

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS  
MAY 07 2015  
By: AMES W. MCCORMACK, CLERK  
PLAINTIFF DEP. CLERK

**BATZ CORPORATION**

V.

CASE NO. 4:15cv263-SWW

**AMAZON.COM, INC., AMAZON.COM LLC, and  
8372683 CANADA, INC., d/b/a PROTECT ME  
ALERT SERIES INC.**

**DEFENDANTS**

This case assigned to District Judge W. Wright  
and to Magistrate Judge Kay

COMPLAINT

Plaintiff, Batz Corporation, for its complaint against Defendants,  
Amazon.com, Inc., Amazon.com LLC, and 8372683 Canada, Inc., d/b/a Protect Me  
Alert Series Inc., states:

**INTRODUCTION**

1. This is an action for patent infringement under 35 U.S.C. § 271 based on Defendants' infringement of United States Patent No. 6,792,654 ("the '654 Patent") by making, using, selling, offering for sale, and/or importing pet collars and harnesses having metal side-release buckles, including without limitation SILVER PAW® pet collars and harnesses ("the Accused Products"), in the United States and in this Judicial District without a license or authorization.

**PARTIES**

2. Plaintiff Batz Corporation ("Batz") is a Delaware corporation with its principal place of business in Prattsville, Arkansas.

3. Upon information and belief, Defendant Amazon.com, Inc. is a Delaware corporation with its principal place of business in Seattle, Washington. Amazon.com, Inc. may be served through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808. Upon information and belief, Amazon.com, Inc. is the largest Internet retailer in the United States and it owns and operates the retail website, [www.amazon.com](http://www.amazon.com) (hereinafter, “the Amazon website”).

4. Upon information and belief, Defendant Amazon.com LLC is a Delaware limited liability company with its principal place of business in Seattle, Washington. Amazon.com LLC may be served through its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808. Amazon.com LLC is a subsidiary of Amazon.com, Inc. and sells goods through the Amazon website.

5. Upon information and belief, Defendant 8372683 Canada, Inc., d/b/a Protect Me Alert Series Inc. (“Protect Me Alert Series”) is a Canadian corporation with its principal place of business at 8660 Chemin Darnley, Suite 202, Mount Roy, Quebec, Canada. Upon information and belief, Protect Me Alert Series sells goods wholesale to Amazon.com LLC, which Amazon.com LLC then sells on the Amazon website throughout the United States.

## JURISDICTION AND VENUE

6. This is an action for patent infringement. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because the claims in this case arise under the Patent Act, 35 U.S.C. § 271, *et seq.*

7. This Court has personal jurisdiction over Amazon.com, Inc. and Amazon.com LLC because they have committed acts of patent infringement in the State of Arkansas and in this Judicial District. In addition, upon information and belief, Amazon.com, Inc. and Amazon.com LLC regularly do business and derive substantial revenue from goods sold to individuals in the State of Arkansas and in this Judicial District. Moreover, Amazon.com, Inc. and Amazon.com LLC have purposefully established substantial, systematic and continuous contacts with the State of Arkansas and this Judicial District, and they expect or should reasonably expect to be haled into court in the State of Arkansas and in this Judicial District.

8. This Court has personal jurisdiction over Protect Me Alert Series because Protect Me Alert Series has sold goods (including infringing goods) to Amazon.com LLC with full knowledge, and with the intent, that such goods would be marketed and sold throughout the United States through the Amazon website, including in Arkansas and in this Judicial District. Protect Me Alert Series's goods (including infringing goods) have been sold in the State of Arkansas and in this Judicial District such that Protect Me Alert Series has purposefully availed itself of the benefits of the State of Arkansas and it should reasonably expect to be haled into court in the State of Arkansas and in this Judicial District. In addition, the

Court has personal jurisdiction over Protect Me Alert Series because it knew or should have known that its willful patent infringement would harm Batz in the State of Arkansas and in this Judicial District because Batz's principal place of business is in Arkansas and in this Judicial District.

