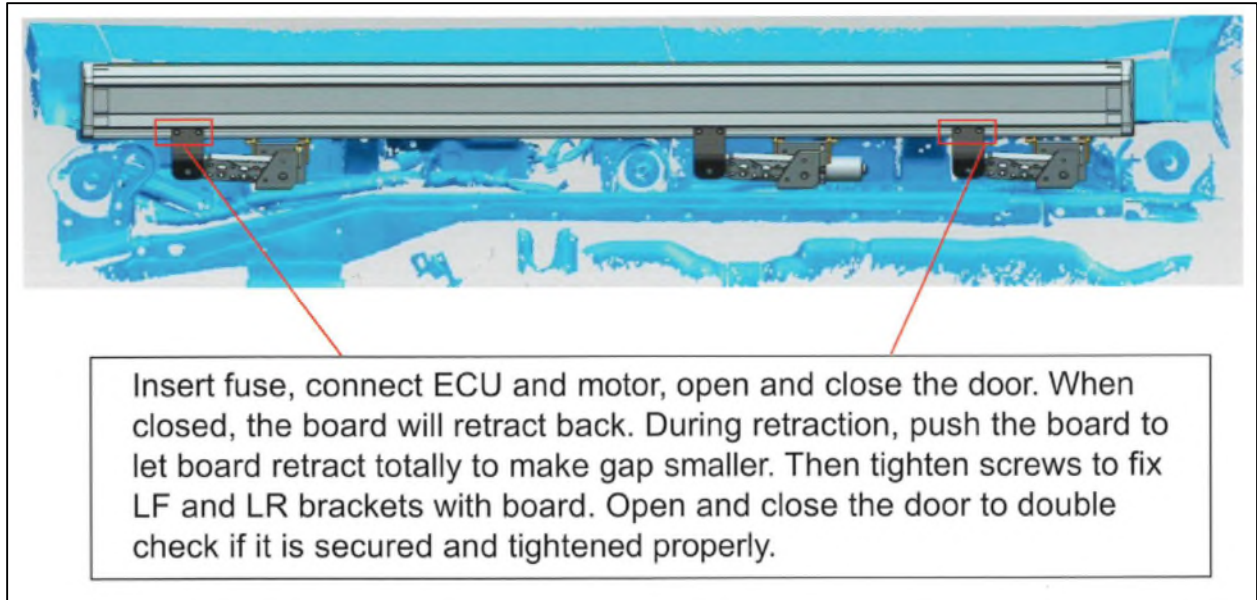
47. Upon information and belief, Earl Owen has directly infringed one or more of the claims of the '449 patent through the manufacture, use, offering for sale, and/or selling within the United States, and/or importation into the United States, of retractable step products including the Accused Products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

48. 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.

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

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

51. The Accused Products include a motor drivably coupled to the stepping deck. According to the installation instructions, the motor is coupled to the stepping deck (See **Exhibit G**).

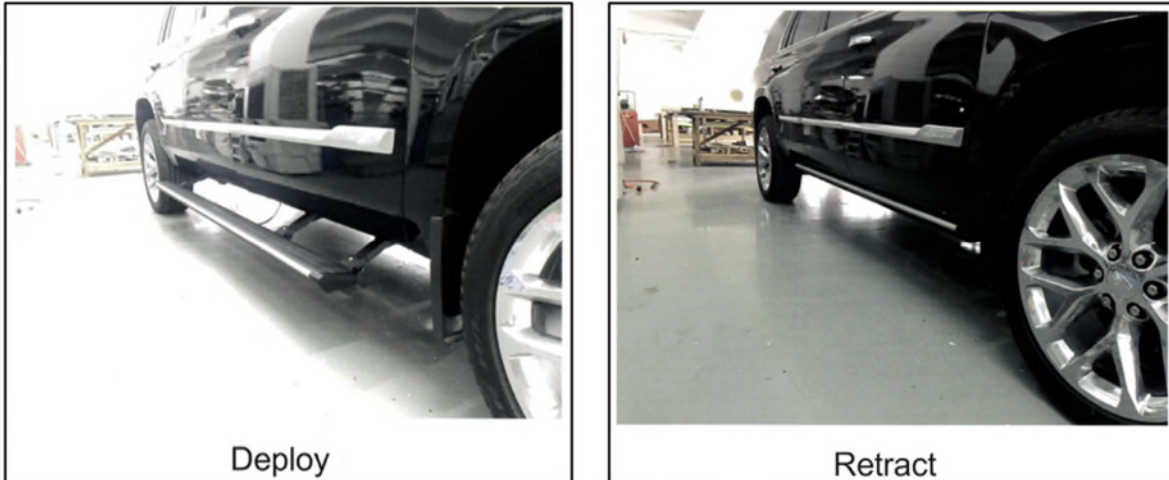


52. The Accused Products include a controller configured to receive door status information electronically obtained from a digital communication bus of the vehicle, namely the OBDII port (see **Exhibits F and G**). The Accused Products include functionality to “automatically extend the steps when you 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**.



