

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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EO MFG, Inc.)	
One Tiffany Pointe, Suite 200)	
Bloomingtondale, Illinois 60108)	Civil Action No.
)	
	Plaintiff)	
	v.)	
)	08-cv-311
RIDGE TOOL COMPANY)	
400 Clark Street)	
Elyria, OH 44035)	
)	
	and)	
)	
SUPERIOR TOOL COMPANY)	
100 Hayes Drive, Unit C)	
Cleveland, OH 44131)	
)	
	Defendants)	
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COMPLAINT FOR PATENT INFRINGEMENT
AND INJUNCTIVE RELIEF

Plaintiff, EO Mfg., complains of Defendants, Ridge Tool Company (“Ridge”) and Superior Tool Company (“Superior”) , as follows:

JURISDICTION AND VENUE

1. This is an action for patent infringement under Title 35 United States Code.
2. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331, 1338(a).
3. Plaintiff, EO Mfg is a corporation existing under the laws of the State of Illinois, with a place of business in One Tiffany Pointe, Suite 200, Bloomingtondale, Illinois 60108 and is the owner by assignment from Fasmac PTE Ltd., of United States Letters Patent 7,096,764 for a Pipe Wrench.

4. Defendant Ridge Tool is, upon information and belief, a corporation existing under the law of the state of Ohio, with a place of business at 400 Clark Street, Elyria, OH 44035. Ridge Tool is engaged in making, using and selling pipe wrenches as taught and claimed in the '764 patent in suit and is offering for sale and selling products covered under the claims of the '764 patent in suit through retail outlets, including The Home Depot and Lowes. Ridge Tool does substantial business in Maryland and has sold infringing products in the State of Maryland, in this Judicial District. Jurisdiction and Venue are proper in this District as to Defendant Ridge Tool under 28 U.S.C. §1391(b) and §1400(a). Defendant Ridge Tool is a subsidiary of Emerson Electric Co., upon information and belief, a corporation existing under the law of the state of Missouri, with a place of business at 8000 West Florissant Avenue, St. Louis, Missouri 63136-8506.

5. Defendant Superior Tool is, upon information and belief, a corporation existing under the law of the state of Ohio, with a place of business at 100 Hayes Drive, Unit C, Cleveland, OH 44131. Superior Tool is engaged in making, using and selling pipe wrenches as taught and claimed in the '764 patent in suit and is offering for sale and selling products covered under the claims of the '764 patent in suit through retail outlets, including The Home Depot and Lowes. Superior Tool does substantial business in Maryland and has sold infringing products in the State of Maryland, in this Judicial District. Jurisdiction and Venue are proper in this District as to Defendant Superior Tool under 28 U.S.C. §1391(b) and §1400(a).

GENERAL ALLEGATIONS

6. Mr. Zhigang Dong invented a pipe wrench. Fasmac Pte Ltd of Singapore filed a patent application under the Patent Cooperation Treaty on September 13, 2000 and on March 12, 2002, Fasmac filed a US patent application based upon the PCT filing for the protection of Mr. Dong's invention. The patent application was subsequently examined by the United States Patent and Trademark Office, and issued on August 29, 2006 as the 7,096,764 patent entitled "PIPE WRENCH" and was subsequently assigned to Plaintiff.

7. The '764 patent was issued after careful examination by the United States Patent and Trademark Office, which determined the invention to be new, useful and unobvious.

8. The '764 patent has twenty claims, including exemplary independent claims 1, 15 and 16, which read as follows:

Claim 1. A pipe wrench comprising:

- a main body having a longitudinal axis and an outer surface;
- a fixed jaw coupled to the main body, the fixed jaw having at least two arcing jaw faces that are congruent and extend away from the main body;
- an angled jaw pivotably coupled to the main body, the angled jaw having at least two substantially straight jaw faces forming an obtuse angle and extending toward the at least two arching jaw faces;
- a pivot disposed on the main body adjacent the fixed jaw and pivotably engaged with the angled jaw, the pivot having a horizontal plane perpendicular to the main body longitudinal axis; and

wherein a first arcing jaw face center of curvature is disposed below the horizontal plane of the pivot and a second arcing jaw face center of curvature is disposed above the horizontal plane of the pivot.

Claim 15. A pipe wrench comprising:

- a main body;
- a fixed jaw coupled to the main body, the fixed jaw having only two arcing jaw faces that are congruent and extend away from the main body;
- an angled jaw pivotal coupled to the main body, the angled jaw having at least two substantially straight jaw faces and;
- a pivot disposed on the main body adjacent the fixed jaw and pivotably engaged with the angled jaw.

