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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION**

LUND MOTION PRODUCTS, INC.
d/b/a AMP RESEARCH,

Plaintiff,

vs.

MEYER DISTRIBUTING, INC. a/k/a
MEYER TRUCK EQUIPMENT

Defendant.

Civil No. 3:22-cv-171

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiff Lund Motion Products, Inc. d/b/a Amp Research (“Plaintiff” or “Lund”) hereby complains of Defendant Meyer Distributing, Inc., a/k/a Meyer Truck Equipment (“Defendant” or “Meyer”) and alleges as follows:

I. 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 Meyer Distributing is a company organized under the laws of the state of Indiana with a registered address and principal place of business at 560 East 25th Street, Jasper, Indiana 47546.

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

7. On information and belief, Meyer has an address of incorporation in the Southern District of Indiana. Therefore, venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)(1) and (d) and 1400(b).

8. On information and belief, Meyer has an address of incorporation in Jasper, Dubois County, in the Evansville Division of the Southern District of Indiana. Therefore, venue is proper within this District.

III. 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**.

IV. GENERAL 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, 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”). On

information and belief, the Accused Products include retractable steps compatible with a number of vehicles, including specific Dodge, GM, Ford, and Jeep vehicles. On information and belief, Southern Truck then resells the Accused Products to United States-based national automotive part distributors and/or acts as an agent for said distributors in selling or offering for sale the Accused Products.

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

23. On information and belief, Meyer sells and offers for sale the Accused Products through its website [meyerdistributing.com](https://www.meyerdistributing.com). On information and belief, Meyer receives orders for the Accused Products on its website from customers or distributors and ships the Accused Products nationwide and within this District to said customers and distributors (see <https://www.meyerdistributing.com/Company/AboutUs.aspx> (“Through numerous strategically positioned warehousing facilities, Meyer serves thousands of customers nationwide via Meyer Logistics direct ship.”)).

24. For example, on information and belief, Meyer sells and offers for sale the Southern Truck GM Power Step Board, one of the Accused Products, which is compatible with 2019-2021 GMC Sierra and Chevrolet Silverado crew-cab vehicles. On information and belief, Meyer sells and ships packaged Accused Products with installation and assembly instructions. For example, the installation instructions shipped from Meyer for a Southern Truck GM Power Step Board are attached as **Exhibit E**.

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

26. Meyer was and continues to be on notice of the Lund's PowerStep™ products because Meyer also contracts with Lund for the distribution of PowerStep™ products (see <https://www.meyerdistributing.com/Products/Suppliers.aspx> (“Amp Research ... POWER STEPS” and “Lund International ... RUNNING BOARDS”).

27. On information and belief, Meyer has been on notice of the PowerStep™ products and their patent protections since 2011 at the latest (see, e.g., PowerStep™ marketing materials hosted on the Meyer website at <https://www.meyerdistributing.com/marketing/Email/WD/2011/04/04/AMP-Ford.pdf>, noting especially the description of “the genuine AMP Research PowerStep™” being “designed and built exclusively in the USA” and the bottom-right image on page 2 where patent marking inscriptions can be seen on the endcap of the pictured PowerStep™ project).



Designed and built exclusively in the USA, the genuine AMP Research PowerStep™ seamlessly extends when any door is opened, giving a rock-solid, safe and convenient step up into your truck. When the doors close, it retracts just as smoothly, streamlining the vehicle profile with no loss of ground clearance. The original AMP Research PowerStep™ is proven to perform in severe driving conditions and is backed by a full 5-year/60,000 mile warranty – the best in the business.