53. 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.

54. 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.”



55. 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” (**Exhibit F**).

56. Upon information and belief, Earl Owen 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, Earl Owen 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 Earl Owen constitute infringement of the '449 Patent in violation of at least 35 U.S.C. § 271(b).

57. Upon information and belief, the acts of Earl Owen constitute contributory infringement of the '449 Patent in violation of 35 U.S.C. § 271(c). Upon information and belief, Earl Owen contributorily infringes because, among other things, Earl Owen 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 Earl Owen to be especially made or especially adapted for use in an infringement of the '449 Patent.

58. 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.

59. Upon information and belief, unless enjoined, Earl Owen 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

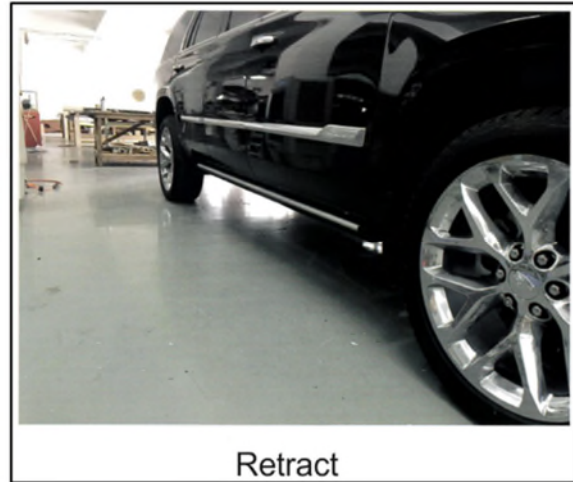
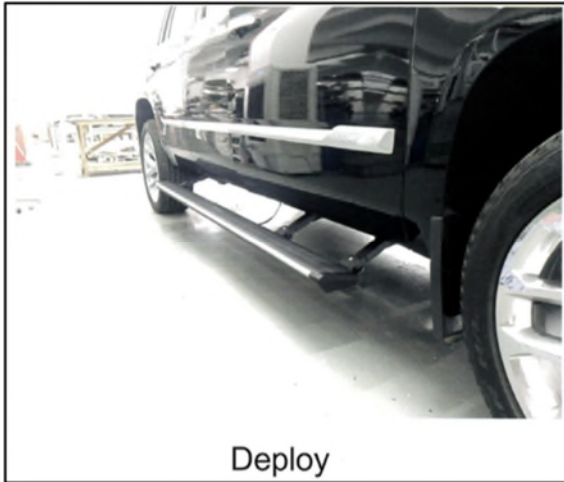
60. Lund repeats, realleges and reincorporates by reference the allegations set forth in paragraphs 1 through 59.

61. 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.

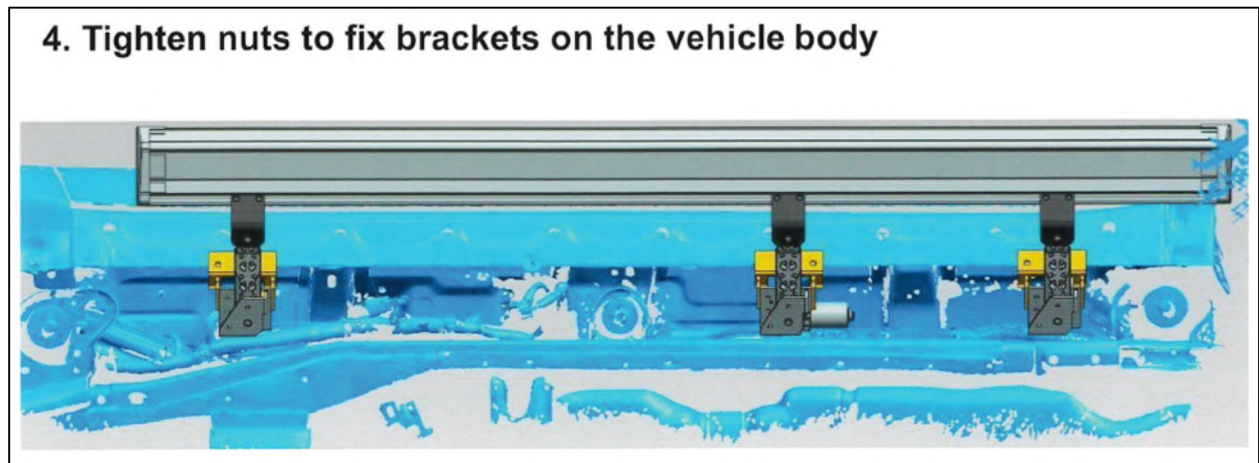
62. Upon information and belief, Earl Owen has directly infringed one or more of the claims of the '717 patent through the manufacture, use, offering for sale, and/or selling within the United States, and/or importation into the United States, of retractable step products including the Accused Products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

