

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**STAHL'S INC.,  
d/b/a GroupeSTAHL,  
a Michigan corporation,**

*Plaintiff,*

v.

**FLORIDA FLEXIBLE PRINTING  
PRODUCTS, INC.,  
a Florida corporation,**

*Defendant.*

Hon.

Civil Action No.

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR  
JURY TRIAL**

Plaintiff Stahls' Inc., d/b/a GroupeSTAHL, through its attorneys Fishman Stewart PLLC, for its Complaint against Defendant Florida Flexible Printing Products, Inc., states and alleges as follows:

**THE PARTIES**

1. Plaintiff Stahls' Inc., d/b/a/ GroupeSTAHL ("Stahls'") is a Michigan corporation with a place of business at 6353 E 14 Mile Road, Sterling Heights, Michigan 48312.

2. On information and belief, Defendant Florida Flexible Printing Products, Inc., ("Floridaflex") is a Florida corporation with a place of business at

2699 W 79<sup>th</sup> Street, Unit 1, Hialeah, FL 33106, and has appointed Armondo Corbett at the same address as its registered agent for service of process.

3. On information and belief, Floridaflex operates under various other names including floridaflex.com and Florida Flexible Screen Printing Inks.

### **JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

5. Subject matter jurisdiction is proper under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Floridaflex because, upon information and belief, Floridaflex conducts and solicits business within this district. Among other things, Floridaflex offers for sale and sells its products within this district and elsewhere in Michigan both through its interactive website ([www.floridaflex.com](http://www.floridaflex.com)), solicitation of business through Facebook.com using the name “Florida Flexible Printing Products” and by shipment of infringing products into this district.

7. Venue in this district is proper pursuant to 28 U.S.C. § 1391 and § 1400.

## **GENERAL ALLEGATIONS**

### **PLAINTIFF'S ACTIVITIES AND PROPRIETARY RIGHTS**

8. The innovator and leader in pre-cut and custom athletic numbers, letters and logos since its 1932 founding in the Detroit area garage of husband-and-wife team A.C. and Ethel Stahl, Stahls' is known and respected worldwide in the sportswear, custom apparel and promotional products industries for equipment, materials and services.

9. Stahls' has been and is now extensively engaged in the designing, manufacturing, marketing and selling of heat transfer presses and related goods ("Stahls' Goods and Services"), under Stahls' FUSION Mark, recognized as the world's first touch-screen heat press designed as a combination swinger and draw press. Screenshots of Stahls' website ([www.stahls.com](http://www.stahls.com)) showing the patented combination swinger and draw press ("FUSION Heat Press") are reproduced below:

Español Ted's Blog

Do-It-Yourself MATERIALS | 07 Sports Decorating SERVICES | Heat Printing & Sign EQUIPMENT | Help & Videos EDUCATION

# STAHL'S

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LIVE SUPPORT | 800.4.STAHL'S (800.478.2457) Today: 8:00 AM-7:00 PM EST

Home | Heat Presses, Cutters & DTG > Hotronix Heat Presses > FUSION®

CAD-CUT MATERIAL, VINYL & TWILL | CAD-COLOR DIGITAL MATERIALS | LETTERS, NUMBERS, DESIGNS | CUSTOM LOGO SERVICES | HEAT PRESS, CUTTER, PRINT/CUT, DTG | FAVORITES

## Hotronix® FUSION® Heat Press

★ add to favorites

The world's most advanced heat press.

The industry's first heat press equipped with touch screen technology and the only heat press with a patented dual function. This advanced innovation provides you with the benefits of both swing and draw style heat presses.

- Patented dual function: Operates as a swing or draw press for a heat-free workspace
- Touch screen technology lets you easily set time, temperature, and pressure
- Unlimited preset programs
- Live digital time, temperature, and pressure readout
- Threadability™ makes it easy to load garments onto the lower platen and print front, back, and sides
- Available in 16" x 20" platen

Download this flyer for details on the Fusion Print More Package

Schedule an online demonstration

16" x 20" (\$2100.00)



roll over image to zoom

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CAD-CUT MATERIAL, VINYL & TWILL | CAD-COLOR DIGITAL MATERIALS | LETTERS, NUMBERS, DESIGNS | CUSTOM LOGO SERVICES | HEAT PRESS, CUTTER, PRINT/CUT, DTG | FAVORITES

## Hotronix® Air Fusion™ Heat Press

★ add to favorites

The world's most advanced heat press - now even more advanced!

All of the features and benefits of the Fusion heat press, now in a heavy-duty model powered by an air compressor (not included). Upper platen measures 16" x 20". Available in Pedestal and Table Top models.