VEHICLE APPLICATION	MODEL YEAR	PART N°	NOTE
FORD			
Ford F-150 SuperCab/SuperCrew	2009–2011	75141-01A	
Ford F-150 SuperCab/SuperCrew/Lincoln Mark LT	2004–2008	75105-01A	
Ford F-150 SuperCrew (Heritage)	2001–2003	75111-01A	
Ford Super Duty F-250/F-350/F-450 Regular Cab/SuperCab/CrewCab	2003–2003 / 2008–2011	75134-01A	
Ford Super Duty F-250/F-350/F-450 Regular Cab/SuperCab/CrewCab	1999–2001 / 2004–2007	75104-01A	(2)
Ford Excursion	2006–2001 / 2004–2005	75104-01A	(2)
Ford Excursion	2003–2003	75134-01A	(2)

(2) **Disodes required:** 2004–2007 Ford Super Duty trucks without remote keyless plus 1999 and older Super Duty trucks with remote keyless entry require four (4) additional disodes that are not included in the standard parts kit. When ordering please specify the vehicle model year so that the disodes can be included. If needed, additional disodes (Part # 10-03727-90) may be ordered at no charge and shipped UPS Ground by calling 1-800-983-2366.

POWERSTEP™ EXTRA!
PowerStep Extension Arms Kit: includes four (4) arms. Provides 2 inch extra drop for lifted trucks. **75130-01A** Ford Super Duty and Dodge Ram



Retracted position – 2010 Ford F-150 Super Crew
Deployed position – passenger side view, Ford F-150 Super Crew



Designed and built exclusively in the USA, the genu
when any door is opened, giving a rock solid, safe and

V. 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.

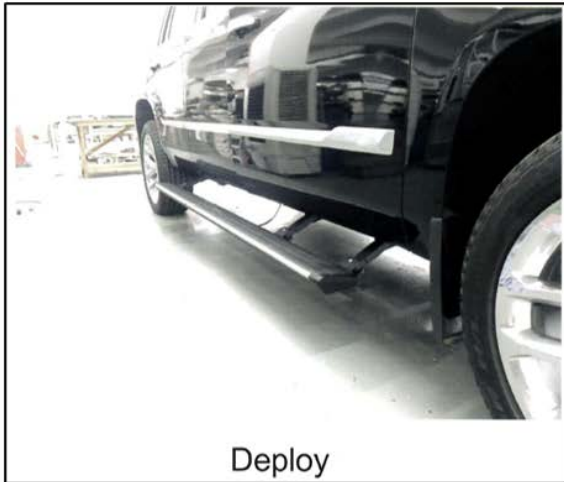
29. Upon information and belief, the Accused Products infringe at least Claim 1 of the '667 patent under 35 U.S.C. § 271(a) either literally or under the doctrine of equivalents.

30. Upon information and belief, Meyer 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).

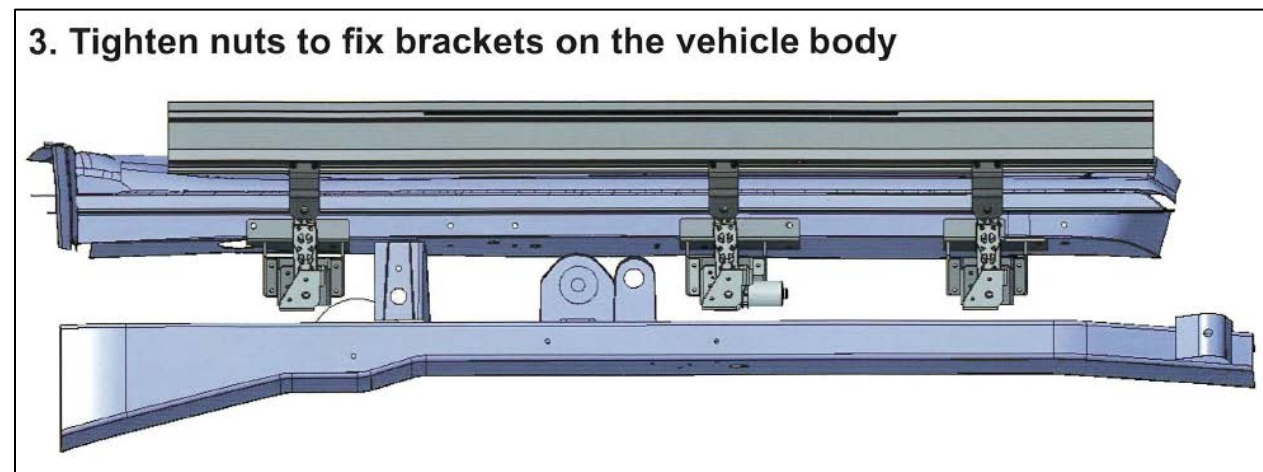
31. For example, upon information and belief, the Accused Products, including the Southern Truck GM Power Step Board, include all of the limitations of Claim 1 of the '667 patent.

