

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION**

J-CHANNEL INDUSTRIES CORPORATION,

Plaintiff,

v.

PGT INDUSTRIES, INC.,

Defendant.

Case No. 3:13-cv-612

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff J-Channel Industries Corporation files this Complaint against PGT and Doors, LLC for infringement of U.S. Reissue Patent No. 40,041 (“the ’041 reissue patent”).

THE PARTIES

1. J-Channel Industries Corporation (“JCI”) is a corporation organized and existing under the laws of Delaware having an address at 900 Walt Whitman Road, Melville, NY 11747.

2. PGT Industries, Inc. (“PGT” or “Defendant”) is a Florida corporation with its principal place of business in North Venice, Florida. PGT may be served with process through its registered agent in the State of Florida, Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301.

JURISDICTION AND VENUE

3. This is an action for patent infringement under Title 35 of the United States Code.

4. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States’ patent statutes, 35 U.S.C. § 101 *et seq.*

5. Venue is proper under 28 U.S.C. §§ 1391(c) and 1400(b) because Defendant has committed acts of infringement in this district and/or is deemed to reside in this district.

6. This Court has personal jurisdiction over PGT and venue is proper in this district because PGT has committed acts of infringement in the State of Tennessee, including in this district, and has engaged in continuous and systematic activities in the State of Tennessee, including in this district. For instance, PGT has, at a minimum, engaged in systematic activities within this district by virtue of its business relationship with regional distributor/retailer of PGT products, Southland Distributors, located at 3700 Pleasant Ridge Road, Knoxville, TN 37921. Additionally, on information and belief, PGT markets and/or sells its window products throughout the United States and in particular within the State of Tennessee. Furthermore, PGT has registered with the State of Tennessee to do business in Tennessee and maintains an agent for service of process in Tennessee. Therefore, PGT has engaged in continuous and systematic activities in this district and has purposefully availed itself of the privileges of conducting business in this district.

COUNT I

(INFRINGEMENT OF U.S. REISSUE PATENT NO. 40,041)

7. JCI incorporates paragraphs 1 through 6 herein by reference.

8. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

9. The '041 reissue patent is entitled, "Window Frame for Manufactured Housing." JCI is the assignee of the '041 reissue patent with ownership of all substantial rights in the '041 reissue patent, including the right to exclude others and to enforce, sue, and recover damages for

past and future infringement. A true and correct copy of the '041 reissue patent is attached as Exhibit 1.

10. The '041 reissue patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

(Direct Infringement)

11. Defendant has directly infringed one or more claims of the '041 reissue patent in this judicial district and/or elsewhere in Tennessee and the United States, including at least claim 1, without the consent or authorization of JCI, by or through its having made, offered for sale, and/or used products that infringe the '041 reissue patent. Defendant is thereby liable for infringement of the '041 reissue patent pursuant to 35 U.S.C. § 271.

12. More particularly, Defendant has infringed at least claim 1 of the '041 reissue patent by, among other things, having made, used, offered for sale, sold, and/or imported windows having an integral J-Channel, including but not limited to PGT's 2100 Series window. Defendant is liable for these direct infringements of the '041 reissue patent pursuant to 35 U.S.C. § 271.

13. In accordance with Fed. R. Civ. P. 11(b)(3), JCI will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

ADDITIONAL ALLEGATIONS PERTAINING TO PATENT INFRINGEMENT CLAIMS

14. JCI has been damaged as a result of Defendant's infringing conduct described herein. Defendant is, thus, liable to JCI in an amount that adequately compensates JCI for Defendant's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by the Court under 35 U.S.C. § 284.

JURY DEMAND

JCI hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

JCI requests that this Court find in its favor and against Defendant, and that this Court grant JCI the following relief:

- a. Enter judgment for JCI on this Complaint;
- b. Enter judgment that one or more claims of the '041 reissue patent has been directly infringed by Defendant;
- c. Enter judgment that Defendant accounts for and pays to JCI all damages to and costs incurred by JCI because of Defendant's infringing activities and other conduct complained of herein;
- d. Enter judgment that Defendant accounts for and pays to JCI a reasonable royalty because of Defendant's past infringing activities and other conduct complained of herein;
- e. Award JCI pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein; and
- f. Award JCI such other and further relief as the Court may deem just and proper under the circumstances.

DATED: October 9, 2013

Respectfully submitted,

/s/ Van R. Irion

Van R. Irion

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