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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

CURT LOCH,

Plaintiff,

v.

ENGINEERED STORAGE SYSTEMS, INC.,
a California corporation,

Defendant.

Case No.: 6:15-cv-1393

COMPLAINT

PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff Curt Loch alleges:

BACKGROUND

1. Curt Loch is the inventor and owner of three patents.
2. The patents at issues are:
U.S. Patent No. 6,978,902, issued Dec. 27, 2005, for a Skateboard Security Rack;
U.S. Patent No. 7,318,530, issued Jan. 15, 2008, for a Skateboard Security Rack; and

U.S. Patent No. 7,789,247, issued Sept. 7, 2010, for a Wheeled Board Security Rack.

3. All three of the listed patents collectively referred to herein as the Loch Patents.
4. The Loch Patents provide for novel, useful and valuable technologies to secure wheeled boards, commonly known as skateboard, such that the skateboards may be safely and securely stored in publicly accessible storage racks.
5. Loch marks and markets his products as protected by the Loch Patents in accordance with 35 U.S.C. § 287.

THE PARTIES

6. Curt Loch (“Loch”) is an individual residing in Deschutes County in the State of Oregon.
7. On information and belief, Engineered Storage Systems, Inc., (“ESS”) is a California corporation with principal offices in Azusa, California doing business nationwide and marketing products to the citizens of Oregon.

RIGHTS OF PLAINTIFF

8. Plaintiff Loch is the sole inventor and owner of all rights in the Loch Patents.

JURISDICTION AND VENUE

9. This action is pursuant to 35 U.S.C. §§ 101 et seq., and other relevant laws.
10. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).
11. On information and belief, ESS is subject to personal jurisdiction in the District of Oregon consistent with the principles of due process and the Oregon Long Arm Statute, because ESS offers its products for sale nationwide, markets its products to the citizens of Oregon, has

transacted business nationwide, and/or has placed infringing products into the stream of commerce through established distribution channels with the expectation that such products will be purchased by residents of this District.

12. Venue in this district is proper under 28 U.S.C. § 1391 and 28 U.S.C. § 1400(b).

PATENT INFRINGEMENT

13. Loch incorporates the allegations set forth above.

14. ESS sells a product branded as a Skateboard Rack.

15. The ESS Skateboard Rack is materially identical to products covered by the technologies of the Loch Patents.

16. The ESS Skateboard Rack is for the same purpose as the technologies of the Loch Patents.

17. The ESS Skateboard Rack infringes or induces others to infringe one or more claims of the Loch Patents, including but not limited to:

- a. U.S. Patent No. 6,978,902, Claims 1 and 9.
- b. U.S. Patent No. 7,318,530, Claims 1 and 11.
- c. U.S. Patent No. 7,789,247, Claims 1 and 10.

18. As a result of ESS's unlawful infringing activity, Loch has suffered and will continue to suffer damages.

19. Loch is entitled to recover damages suffered as a result of ESS's unlawful acts.

20. On information and belief, ESS's infringing activity is willful and deliberate, and a counterfeit of the products of a Loch licensee, entitling Loch to enhanced damages and reasonable attorney fees and costs.

21. On information and belief, ESS intends to continue its unlawful infringing activity and Loch will continue to suffer irreparable harm for which there is no adequate remedy at law unless ESS is enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Loch prays for relief as follows:

- A. For a judgment declaring ESS has infringed one or more of the Loch Patents;
- B. For a judgment awarding Loch compensatory damages as a result of ESS's infringement of the Loch Patents, together with interest and costs and in no event less than a reasonable royalty;
- C. For a judgment declaring ESS's infringement of the Loch Patents has been willful and deliberate;
- D. For a judgment awarding Loch treble damages and pre-judgment interest under 35 U.S.C. § 284 as a result of ESS's willful and deliberate infringement of the Loch Patents;
- E. For a judgment declaring that this case is exceptional and awarding Loch his expenses, costs, and attorney fees in accordance with 35 U.S.C. § 284 and Rule 54(d) of the Federal Rules of Civil Procedure;
- F. For a grant of a permanent injunction pursuant to 35 U.S.C. § 283, enjoining ESS from further acts of infringement; and
- G. For such further relief as the Court deems just and proper.

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, plaintiff hereby demands a jury trial.

DATED: July 25, 2015.

Respectfully submitted,

CROWELL LAW

/s/ Carl D. Crowell

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