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

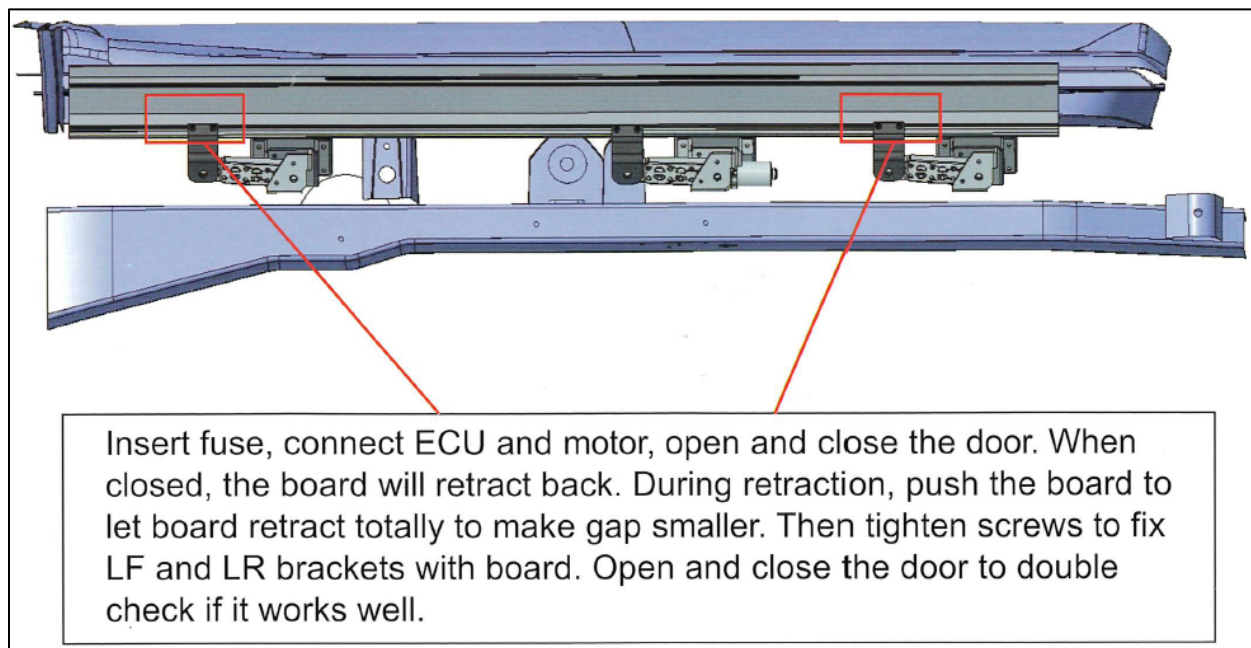
33. The Accused Products include a stepping member with a stepping surface and the stepping member is movable between a retracted position and a deployed position with respect to the vehicle (see **Exhibit E** (step 6)).



