

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

<p>2L INC., Plaintiff,</p> <p>v.</p> <p>HARVEY TOOL COMPANY, LLC, Defendant.</p>	<p>Civil Action No. _____</p> <p>JURY TRIAL DEMANDED</p>
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COMPLAINT

Plaintiff 2L, Inc. (“2L” or “Plaintiff”) brings this action for patent infringement against Defendant Harvey Tool Company, LLC (“Harvey” or “Defendant”) and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement under 35 U.S.C. §§ 271, *et seq.*, by 2L against Harvey.

PARTIES

2. Plaintiff 2L is a Massachusetts corporation with its principal place of business in Hudson, Massachusetts. 2L is the assignee of U.S. Patent No. 8,021,085 entitled “Engraving Tool with a Very Strong Cutter Tip to Reduce Breakage” to Lance Nelson, issued on September 20, 2011 from the United States Patent and Trademark Office. *See* Exhibit A. 2L is in the business of inventing, designing, engineering, and manufacturing superior quality engraving and workholding products. 2L advertises, promotes, sells and distributes its products in interstate commerce in the United States, specifically including the Commonwealth of Massachusetts.

3. Upon information and belief, Defendant Harvey is a Massachusetts limited liability company organized and existing under the laws of Massachusetts, with a principal place of

business at 428 Newburyport Turnpike, Rowley, Massachusetts.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338 because 2L asserts claims for patent infringement arising under the patent laws of the United States of America, Title 35 of the United States Code, including 35 U.S.C. § 271.

5. This Court has personal jurisdiction over Harvey. Harvey has a principal place of business in Massachusetts. Harvey regularly and deliberately engaged in and continues to engage in activities that result in manufacturing, using, selling, and/or offering for sale infringing products in and/or into the Commonwealth of Massachusetts and this judicial district. Harvey, directly or through intermediaries (including distributors, retailers, and others), purposely and voluntarily offers products for sale to persons in Massachusetts. Harvey's products, including its "Tipped Off for Hardened Steel" product line of carbide engraving cutters that is the subject of this patent infringement lawsuit, have been and continue to be sold to persons in Massachusetts and in this judicial district through established distribution channels. Additionally, Harvey advertises its "Tipped Off for Hardened Steel" products that are the subject of this suit on a website (http://www.harveytool.com/prod/Browse-Our-Products/Specialty-Profiles/Engraving-Cutters_195/Engraving-Cutters---Tipped-Off-for-Hardened-Steel_251.aspx) that is publicly accessible to Massachusetts residents. Harvey has committed acts of patent infringement within the District of Massachusetts.

6. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c) and 1400(b).

U.S. PATENT NO. 8,021,085

7. On September 20, 2011, the U.S. Patent and Trademark Office, after full and fair examination, duly and legally issued to Lance Nelson as inventor United States Patent No. 8,021,085, entitled “Engraving Tool with a Very Strong Cutter Tip to Reduce Breakage” (the “’085 patent”), a true and correct copy of which is attached as Exhibit A.

8. As is more fully reflected in the ’085 patent summary of the invention, and without limitation, the invention disclosed in the ’085 patent improves the strength of a conical shaped engraving tool.

9. Plaintiff 2L is the assignee of the ’085 patent.

10. The ’085 patent is valid and enforceable.

11. 2L, at all relevant times, has placed and continues to place a notice of the ’085 patent (marked with U.S. Patent 8,021,085) on advertising, marketing, and product literature for its products made, offered for sale, and sold in the United States that embody one or more claims of the ’085 patent (including its “Tough Tip Engraving Tool” product lines).

12. Moreover, upon information and belief, Harvey is aware of 2L’s ’085 patent and Harvey’s direct infringement of the ’085 patent by manufacturing and selling its “Tipped Off for Hardened Steel” product line.

INFRINGEMENT OF U.S. PATENT NO. 8,021,085

13. 2L incorporates by reference the allegations in the preceding paragraphs as if fully set forth herein.

14. Harvey has directly infringed, and is directly infringing, the ’085 patent by, among other activities, manufacturing, using, offering for sale, and/or selling, in this judicial district and elsewhere in Massachusetts and the United States, without authority or license from 2L, products

falling within the scope of claims 1-10 of the '085 patent, specifically including the "Tipped Off for Hardened Steel" product line.

15. Upon information and belief, Harvey, its manufacturer(s), distributors and customers have infringed and continue to infringe, either literally or under the doctrine of equivalents, claims 1-10 of the '085 patent by at least making, using, offering for sale, and/or selling the "Tipped Off for Hardened Steel" product line and are liable for infringement of the '085 patent pursuant to 35 U.S.C. §271.

16. Harvey is not licensed under the '085 patent.

17. As a result of Harvey's infringement of the '085 patent, 2L has been irreparably injured. Unless such infringing acts are enjoined by this Court, 2L will continue to suffer additional irreparable injury.

18. As a result of Harvey's infringement of the '085 Patent, 2L has suffered, and continues to suffer, damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits due to loss of sales, profits, and potential sales that 2L would have made but for Harvey's infringing acts.

19. Upon information and belief, Harvey was aware of the existence of the '085 patent and its infringement of the '085 patent has been intentional, deliberate, and willful.

PRAYER FOR RELIEF

WHEREFORE, 2L requests the following relief:

(a) a declaration that Harvey directly infringes, and has infringed, the '085 patent under 35 U.S.C. § 271, and a final judgment incorporating the same;

(b) equitable relief under 35 U.S.C. § 283, including, but not limited to, an injunction that enjoins Harvey and any of its officers, agents, employees, assigns, representatives, privies,

successors, and those acting in concert or participation with them from infringing, contributing to, and/or inducing infringement of the '085 patent;

(c) an award of damages sufficient to compensate 2L for infringement of the '085 patent by Harvey, together with prejudgment, post-judgment interest and costs under 35 U.S.C. § 284;

(d) an accounting for damages;

(e) an order compelling Harvey to compensate 2L for any ongoing and/or future infringement of the '085 patent, in an amount to be determined;

(f) a judgment holding that this is an exceptional case under 35 U.S.C. § 285 awarding 2L its reasonable attorney fees and expenses; and

(g) such other relief as deemed just and proper by the Court.

JURY TRIAL DEMAND

Plaintiff 2L demands a trial by jury on all issues triable by right of jury.

Respectfully Submitted by 2L,

By and through its attorneys,

Dated: April 8, 2016

/s/ Catherine Rajwani

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