Claim 16. A pipe wrench comprising:
a main body having an outer surface;
a fixed jaw coupled to the main body, the fixed jaw having at least two arcing jaw faces that are congruent and extend away from the main body;
an angled jaw pivotal coupled to the main body, the angled jaw having at least two substantially straight jaw faces;
a pivot disposed on the main body adjacent the fixed jaw and pivotably engaged with the angled jaw;
a means for biasing the angled jaw towards the fixed jaw; and wherein a first arcing jaw face center of curvature and a second arcing jaw face center of curvature lie within the main body outer surface.

COUNT I
PATENT INFRINGEMENT RIDGE TOOL

9. Plaintiff realleges each and every allegation set forth above and incorporates them herein by reference.

10. Plaintiff owns and has standing to sue for infringement of United States Letters Patent 7,096,764 which was duly and legally issued on August 29, 2006.

11. Upon information and belief, Defendant Ridge Tool has infringed and continues to infringe the claims of the '764 patent.

12. Upon information and belief, Defendant Ridge Tool has infringed and continues to infringe claims 1 through 20.

13. Upon information and belief, Defendant Ridge Tool has infringed and continues to infringe the claims of the '764 patent by manufacturing or causing to be manufactured, distributing, using, selling and/or licensing the following pipe wrenches which infringe the claims of the '764 patent: 10" Rapidgrip™ and 14" Rapidgrip™ . Both products have all the elements described in Claims 1 through 20. Ridge Tool's infringement is a literal infringement of the claims and an equivalent infringement of the claims.

14. Plaintiff is entitled to recover from the Defendant Ridge Tool the damages sustained as a result of Defendant's infringing acts.

COUNT II
PATENT INFRINGEMENT SUPERIOR TOOL

15. Plaintiff realleges each and every allegation set forth above and incorporates them herein by reference.

16. Plaintiff owns and has standing to sue for infringement of United States Letters Patent 7,096,764 which was duly and legally issued on August 29, 2006.

17. Upon information and belief, Defendant Superior Tool has infringed and continues to infringe the claims of the '764 patent.

18. Upon information and belief, Defendant Superior Tool has infringed and continues to infringe claims 1 through 20.

19. Upon information and belief, Superior Tool has infringed and continues to infringe the claims of the '764 patent by manufacturing or causing to be manufactured, distributing, using, selling and/or licensing the following pipe wrenches which infringe the claims of the '764 patent: 10" SuperWrench™ and 14" SuperWrench™ . Both products have all the elements described in Claims 1 through 20. Superior Tool's infringement is a literal infringement of the claims and an equivalent infringement of the claims.

20. Plaintiff is entitled to recover from the Defendant Superior Tool the damages sustained as a result of Defendant's infringing acts.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgement against Defendants as follows:

21. That Defendants be held to have infringed the '764 patent and be held to have willfully infringed.

22. That Defendants, their directors, officers, agents, servants, employees and all other persons in active concert or privity or in participation with it, be enjoined from directly or indirectly infringing Plaintiff's patent.

23. That Defendants be enjoined to deliver upon oath, to be impounded during the pendency of this action, and delivered to Plaintiff pursuant to judgement herein, any and all devices shown by the evidence to infringe Plaintiff's patent.

24. That Defendants be required to file with the Court and to serve on Plaintiff, within 30 days after service of the Court's order as herein prayed, a report in writing under oath setting forth in detail the manner and form in which Defendants have complied with the Court's order.

25. That judgement be entered for Plaintiff against Defendants, for Plaintiff's actual damages according to proof, and for any additional profits attributable to infringements of Plaintiff's patent.

26. That judgement be entered for Plaintiff against Defendants, for statutory damages based upon Defendants' acts of patent infringement and for its other violations of law.

27. That Defendants be required to account for all gains, profits, and advantages derived from its acts of infringement and for its other violations of law.

28. That judgement be entered for Plaintiff and against Defendants, for trebling of the damages awarded for patent infringement.

29. That Plaintiff have judgement against the Defendants for Plaintiff's costs and attorney's fees.

30. That the Court grant such other, further, and different relief as the Court deems proper under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff hereby requests and demands a trial by jury on all issues so triable.

Verified by:
Steve Olshever

Respectfully submitted,

/s/ Joseph J Zito
Joseph J. Zito 5,640
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