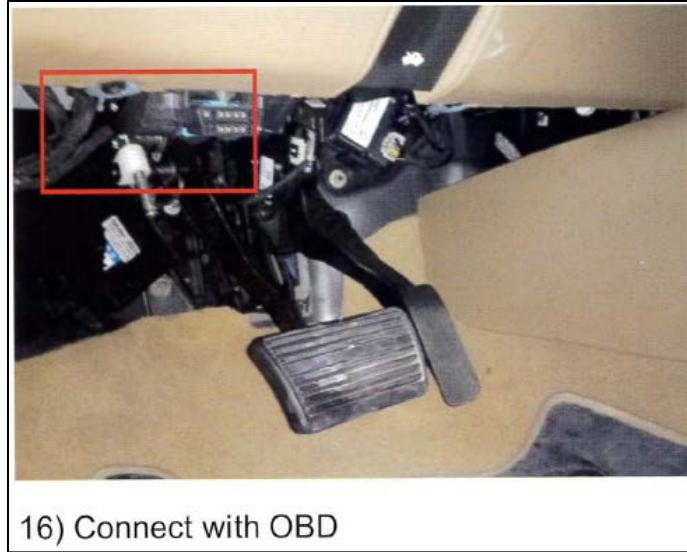
34. The Accused Products include at least one support member connectable with respect to an underside of the vehicle and connected to the stepping member. The support member is configured to at least partially support the stepping member with respect to the vehicle. See **Exhibit E** (step 3).



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 installation instructions, the motor is coupled to the support member and moves the support member between positions (see **Exhibit E** (steps 3 and 4)).



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 E** (step 1(16))).



37. Upon information and belief, the Accused Products include a controller in electronic communication with the motor. The controller is configured, in response to the data received from the already existing electronics port, namely the OBDII, to cause the motor to effectuate movement of the stepping member between the retracted position and the deployed position (see **Exhibit E** (“OBDII Harness” with image in the “Kit Contents” section and **Exhibit E** (steps 1(16)-(17) and 6)).

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. The automatic deployment and retraction of the step in the Accused Products is triggered by opening and closing the doors (see **Exhibit E** (step 6)). Upon information and belief, in the relevant vehicles, including at least the 2020 Sierra and Silverado model vehicles, the door opened/closed status originates from wired door electronics using a wired circuit and latching mechanism (see, e.g., for the 2020 Silverado 1500 model, pages 2-73 through 2-76 of https://www.gmupfitter.com/wp-content/uploads/2022/09/20_Silverado_1500_Electrical_Body_Builder_2019JUN21.pdf).

39. Upon information and belief, Meyer 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, Meyer 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 E**). These acts by Meyer 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 Meyer constitute contributory infringement of the '667 Patent in violation of 35 U.S.C. § 271(c). Upon information and belief, Meyer contributorily infringes because, among other things, Meyer 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 Meyer 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, Meyer 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.

VI. 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.

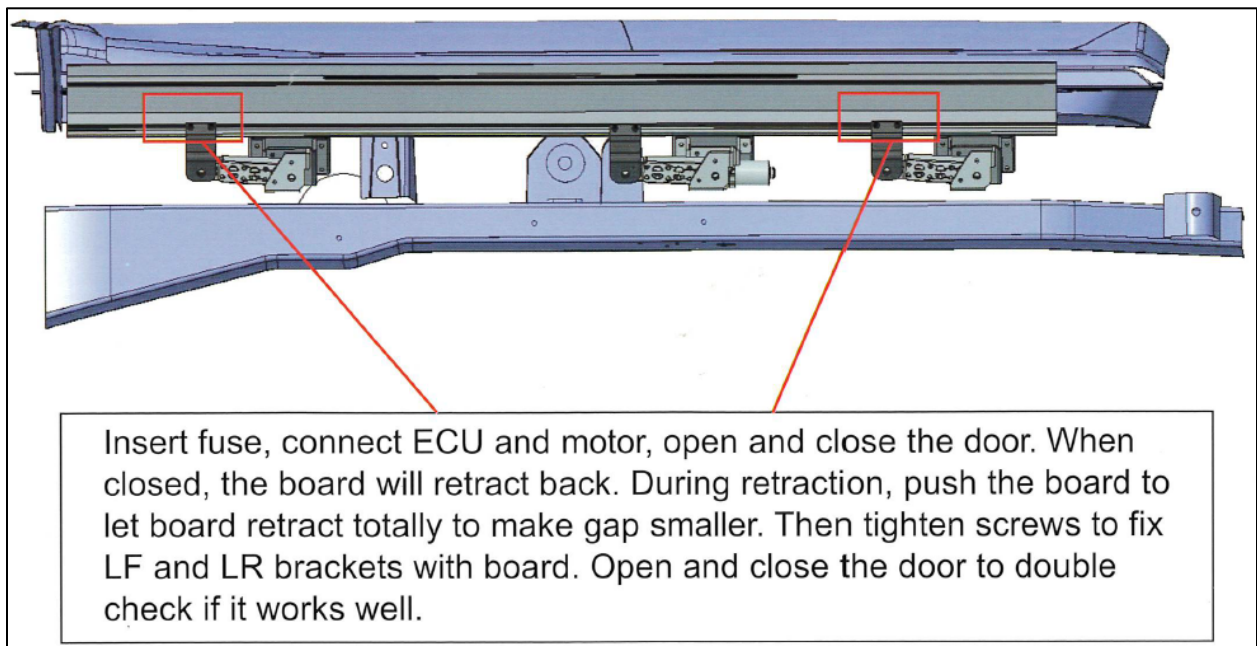
45. Upon information and belief, Meyer has directly infringed one or more of the claims of the '449 patent through the manufacture, use, offering for sale, and/or selling within the United States, and/or importation into the United States, of retractable step products including the Accused Products in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

