

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

J-CHANNEL INDUSTRIES CORPORATION,

Plaintiff,

v.

**HOME DEPOT U.S.A., INC. AND
SILVER LINE BUILDING PRODUCTS, LLC,**

Defendants.

Case No. 3:13-cv-606

PATENT CASE

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT

Plaintiff J-Channel Industries Corporation files this First Amended Complaint against Home Depot U.S.A., Inc. and Silver Line Building Products, 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. Defendant Home Depot U.S.A., Inc. (“Home Depot”) is a Delaware corporation with its principal place of business in Atlanta, Georgia. Home Depot may be served with process through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

3. Defendant Silver Line Building Products, LLC (“Silver Line”) is a Delaware limited liability company with its principal place of business at One Silver Line Drive, North Brunswick, NJ 08902. Silver Line may be served with process through its registered agent in the

State of Delaware, the Corporation Trust Company, at Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

4. Defendants Home Depot and Silver Line are referred to collectively herein as “Defendants.”

JURISDICTION AND VENUE

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

6. 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.*

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

8. This Court has personal jurisdiction over Home Depot and venue is proper in this district because Home Depot 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. Home Depot regularly conducts business in this district and has retail stores located in this district, including but not limited to eight locations within 25 miles of Knoxville, exemplified by a store location at 4710 Centerline Drive, Knoxville, TN 37917. Additionally, Home Depot has registered with the State of Tennessee to do business in Tennessee and maintains an agent for service of process in Tennessee. Therefore, Home Depot has engaged in continuous and systematic activities in this district and has purposefully availed itself of the privileges of conducting business in this district.

9. This Court has personal jurisdiction over Silver Line and venue is proper in this district because Silver Line 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, Silver Line has, at a minimum, engaged in systematic activities in the State of Tennessee by virtue of its business dealings with Home Depot. Additionally, Silver Line has registered with the State of Tennessee to do business in Tennessee and maintains an agent for service of process in Tennessee. Therefore, Silver Line 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)

10. JCI incorporates paragraphs 1 through 9 herein by reference.

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

12. The '041 reissue patent is entitled, "Window Frame for Manufactured Housing." JCI is the exclusive licensee 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.

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

(Direct Infringement)

14. Defendants have 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 their having made, offered for

sale, and/or used products that infringe the '041 reissue patent. Defendants are thereby liable for infringement of the '041 reissue patent pursuant to 35 U.S.C. § 271.

15. More particularly, Defendants have 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 the SilverLine by Andersen 3000 Series Double-Hung Window and the American Craftsman by Andersen 70 Double Hung Fin Vinyl Window (Home Depot Model # 70 DH FIN). Defendants are liable for these direct infringements of the '041 reissue patent pursuant to 35 U.S.C. § 271.

16. 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

17. JCI has been damaged as a result of Defendants' infringing conduct described herein. Defendants are, thus, liable to JCI in an amount that adequately compensates JCI for Defendants' 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 Defendants, and that this Court grant JCI the following relief:

- a. Enter judgment for JCI on this First Amended Complaint;

- b. Enter judgment that one or more claims of the '041 reissue patent has been directly infringed by Defendants;
- c. Enter judgment that Defendants account for and pay to JCI all damages to and costs incurred by JCI because of Defendants' infringing activities and other conduct complained of herein;
- d. Enter judgment that Defendants account for and pay to JCI a reasonable royalty because of Defendants' 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: December 9, 2013

Respectfully submitted,

/s/ Van R. Irion

Van R. Irion

LAW OFFICE OF VAN R. IRION, PLLC

9040 Executive Park Drive, Suite 200

Knoxville, TN 37923

P. 865.622.9674

F. 865.622.9674

van@irionlaw.com

Timothy E. Grochocinski

Aaron W. Purser

Joseph P. Oldaker

INNOVALAW, P.C.

1900 Ravinia Place

Orland Park, Illinois 60462

P. 708.675.1975

F. 708.675.1786

teg@innovalaw.com

apurser@innovalaw.com

**COUNSEL FOR PLAINTIFF
J-CHANNEL INDUSTRIES
CORPORATION**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served on December 9, 2013, on counsel for Home Depot U.S.A., Inc. and Andersen Corporation via the Court's CM/ECF system. A copy of the foregoing will be served, via personal service, on Silver Line Building Products, LLC on its registered agent and/or corporate headquarters.

The undersigned further certifies that on December 9, 2013, a copy of the foregoing was served on the party listed below via electronic mail:

Silver Line Building Products, LLC:

Annie Huang
Robins, Kaplan, Miller & Ciresi L.L.P.
601 Lexington Avenue, Suite 3400
New York, New York 10022
Email: ahuang@rkmc.com

/s/ Van R. Irion
Van R. Irion