9. Venue is proper in the Eastern District of Arkansas pursuant to 28 U.S.C § 1391(b)-(c) and 28 U.S.C. § 1400(b) because the Defendants are subject to personal jurisdiction in this Judicial District and thus are deemed to reside in this Judicial District.

### **BACKGROUND**

10. Since 1975, Batz has been a leading manufacturer and supplier of hardware items, including buckles, circle snaps, O-rings, chains, pulleys, and bottle openers, among others.

11. Hans-Jörg Schmitz developed a novel metal side-release buckle having snap-fit elements, which is disclosed in the '654 Patent. The '654 Patent, entitled "Belt Buckle," was issued on September 21, 2004 by the United States Patent and Trademark Office. A true and correct copy of the '654 Patent is attached to this Complaint as Exhibit A.

12. Batz is the owner by assignment of all right, title, and interest in and to the '654 Patent.

13. The side-release buckle is also subject to foreign patent protection, including in Canada and Europe.

14. Batz's metal side-release buckles bear the patent number for the '654 Patent and the related European patent.

15. Both Batz and Protect Me Alert Series were exhibitors at the Global Pet Show ("the Show") held in Orlando, Florida in March 2014. Protect Me Alert Series displayed the Accused Products at the Show.

16. While at the Show, Bram Miller, President of Protect Me Alert Series, and Neil Miller, Vice President of Protect Me Alert Series, saw Batz's patented side-release buckle and discussed the buckle with Batz's representatives.

17. On April 10, 2014, Neil Miller emailed a Batz representative in Arkansas to express interest in licensing rights to Batz's side-release buckle in Canada and asked for pricing information on the buckle.

18. Batz's counsel, Robert W. Becker, sent a letter to Bram and Neil Miller on April 15, 2014 to alert Protect Me Alert Series to the existence of the '654 Patent and the related foreign patents. In addition, the letter demanded that Protect Me Alert Series immediately cease-and-desist from its infringing activities and asked for information on the number of infringing products sold, amount of current inventory of the infringing products, and the name and contact information of the manufacturer of the infringing buckles being used in the products sold by Protect Me Alert Series.

19. Protect Me Alert Series never responded to Batz's letter of April 15, 2014.

20. Mr. Becker sent Bram and Neil Miller a second letter on behalf of Batz on May 15, 2014 asking for a response to the letter of April 15, 2014.

21. Protect Me Alert Series never responded to Batz's letter of May 15, 2014.

**COUNT I**  
**(Patent Infringement – Protect Me Alert Series)**

22. Batz adopts, realleges and incorporates all of the allegations and facts stated in Paragraphs 1-21 of this Complaint.

23. Protect Me Alert Series has directly infringed, either literally or under the doctrine of equivalents, the '654 Patent, and continues to directly infringe the '654 Patent, by making, using, selling, offering for sale, and/or importing the Accused Products in violation of 35 U.S.C. § 271.

24. Protect Me Alert Series's infringing activities have caused and will continue to cause Batz irreparable harm for which it has no adequate remedy at law unless Protect Me Alert Series's infringing activities are enjoined by this Court.

25. Batz has been and continues to be damaged by Protect Me Alert Series's infringement of the '654 Patent in an amount to be determined at trial.

26. Protect Me Alert Series's acts of infringement have been committed and are being committed with knowledge of Batz's rights in the '654 Patent since at least approximately April 15, 2014 when Batz's counsel sent a cease-and-desist letter to Protect Me Alert Series. On information and belief, Protect Me Alert Series has acted and is continuing to act despite an objectively high likelihood that its actions constitute direct infringement of a duly issued patent that is presumed

valid, and Protect Me Alert Series knew or should have known of that objectively high risk. Protect Me Alert Series's infringement of the '654 Patent therefore has been willful and intentional.

**COUNT II**  
**(Patent Infringement – Amazon.com, Inc. and Amazon.com LLC)**

27. Batz adopts, realleges and incorporates all of the allegations and facts stated in Paragraphs 1-26 of this Complaint.