46. For example, upon information and belief, the Accused Products, including the Southern Truck GM Power Step Board, 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 **Exhibit E**).

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

49. 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 E**, including the figure below).



50. Upon information and belief, 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 **Exhibit E** (noting the controller pictured with the “OBDII Harness” in the “Kit Contents” section and steps 1(16)-(17) and 6)).



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 algorithm determines that when a door is open, the board will extend outbound of the vehicle, and “[w]hen [a door is] closed, the board will retract back” (see **Exhibit E** (step 4)).

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 (see **Exhibit E** (step 6)).



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, namely the OBDII port (see **Exhibit E**).

54. Upon information and belief, Meyer has actively induced others to infringe the claims of 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, Meyer 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 E**). These acts by Meyer 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 Meyer constitute contributory infringement of the '449 Patent in violation of 35 U.S.C. § 271(c). Upon information and belief, Meyer contributorily infringes because, among other things, Meyer 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 Meyer to be especially made or especially adapted for use in an infringement of the '449 Patent.

56. 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.

57. Upon information and belief, unless enjoined, Meyer 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.

VII. THIRD CLAIM FOR RELIEF: INFRINGEMENT OF THE '717 PATENT

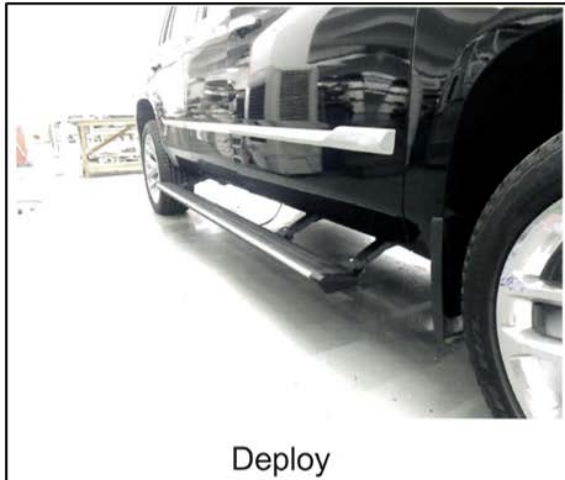
58. Lund repeats, realleges and reincorporates by reference the allegations set forth in paragraphs 1 through 57.

59. 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.