63. 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.

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



65. The Accused Products include a step unit comprising a stepping deck and configured for mounting to a vehicle (see **Exhibit G**).



66. 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.”)).



67. 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 1(16) and (17))).

68. 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.”)).

69. Upon information and belief, Earl Owen 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, Earl Owen 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 Earl Owen constitute infringement of the '717 Patent in violation of at least 35 U.S.C. § 271(b).

70. Upon information and belief, the acts of Earl Owen constitute contributory infringement of the '717 Patent in violation of 35 U.S.C. § 271(c). Upon information and belief, Earl Owen contributorily infringes because, among other things, Earl Owen 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 Earl Owen to be especially made or especially adapted for use in an infringement of the '717 Patent.

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, Earl Owen 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.

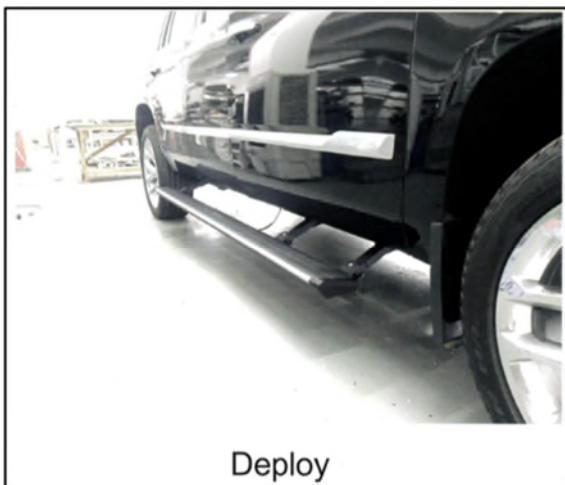
74. Upon information and belief, the Accused Products infringe at least Claim 1 of the '395 patent under 35 U.S.C. § 271(a) either literally or under the doctrine of equivalents.

75. Upon information and belief, Earl Owen 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 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.

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, Earl Owen 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, Earl Owen 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 Earl Owen 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 Earl Owen constitute contributory infringement of the '395 Patent in violation of 35 U.S.C. § 271(c). Upon information and belief, Earl Owen contributorily infringes because, among other things, Earl Owen 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 Earl Owen 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, Earl Owen 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 Earl Owen and its officers, agents, servants, employees, dealers, retailers, distributors, manufacturers, and all others in active concert and/or participation with Earl Owen 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 Earl Owen'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 Earl Owen, together with an award of such interests and costs.

E. Pursuant to 35 U.S.C. § 283, an injunction enjoining Earl Owen and its officers, agents, servants, employees, dealers, retailers, distributors, manufacturers, attorneys, and all others in active concert and/or participation with Earl Owen 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 Earl Owen to account to Lund for any and all profits derived by Earl Owen or its subsidiaries and all damages sustained by Lund by virtue of Earl Owen's infringing activities.

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

Dated: October 28, 2022

/s/Bruce C. Morris

Bruce C. Morris
bmorris@krcl.com
KANE RUSSELL COLEMAN LOGAN PC
Texas Bar No. 14469850

5151 San Felipe, Suite 800
Houston, Texas 77056
Telephone: (713) 425-7450
Facsimile: (713) 725-7700

Jon W. Gurka (*Pro Hac Vice* to be filed)
Jon.gurka@knobbe.com
Ben J. Everton (*Pro Hac Vice* to be filed)
Ben.everton@knobbe.com
KNOBBE MARTENS OLSON & BEAR, LLP
2040 Main Street, Fourteenth Floor
Irvine, California 92614
Telephone: (949) 760-0404
Facsimile: (949) 760-9502

**ATTORNEYS FOR PLAINTIFF
LUND MOTION PRODUCTS**

56411717

9673723