28. Amazon.com, Inc. and Amazon.com LLC (collectively, "Amazon") have directly infringed, either literally or under the doctrine of equivalents, the '654 Patent, and continue to directly infringe the '654 Patent, by making, using, selling, offering for sale, and/or importing the Accused Products in violation of 35 U.S.C. § 271.

29. The Accused Products are offered for sale and sold by Amazon.com LLC on the Amazon website, which is owned and operated by Amazon.com, Inc.

30. Amazon's infringing activities have caused and will continue to cause Batz irreparable harm for which it has no adequate remedy at law unless Amazon's infringing activities are enjoined by this Court.

31. Batz has been and continues to be damaged by Amazon's infringement of the '654 Patent in an amount to be determined at trial.

WHEREFORE, Plaintiff Batz Corporation prays for relief, as follows:

A. A judgment that each of the Defendants has directly infringed, either literally or under the doctrine of equivalents, the '654 Patent;

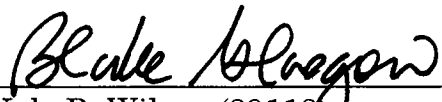
- B. An award of Batz's damages resulting from the Defendants' infringement of the '654 Patent under 35 U.S.C. § 284, but no less than a reasonable royalty;
- C. An award of treble damages under 35 U.S.C. § 284 as a result of Protect Me Alert Series's willful infringement of the '654 Patent;
- D. A finding that this case is exceptional and an award of reasonable attorneys' fees pursuant to 35 U.S.C. § 285;
- E. An award of costs and expenses;
- F. A preliminary and permanent injunction barring the Defendants from further infringement of the '654 Patent; and
- G. Such further relief as this Court deems proper.

**JURY DEMAND**

Plaintiff, Batz Corporation, hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

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# EXHIBIT A



US006792654B2

(12) **United States Patent**  
**Schmitz**

(10) **Patent No.:** **US 6,792,654 B2**  
(45) **Date of Patent:** **Sep. 21, 2004**

(54) **BELT BUCKLE**

(76) Inventor: **Hans-Jörg Schmitz**, Schulstrasse 4,  
D-42579, Heiligenhaus (DE)  
(\* ) Notice: Subject to any disclaimer, the term of this  
patent is extended or adjusted under 35  
U.S.C. 154(b) by 0 days.

(21) Appl. No.: **10/240,619**  
(22) PCT Filed: **Apr. 26, 2001**

(86) PCT No.: **PCT/DE01/01585**  
§ 371 (c)(1),  
(2), (4) Date: **Sep. 30, 2002**

(87) PCT Pub. No.: **WO01/82737**  
PCT Pub. Date: **Nov. 8, 2001**

(65) **Prior Publication Data**  
US 2003/0106192 A1 Jun. 12, 2003

(30) **Foreign Application Priority Data**  
May 2, 2000 (DE) ..... 200 07 724 U

(51) **Int. Cl.**<sup>7</sup> ..... **A44B 11/25; A44B 11/26**  
(52) **U.S. Cl.** ..... **24/614; 24/634**  
(58) **Field of Search** ..... **24/614, 615, 633,**  
**24/634, 625, 629, 643, 647, 648, 650**

