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1 2 3 4 5 6 7 8	SCHEY & SCHEY Walter M. Schey, SBN 32726 Martin H. Schey, SBN 192426 One Embarcadero Center, Ste. 1020 San Francisco, CA 94111 Tel: (415) 956-1200 Fax: (415) 956-5011 wmschey@att.net Attorneys for Plaintiff Putzmeister America, Inc. UNJITED STATES	DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA		
10 11	PUTZMEISTER AMERICA, INC.,	) Civil No.:	
12	Plaintiff,	)	
13	v.	) COMPLAINT FOR PATENT ) INFRINGEMENT	
14	CONCORD CONCRETE PUMPS	) JURY TRIAL DEMANDED	
15	INTERNATIONAL LTD,		
16	Defendant		
17 18		)	
19	COMPLAINT		
20	Plaintiff, Putzmeister America, Inc. ("Putzn	neister"), for its Complaint against Defendant	
21	Concord Concrete Pumps International LTD ("Con	cord") alleges as follows:	
22	JURISDICTION AND VENUE		
23	1. This is an action for patent infringement under the patent laws of the United States, 35		
24	U.S.C. § 1 <i>et seq.</i> , and particularly 35 U.S.C. § 271.		
25		ction under 28 U.S.C. §§ 1331 and 1338(a).	
26 27			
27			
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		-	

3. This Court has specific jurisdiction over Concord by reason of its tortious infringing	
activity in this District and general jurisdiction over Concord because of its continuous and	
systematic contacts with California, and as further alleged herein. On information and belief,	
Concord and its agents regularly transact and solicit business in California by, among other things,	
selling or offering to sell detachable concrete pumping blooms, and/or derive substantial revenue	
from sales in California such that the maintenance of personal jurisdiction does not offend traditional	
notions of fair play and substantial justice.	
4. Venue in the United States District Court for the Eastern District of California is	
proper pursuant to 28 U.S.C. § 1391(b) and (c).	
THE PARTIES	
5. Plaintiff Putzmeister is a corporation organized under the laws of the state of Delaware	
having a principal place of business at 1733 90 <sup>th</sup> Street, Sturtevant, WI 53177.	
6. Upon information and belief, Defendant Concord is a corporation organized under the	
laws of the province of British Columbia, Canada having a principal place of business at 1608	
Broadway St., Port Coquitlam, British Columbia V3C 2M8, Canada.	
INFRINGEMENT OF U.S. PATENT NO. 6,675, 882	
7. Putzmeister incorporates and re-alleges paragraphs 1 through 6.	
8. On January 13, 2004 U.S. Patent Number 6,675,822 entitled	
"CONCRETE DISTRIBUTING BOOM FOR CONCRETE PUMPS" ("the '822 patent") was issued	
by the United States Patent and Trademark Office. A true and correct copy of the '822 patent is	
attached hereto as <b>Exhibit A.</b>	
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9. Putzmeister is the owner by assignment of the entire right, title and interest in and to the '822 patent with the right to sue for past, present and future infringement of the '822 patent.

10. Concord has infringed the '822 patent by manufacturing, offering for sale and selling concrete pumping blooms embodying the patented invention. At least, Concord's models CCP-30-PB, CCP-32-PB, CCP-36-PB and CCP-38-PB, which are shown on page 19 of Concord's 2015 Catalog, infringe every claim of the subject '822 patent. The Catalog cover page and Page 19 are attached hereto as **Exhibit B**.

11. Putzmeister has been damaged by Concord's infringement of the '822 patent, and will continue to be damaged by that infringement unless enjoined by this Court.

11
12. Concord was notified in writing of Putzmeister's rights under the '822 patent by letter
13 dated February 13, 2004, a true copy of which is attached as Exhibit C, as well as by the Notice of
14 Putzmeister's patent that has been posted on Putzmeister's concrete pumping products since well
15 prior to Concord's acts of infringement. Accordingly, Concord has had actual knowledge of the full
16 contents of the '822 patent, and its prior and continuing infringement of the '822 patent was and is
18 willful and deliberate.

WHEREFORE, Putzmeister prays for the following relief:

A. That Concord, its officers, agents, services, employees and attorneys, and all persons in active concert or participation with them be found to have infringed the valid U.S. Patent No.

PRAYER FOR RELIEF

6,675, 822, and be enjoined, preliminarily and permanently, from making, using, selling, offering for

sale or importing into the United States products which infringe the said patent;

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1	B.	B. That Putzmeister be compensated by Concord for lost sales and all other damages	
2	caused by Concord's infringement, in an amount to be determined by an accounting, but not less than		
3	a reasonable royalty, plus interest;		
4	C.	C. That the award of damages for infringement of the said patent be trebled as provided	
5	for by 35 U.S.C. § 284 for willful infringement by Concord;		
6 7	D. That Putzmeister be awarded its costs and attorneys' fees incurred in prosecuting this		
7 8	exceptional case, as provided for by 35 U.S.C. § 285, plus interest;		
9	E. That Putzmeister be awarded such other relief as the Court deems just and proper.		
10			
11	JURY DEMAND		
12	Plaintiff Putzmeister demands a jury trial on all issues so triable.		
13	Dated: December 14, 2015		
14		SCHEY & SCHEY	
15	/s/ Walter M. Schey		
16		By: Walter M. Schey	
17		Attorneys for Plaintiff Putzmeister America, Inc.	
18			
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