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Attorney for Plaintiff  
ARCHER XTREME, LLC

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA

ARCHER XTREME, LLC, a Montana  
limited liability company,

Plaintiff,

v.

BLACK GOLD, INC., a Montana  
corporation,

Defendant.

Case No. 1:13-cv-00009-DLC

**FIRST AMENDED  
COMPLAINT AND DEMAND  
FOR JURY TRIAL**

Plaintiff Archer Xtreme, LLC (“Archer Xtreme” or “Plaintiff”), for its  
First Amended Complaint, alleges as follows:

I. PARTIES

1. Plaintiff is a Montana limited liability company with its principal place of business 114 Gemstone, Belgrade, Montana 59714.
2. Upon information and belief, Defendant Black Gold, Inc. (“Black Gold” or “Defendant”) is a Montana corporation with its principal

place of business at 461-B Jetway Drive, Belgrade, Montana 59714. Upon information and belief, Black Gold is doing business in this state and generally throughout the United States by the sale and distribution of its products.

## II. JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271 and 281 *et seq.*

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is conferred by 28 U.S.C. § 1391(b) and (c) and 1400(b).

## III. GENERAL ALLEGATIONS

6. Archer Xtreme is in the business of selling archery-related products worldwide both online and through independent dealers and distributors.

7. U.S. Patent No. 6,823,597 entitled “Archery Bow Sight” issued on November 30, 2004. A copy of the ‘597 patent is attached hereto as Exhibit A.

8. Archer Xtreme is the owner of all right, title and interest in and to the '597 patent. Archer Xtreme acquired the '597 patent on December 17, 2012. The assignment of the '597 patent from the inventor, Marlow W. Larson, to Archer Xtreme was recorded with the U.S. Patent and Trademark Office on January 8, 2013.

9. Upon information and belief, Black Gold has infringed and continues to infringe the '597 patent by making, using, selling and/or offering for sale in the United States and/or importing into the United States products that infringe the '597 patent.

10. On January 14, 2013, Archer Xtreme sent Black Gold a letter demanding that Black Gold cease and desist from all sales of products that infringe the '597 patent and provide an accounting to Archer Xtreme. A copy of this letter is attached hereto as Exhibit B.

11. On April 25, 2013, Archer Xtreme sent Black Gold a follow-up letter concerning its infringement of the '597 patent. A copy of this letter is attached hereto as Exhibit C.

12. Upon information and belief, Black Gold will continue to infringe the '597 patent until and unless it is enjoined by this Court.

#### IV. CAUSE OF ACTION

##### COUNT I INFRINGEMENT OF U.S. PATENT NO. 6,823,597

13. Plaintiff realleges and incorporates by reference the allegations set forth in all previous paragraphs set forth above, as if fully set forth herein.

14. Defendant has infringed and continues to infringe the '597 patent by, among other things, making, using, selling and/or offering to sell in the United States and/or importing into the United States products that are covered by one or more claims of the '597 patent.

15. Defendant's infringing conduct has caused and continues to cause irreparable injury to Plaintiff, and as such, the Plaintiff is entitled to injunctive relief pursuant to 35 U.S.C. § 283.

16. Defendant's infringing conduct is both willful and deliberate, and as such, the Plaintiff is entitled to treble damages pursuant to 35 U.S.C. § 284.



PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

1. For a judgment declaring that the Defendant has infringed the '597 patent.
2. For a judgment awarding Plaintiff compensatory damages as a result of Defendant's infringement of the '597 patent, together with interest and costs, and in no event less than a reasonable royalty;
3. For a judgment declaring that Defendant's infringement of the '597 patent has been willful and deliberate;
4. For a judgment awarding Plaintiff treble damages and pre-judgment interest under 35 U.S.C. § 284 as a result of Defendant's willful and deliberate infringement of the '597 patent;
5. For a judgment declaring that this case is exceptional and awarding Plaintiff its expenses, costs and attorneys' fees in accordance with 35 U.S.C. § 284 and 285 and Rule 54(d) of the Federal Rules of Civil Procedure;
6. For a grant of a permanent injunction pursuant to 35 U.S.C. § 283 enjoining the Defendant from further acts of infringement; and

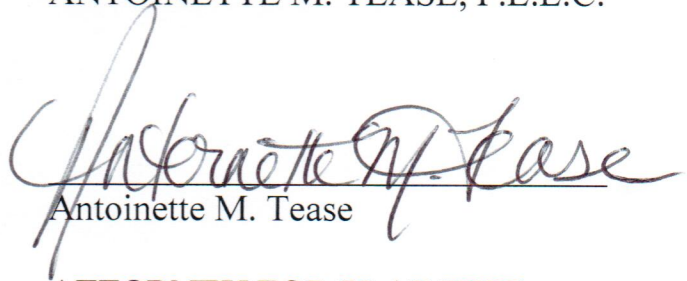
7. For such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all claims.

Dated this 29<sup>th</sup> day of April, 2013.

ANTOINETTE M. TEASE, P.L.L.C.

A handwritten signature in dark ink, appearing to read "Antoinette M. Tease", is written over a horizontal line. The signature is fluid and cursive.

ATTORNEY FOR PLAINTIFF