(56) **References Cited**  
**U.S. PATENT DOCUMENTS**

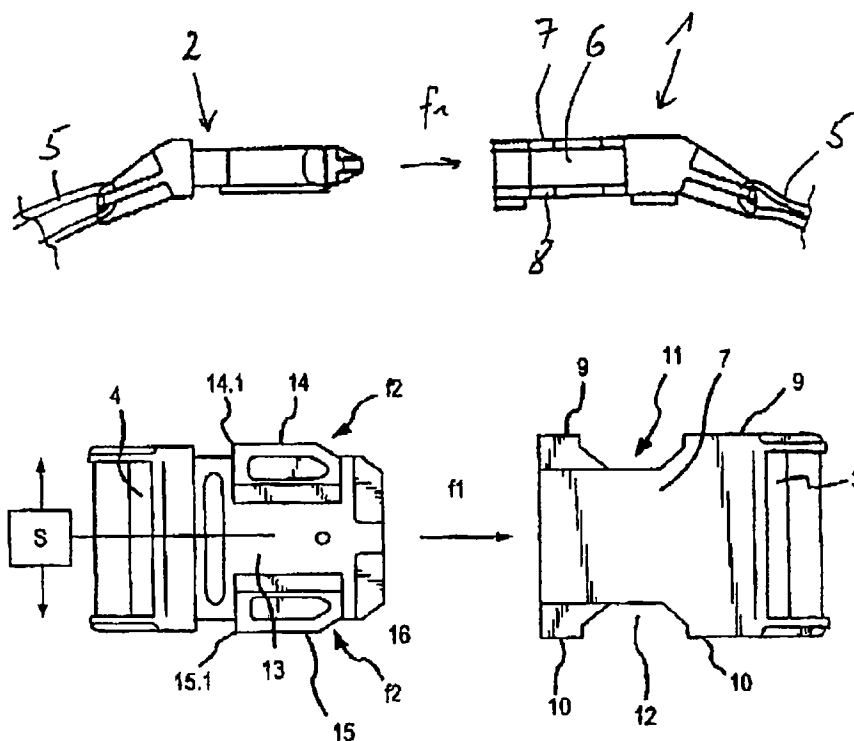
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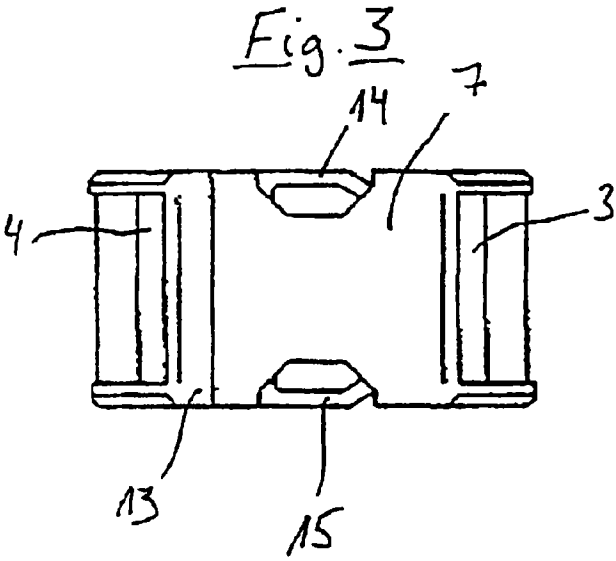
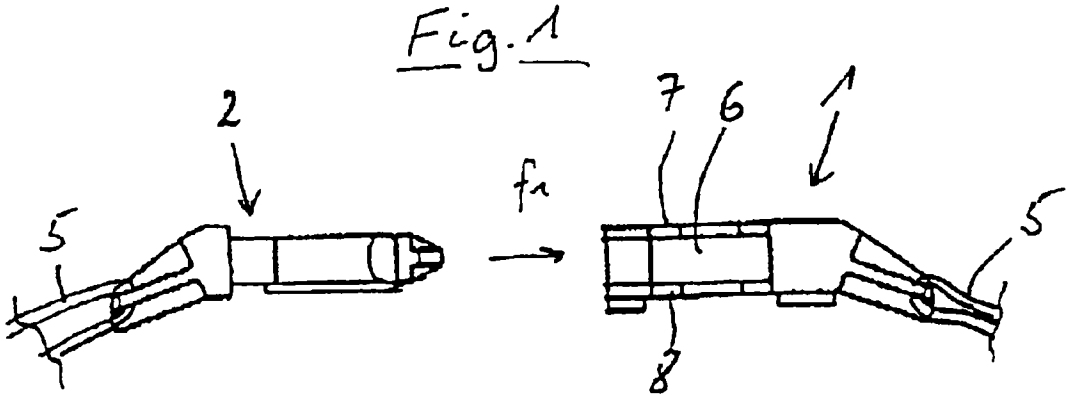
\* cited by examiner  
*Primary Examiner*—Robert J. Sandy  
(74) *Attorney, Agent, or Firm*—R W Becker & Associates;  
R W Becker

