

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

MEYER PRODUCTS LLC,	)	CASE NO. 1:15-CV-900
18513 Euclid Avenue	)	
Cleveland, Ohio 44112	)	
	)	
Plaintiff,	)	
	)	JUDGE:
vs.	)	
	)	
DOUGLAS DYNAMICS, LLC,	)	
7777 North 73 <sup>rd</sup> Street	)	<b><u>COMPLAINT FOR PATENT</u></b>
Milwaukee, Wisconsin 53223	)	<b><u>INFRINGEMENT</u></b>
	)	
Defendant.	)	Jury Demand Endorsed Hereon

Plaintiff, Meyer Products LLC, as and for its Complaint against Defendant Douglas Dynamics, LLC, alleges and states as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement. Plaintiff is the assignee of U.S. Patent No. 6,265,829 (“the ‘829 Patent”).

**PARTIES**

2. Plaintiff, Meyer Products LLC, is an Ohio limited liability company with its principal place of business in Cleveland, Ohio.

3. Defendant, Douglas Dynamics, LLC, is a Delaware limited liability company having a principal place of business at 7777 North 73rd Street, Milwaukee, Wisconsin 53223.

### **JURISDICTION AND VENUE**

4. This is an action for patent infringement under the laws of the United States, specifically 35 U.S.C. §§ 271, 281, 283, 284, 285.

5. This Court has subject matter jurisdiction in this matter pursuant to 28 U.S.C. §§ 1331 and 1338, and 35 U.S.C. §§ 271 and 281.

6. Personal jurisdiction and venue are proper in this Court pursuant to 28 U.S.C. § 1400(b) because Defendant has committed acts of patent infringement and, furthermore, resides within the Northern District of Ohio pursuant to 28 U.S.C. § 1391(c).

### **BACKGROUND FACTS**

7. Plaintiff designs and manufactures a variety of snow and ice control products, including auxiliary light wiring harnesses that are used in conjunction with snowplows.

8. The '829 Patent, entitled "Multiplex Light Harness," was issued on July 24, 2001. A true and accurate copy of the '829 Patent is attached herein as Exhibit 1.

9. Plaintiff is the assignee of all rights and interests in the '829 Patent.

10. The '829 Patent claims, inter alia, an auxiliary light wiring harness.

11. Defendant competes against Plaintiff for the sale of snowplows and auxiliary light wiring harnesses.

12. Defendant is making, having made, using, importing and/or selling auxiliary light wiring harnesses that infringe the '829 Patent, and, on information and belief, the infringing products are sold and/or offered for sale in Ohio.

13. Specifically, Defendant is making, having made, using, importing and/or selling an auxiliary light wiring harness entitled “29048, 29049, 29050, 29051, 29052, 29053, 29054, 29400-5 Harness Kit 3 - Port Isolation Module Light System” that infringe the ‘829 Patent, and are sold and/or offered for sale in Ohio. A true and accurate copy of the Installation Instructions for the above is attached herein as Exhibit 2.

14. Plaintiff has never authorized Defendant to manufacture, sell, offer for sale, import or use any product falling within the scope of the ‘829 Patent.

15. Each claim of the ‘829 Patent is presumed to be valid, and invalidity must be proven by clear and convincing evidence.

16. Defendant is causing Plaintiff irreparable damage and will continue to do so unless enjoined by this Court.

#### **COUNT FOR PATENT INFRINGEMENT**

17. Plaintiff repeats and re-alleges that above paragraphs as if fully set forth herein.

18. Defendant’s manufacturing, importing, offering for sale, and selling of the auxiliary light wiring harnesses are an infringement of the ‘829 Patent pursuant to, and in violation of, 35 U.S.C. § 271 within this judicial district and elsewhere.

19. Defendant will continue to manufacture, import, offer for sale, and sell such infringing devices unless enjoined by this Court.

20. Upon information and belief, Defendant’s actions have been and are with knowledge of the ‘829 Patent and thus have been and are in willful disregard of those patent rights.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, Meyer Products LLC, prays for a judgment as follows:

A. That this Court enter a judgment against Defendant for patent infringement;

B. That this Court permanently enjoin Defendant, its officers, agents, servants, employees, successors, subsidiaries, and all persons acting under, in concert with, or for it, from directly or indirectly making or causing to be made, using or causing to be used, selling or causing to be sold, offering for sale or causing to be offered for sale, or importing or causing to be imported products that fall within the scope of one or more claims of the '829 Patent, or otherwise directly or contributorily infringing, or inducing infringement of, the '829 Patent;

C. That this Court require Defendant, its officers, agents, servants, and employees to recall and destroy all products infringing, directly or otherwise, one or more claims of the '829 patent;

D. That this Court direct Defendant to file with this Court and serve on Plaintiff within twenty (20) days after service of an injunction a written report setting forth in detail the manner and form in which Defendant has complied with each injunction to which the Court finds Plaintiff is entitled;

E. That this Court enter judgment against Defendant and in favor of Plaintiff for all damages caused by Defendant;

F. That this Court order that damages awarded to Plaintiff be trebled pursuant to 35 U.S.C. § 284 if it is found that Defendant's infringement is willful;

G. That this Court award Plaintiff its reasonable attorneys' fees if it determines that this is an exceptional case pursuant to 35 U.S.C. § 285;

H. That Plaintiff be awarded its costs of this action;

I. That Plaintiff be awarded pre-judgment and post-judgment interest on its foregoing damages, fees, and costs at the highest rate allowable at law until paid in full;

J. That Plaintiff be awarded such further relief as this Court deems just and proper.

Respectfully submitted,

EMERSON THOMSON BENNETT, LLC

/s/ John M. Skeriotis

John M. Skeriotis (Ohio Bar No. 0069263)

[jms@etblaw.com](mailto:jms@etblaw.com)

Roger D. Emerson (Ohio Bar No. 0037731)

[rde@etblaw.com](mailto:rde@etblaw.com)

1914 Akron-Peninsula Rd.

Akron, Ohio 44313

(330) 434-9999 – Telephone

(330) 434-8888 – Facsimile

*Attorneys for Plaintiff, Meyer Products LLC*

### **DEMAND FOR JURY TRIAL**

Plaintiff, Meyer Products LLC, hereby demands a trial by jury on all issues so triable.

May 6, 2015

Date

/s/ John M. Skeriotis

*One of the Attorneys for Plaintiff, Meyer  
Products LLC*