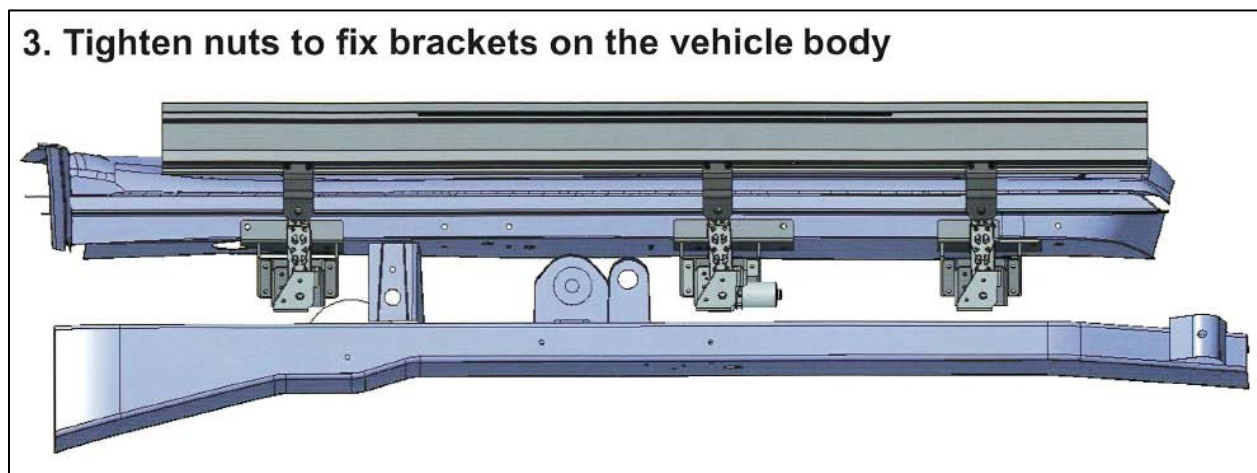
60. Upon information and belief, Meyer has directly infringed one or more of the claims of the '717 patent through the manufacture, use, offering for sale, and/or selling within the United States, and/or importation into the United States, of retractable step products including the Accused Products in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

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

62. The Accused Products include a vehicle step assist system configured for use with a vehicle (see **Exhibit E**).



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



64. 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 OBDII port. The vehicle interface is configured to electronically receive data via the existing electronics port. The data is generated by existing electronics of the vehicle (see **Exhibit E** (“Connect with OBD” and “6. Open and close all doors to check if it works well.”)).



65. Upon information and belief, the Accused Products include a controller in electronic communication with the vehicle interface and with the step unit, specifically to the motor in the step unit (see **Exhibit E** (steps 16 and 17)).

66. 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 E** (step 6)). Upon information and belief, the Accused Products receive door open/closed status information from the OBDII port to command the motor on the step unit to deploy and retract the step.

67. Upon information and belief, Meyer 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, Meyer 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 E**). These acts by Meyer constitute infringement of the '717 Patent in violation of at least 35 U.S.C. § 271(b).

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

69. 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.

70. Upon information and belief, unless enjoined, Meyer 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.

VIII. FOURTH CLAIM FOR RELIEF: INFRINGEMENT OF THE '395 PATENT

71. Lund repeats, realleges and reincorporates by reference the allegations set forth in paragraphs 1 through 70.

72. 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.