(57) **ABSTRACT**

The invention relates to a belt buckle, comprising two buckle members fastened on belt ends, the first (1) of said members having a receiving compartment (6) in which the second buckle member (2) is axially inserted. Said second buckle member comprises snap-fit members that are adjusted against a spring force and that interact with undercuts in the first buckle member to secure the fitted buckle members (1,2). The inventive belt buckle is further characterized in that the buckle members consist of cast metal and that the snap-fit members are impinged upon by at least one mechanical return spring.

**9 Claims, 2 Drawing Sheets**





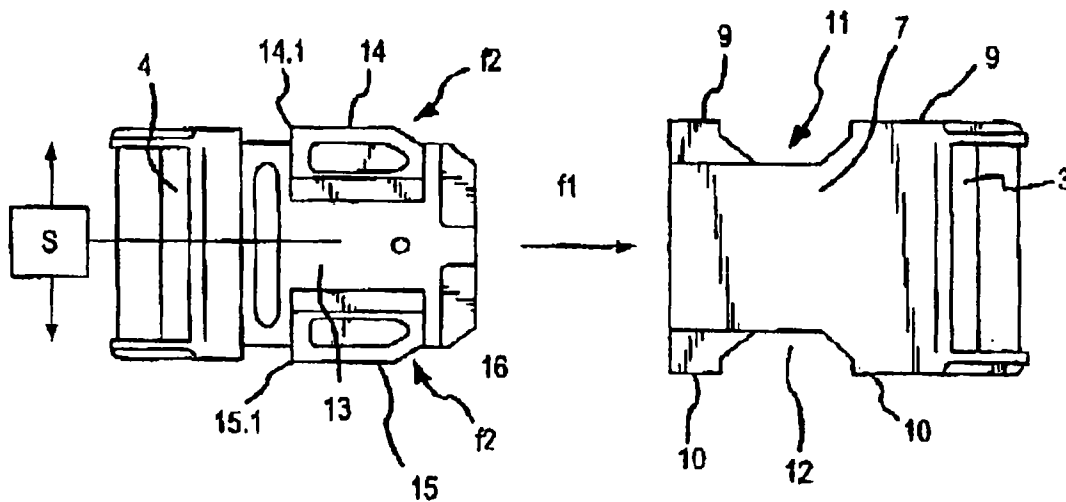


FIG.2

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**BELT BUCKLE****BACKGROUND OF THE INVENTION**

The invention relates to a belt buckle that is comprised of two buckle members that can be secured to belt ends, with the first buckle member having a receiving means for the axial insertion of the second buckle member, which contains latching or snap-fit elements that are adjustable against spring force and that, to secure the inter-engaging buckle members, cooperate with undercuts in the first buckle member.

Such belt buckles are conventionally made of plastic, whereby the snap-fit elements of the second buckle member essentially have the shape of tongues, whereby the spring force, depending upon the material, is respectively a function of the plastic that is used.

The drawback of such plastic belt buckles is that they can break under abrupt shocks.

It is an object of the present invention to provide a belt buckle that is improved in this respect.

**SUMMARY OF THE INVENTION**

To realize this object, the buckle members are made of cast metal, whereby the snap-fit elements are pivotable about a rigid axis, and are supported by a mechanical spring, preferably a compression spring.

The buckle members are preferably made of cast brass or cast zinc, and have a surface that is processed or finished by shot hardening and subsequent galvanization.

**BRIEF DESCRIPTION OF THE DRAWINGS**

The invention will be described in greater detail subsequently with the aid of the drawing.

FIG. 1 shows a side view of the two buckle members, which can be inserted into one another in the direction of the arrow f1;

FIG. 2 shows a plan view of the two buckle members, specifically depicting use of a spring, designated with a spring symbol "S" showing directionality of the force of the spring;

FIG. 3 shows a plan view of the two inter-engaging buckle members.

