

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

ALLAN GRAINGER,	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. _____
	§	
BOH ENVIRONMENTAL LLC,	§	PATENT CASE
	§	
Defendant.	§	JURY TRIAL DEMANDED

Complaint for Patent Infringement

Plaintiff Allan Grainger files this complaint against defendant BOH Environmental LLC for infringement of United States Patent No. 8,136,895; United States Patent No. 8,016,370; and United States Patent No. 8,651,783.

The Parties

1. Plaintiff Allan Grainger is an individual who resides at 9123 Carterham Road, Henrico, Virginia 23229.
2. Defendant BOH Environmental LLC (“BOH”) is a limited liability corporation with its principal place of business at 14520 Avion Parkway Suite 220, Chantilly, Virginia, 20151. BOH has no designated agent for service of process in the State of Texas and thus may be served by service on its deemed agent, the Secretary of State of Texas.

Nature of the Action

3. This is a civil action for infringement of United States Patent No. 8,136,895; United States Patent No. 8,016,370; and United States Patent No. 8,651,783 (the patents-in-suit), arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

Jurisdiction and Venue

4. This Court has jurisdiction over the subject matter of this action pursuant to 28

U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents).

5. On information and belief, venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2) and 1400(b) because defendant has committed acts of infringement in this district.

6. This Court has personal jurisdiction over defendant and venue is proper in this district because Defendant has committed, and continues to commit, acts of infringement in the State of Texas, including in this district and/or has engaged in continuous and systematic activities in the State of Texas, including in this district.

The Patents-in-Suit

7. The Patents-in-Suit were duly and legally issued by the United States Patent and Trademark Office as follows:

<u>United States Patent</u>	<u>Title</u>	<u>Issue Date</u>
8,136,895	Storage System	March 20, 2012
8,016,370	Storage System	September 13, 2011
8,651,783	Storage and transportation system and elements thereof	February 18, 2014

Copies of the Patents-in-Suit are attached hereto as Exhibits A-C.

8. Plaintiff Allan Grainger is the exclusive owner of all rights, title, and interest in the Patents-in-Suit, including the right to exclude others and to enforce, sue, and recover damages for past and future infringement thereof.

Infringement of the Patents-in-Suit

9. Plaintiff incorporates paragraphs 1 through 8 by reference as if fully stated herein.

10. The Patents-in-Suit are valid and enforceable.

11. Defendant has directly infringed, and continues to directly infringe, one or more claims of the Patents-in-Suit under 35 U.S.C. § 271(a), either literally and/or under the doctrine

of equivalents, by making, using, selling, offering for sale, and/or importing products.

12. The following are example of defendant's infringing products: Portable Drawer Module; Small Cabinet Module; Light Expeditionary Module; and Quadcon Module Adaptors.

13. Plaintiff put defendant on notice of the Patents-in-Suit and defendant's infringement thereof at least as early as the date of filing of this complaint.

14. Plaintiff has been and continues to be damaged by defendant's infringement of the Patents-in-Suit.

15. Defendant's actions complained of herein are causing irreparable harm and damages to plaintiff and will continue to do so unless and until defendant is enjoined and restrained by the Court.

16. Defendant's conduct in infringing the Patents-in-Suit renders this case exceptional within the meaning of 35 U.S.C. § 285.

Jury Demand

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

Prayer for Relief

WHEREFORE, plaintiff Allan Grainger prays for judgment as follows:

- A. That defendant has infringed one or more claims of the patents-in-suit;
- B. That defendant account for and pay all damages necessary to adequately compensate plaintiff for infringement of the patents-in-suit; plaintiff's costs; and plaintiff's expenses, such damages to be determined by a jury, and that such damages be awarded to plaintiff with pre-judgment and post-judgment interest;
- C. That defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert or actively participating

with them, be permanently enjoined from directly or indirectly infringing the patents-in-suit; or, in the alternative, judgment that defendant account for and pay to plaintiff an ongoing post-judgment royalty reflecting defendant's deliberate continuing infringement;

D. That this case be declared an exceptional case within the meaning of 35 U.S.C. § 285 and that plaintiff be awarded the attorney fees, costs, and expenses that it incurs prosecuting this action; and

E. That plaintiff be awarded such other and further relief as this Court deems just and proper.

Respectfully submitted,

By: /s/ Andrew K. Meade
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ATTORNEY IN CHARGE FOR PLAINTIFF

Certificate of Filing

I certify that on May 12, 2014, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

/s/ Andrew K. Meade

Andrew K. Meade