73. Upon information and belief, Meyer 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).

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

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

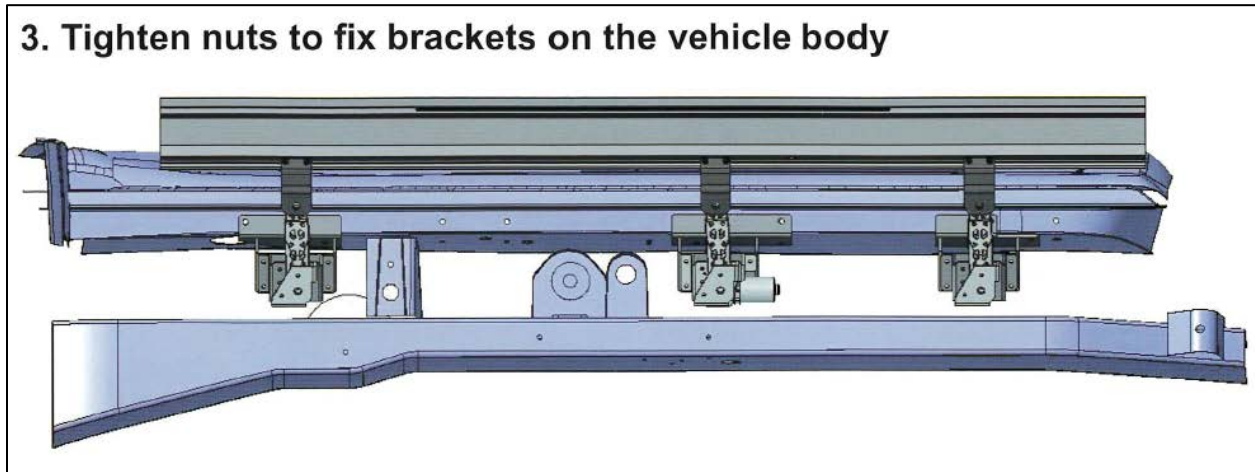
76. The Accused Products include a stepping member having a stepping surface and movable between a retracted position and a deployed position with respect to the vehicle. The stepping member is outboard of the retracted position when in the deployed position (see **Exhibit E** (step 6)).



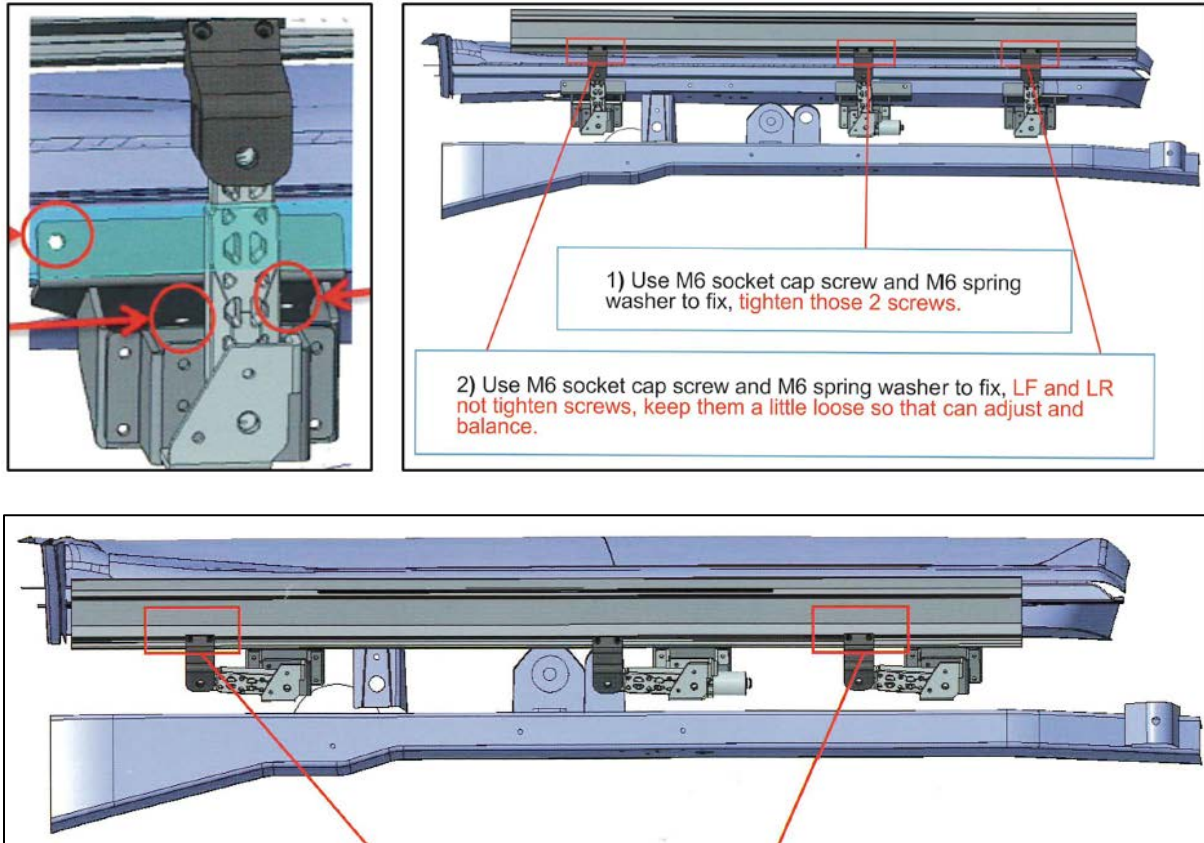
77. Upon information and belief, the stepping member of the Accused Products is dimensioned to span a length so as to assist passengers with entering and exiting first and second doors of the vehicle (see **Exhibit E** (instruction step 6 instructs to “[o]pen and close all doors to check if it works well”)). The Accused Products include steps compatible with “Crew Cab,” or four-door, vehicles.