**DESCRIPTION OF THE PREFERRED EMBODIMENTS**

Each buckle member is provided at its back end with an eye or loop like opening 3 and 4 respectively for the securement of the buckle members 1 and 2 to the belt ends 5 that are schematically illustrated in FIG. 1. The buckle member 1 is provided with a receiving chamber 6 that is open toward the front end of the buckle member and that is delimited by upper and lower wall portions 7 and 8 as well as side walls 9 and 10. Pursuant to FIG. 2, the upper and lower wall portions 7 and 8 are provided with aligned cutouts or notches 11 and 12 respectively.

The dimensions of the second buckle member 2 are coordinated with the first buckle member 1 in such a way that the second buckle member can be inserted or pushed into the receiving chamber 6 of the first buckle member, and It accordingly comprises a tongue-like main body 13 to which are articulated or coupled two latching or snap-fit elements 14,15 in such a way that when the buckle member 2 is inserted into the buckle member 1, the snap-fit elements

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can pivot inwardly. As soon as the snap-fit elements 14 and 15 enter the notches 11,12, they are moved or pivoted outwardly by the compression spring (as depicted by box "S" in FIG. 2) that acts upon them, so that their rearwardly facing corners 14.1 and 15.1 come to rest against the side wall portions 9 and 10 that are located in the front portion of the buckle member 1. These side wall portions 9 and 10 thus essentially have the function of undercuts behind which the corners 14.1 and 15.1 catch.

To release the buckle, the snap-fit elements 14 and 15 are manually pressed inwardly in a direction of the arrow f2, so that the rear corners 14.1 and 15.1 are released from the undercuts.

The inventive buckle members are preferably made of die cast brass or sand cast brass or of die cast zinc. The outer surfaces are preferably finished by shot hardening and subsequent galvanization. The galvanization is preferably carried out in a nickel or brass bath. In the event that the galvanization is effected in a chromium bath, a galvanic copper plating preferably takes place first.

The specification incorporates by reference the disclosure of German priority document 20007724.4 filed 2 May 2000 and International priority document PCT/DE01/01585 filed 26 April 2001.

The present invention is, of course, in no way restricted to the specific disclosure of the specification and drawings, but also encompasses any modifications within the scope of the

What is claimed is:

1. A belt buckle comprising:

a first buckle member made of cast metal;

a second buckle member made of cast metal, wherein said first and second buckle members are adapted to be connected to belt ends, and wherein said first buckle member is provided with a receiving chamber for an axial insertion of said second buckle member therein; snap-fit elements disposed in and coupled to said second buckle member and displaceable against spring force, wherein, to secure said first and second buckle members when they inter-engage one another, said snap-fit elements cooperate with undercuts provided in said first buckle member; and

at least one mechanical return spring provided in said second buckle member to effect said spring force against said snap-fit elements.

2. A belt buckle according to claim 1, wherein said first and second buckle members are made of cast brass.

3. A belt buckle according to claim 1, wherein said first and second buckle members are made of cast zinc.

4. A belt buckle according to claim 1, wherein said first and second buckle members have a surface processed by shot hardening and subsequent galvanization.

5. A belt buckle according to claim 4, wherein said first and second buckle members have a surface processed by galvanization in a nickel bath.

6. A belt buckle according to claim 4, wherein said first and second buckle members have a surface processed by galvanization in a brass bath.

7. A belt buckle according to claim 4, wherein said first and second buckle members have a surface processed by copper plating and subsequent galvanization in a chromium bath.

8. A belt buckle according to claim 1, wherein said snap-fit elements are supported against at least one compression spring.

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9. A belt buckle according to claim 1, wherein each of said first and second buckle members has either an insertion element or a receiving element disposed in a first plane, and furthermore has a portion that is provided for connection to

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belt ends and that is disposed in a second plane that is disposed at an angle to said first plane.

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