78. 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

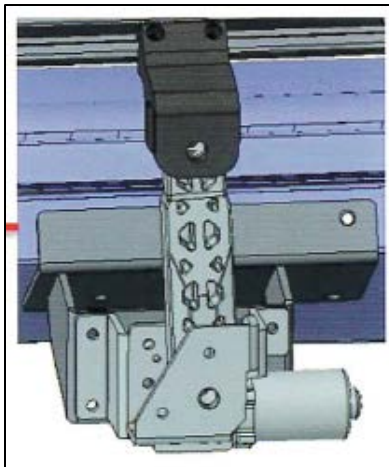
member. Said support members are configured to at least partially support the stepping member beneath the first and second doors of the vehicle. See **Exhibit E** (step 3).



79. 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. The 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 E** (steps 2-4)). As shown in step 2 of the installation instructions in **Exhibit E**, 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 drawings in steps 2 through 4 of the installation instructions in **Exhibit E** show 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.



80. The Accused Products include a drive unit, referred to as a motor, operably coupled to the first support member. The drive unit is capable of effectuating movement of the stepping member between the retracted position and the deployed position. See **Exhibit E** (Step 3 shows the motor coupled with the support member. Step 4 explains to “connect ECU and motor[and] open and close the door. When closed, the board will retract back.”).



81. 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 E**). Upon information and belief, the Accused Products contain an OBDII harness that plugs into the vehicle and is configured to receive data from the vehicle's computer system.



82. 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 E** (noting the controller pictured with the “OBDII Harness” in the “Kit Contents” section and steps 1(16)-(17) and 6).

83. Upon information and belief, the 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 2020 Sierra and Silverado model vehicles, the door opened/closed status originates from wired door electronics using a wired circuit and latching mechanism, including both front and rear door latch assemblies (see, e.g., for the 2020 Silverado 1500 model, pages 2-73 through 2-76 of https://www.gmupfitter.com/wp-content/uploads/2022/09/20_Silverado_1500_Electrical_Body_Builder_2019JUN21.pdf).

84. Upon information and belief, Meyer 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, Meyer 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 E**). These acts by Meyer constitute infringement of the '395 Patent in violation of at least 35 U.S.C. § 271(b).

85. Upon information and belief, the acts of Meyer constitute contributory infringement of the '395 Patent in violation of 35 U.S.C. § 271(c). Upon information and belief, Meyer contributorily infringes because, among other things, Meyer 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 Meyer to be especially made or especially adapted for use in an infringement of the '395 Patent.

86. 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.

87. Upon information and belief, unless enjoined, Meyer 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.

IX. 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 Meyer and its officers, agents, servants, employees, dealers, retailers, distributors, manufacturers, and all others in active concert and/or participation with Meyer 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 Meyer'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 Meyer, together with an award of such interests and costs.

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

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

Dated: October 28, 2022

Respectfully submitted,

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