- Air power reduces operator fatigue in high-volume shops
- Hands-free auto-swing creates a heat-free workspace
- Stores hundreds of application settings
- Auto Adjust Pressure™ with four programmable settings automatically adjusts to the thickness of the item you're printing
- Threadability™ increases production – load garments once and easily rotate from front to back
- Adjustable stand creates an ergonomic workspace for multiple users

Download this flyer for details on the Air Fusion Print More Package

Schedule an online demonstration

Hotronix Pedestal Air Fusion (\$4150.00)



roll over image to zoom

10. The superior characteristics and features of Stahls' FUSION heat press have even been recognized as newsworthy in their own right by top media organizations. As merely one example, an article in the New York Times from its published edition of May 9, 2014, featured Stahls' Goods and Services under the FUSION Mark for its integral role in enabling the National Football League to hand each player selected in the first round of the Draft a personalized high quality jersey in less than two minutes. A version of the article is attached as **Exhibit A** from the New York Times website along with a video illustrating the superior performance of Stahls' FUSION heat press. The article and the featured video is publicly accessible at the New York Times website (www.nytimes.com) through the web address:

[http://www.nytimes.com/2014/05/09/sports/football/personalizing-jerseys-of-top-nfl-picks-is-a-race-against-the-clock.html?ref=sports&\\_r=1](http://www.nytimes.com/2014/05/09/sports/football/personalizing-jerseys-of-top-nfl-picks-is-a-race-against-the-clock.html?ref=sports&_r=1).

11. Stahls' is the owner, by valid assignment, of all right, title, and interest in and to U.S. Patent No. 8,418,739 ("the '739 Patent"), including the right to seek remedies and relief for past infringement thereof. Moreover, reference to the '739 patent is marked on the FUSION heat presses and/or its packaging.

12. The '739 Patent, titled "Heat Seal Machine With Open Throat," was duly and legally issued by the United States Patent and Trademark Office on April

16, 2013. A true copy of the '739 Patent is attached hereto as **Exhibit B**. The '739 patent is in force.

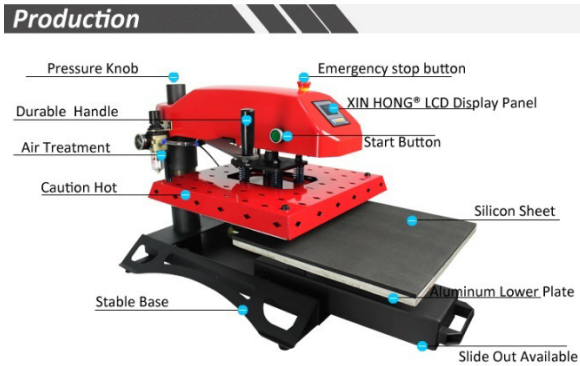
### DEFENDANT'S WRONGFUL ACTS

13. Defendant has in the past and currently produce, market, import, sell and/or offer to sell heat transfer presses and related goods under such item numbers as HP3805 and HP3805AP ("Defendant's Heat Presses"). For example, at the URL <http://www.floridaflex.com/heat-transfer-press.html> the following information is provided:

The screenshot shows the Florida Flexible website. At the top, there is a banner with the company name "FLORIDA FLEXIBLE" and contact information: "2699 W 79 ST, HIALEAH, FLORIDA 33016" and "TEL: 305.512.2222 - FAX: 305.512.0436". Below the banner is a navigation menu with links for Home, Products, Specials, News & Shows, Videos, Training, Q&A, and Cart (0). The main content area is titled "Heat Transfer Machines". It features two product listings for the HP3805 Heat Transfer Press. The first listing shows a manual model with a red top and black base, and includes the following details: "Heat Transfer Press - HP3805 Manual and Auto-Open models, equipped with a Teflon Coated T-shirt platen with LCD Temp/Timer display controller & Pullout Tray.", "Sizes: 16" x 20" (40x61cm)", "Voltage: 110volts, 1,200watts heating platen", and "Feature: Swing Away & Pull-Out Tray". The second listing shows a manual wing away model, which is currently out of stock. A note states: "Manual wing away model is currently out of stock. Please check back with us soon." Below this note is a dropdown menu showing "Heat Transfer Press Pneumatic 16x20" and a price of "\$959.00 USD". There is an "Add to Cart" button. To the right of the second listing is a larger image of the auto-open swing-away model, with a caption: "Auto Open Swing-Away Heat Press Size: 16x20 - Digital Timer & Temp Controller". Below this image is a "LEARN MORE" button.

More detail concerning the items can be found at the URL

<http://www.floridaflex.com/uploads/3/4/1/4/34141110/heatpress-new4.jpg>:



14. On information and belief, Defendant has in the past produced, marketed, imported, distributed, sold and/or offered to sell, and currently produce, market, import, distribute, use, sell and/or offer to sell within the United States, including the Eastern District of Michigan, heat transfer presses, including Defendant's Heat Presses, which infringe one or more of the claims of the '739 Patent. A copy of a User Manual for one of Defendant's Heat Presses is attached hereto as **Exhibit C**, and identifies the Defendant by name as well as providing phone and e-mail contact information for support. Defendant is importing, manufacturing, offering to sell and/or selling in the United States to compete with Stahls' FUSION Heat Press.

### **COUNT I**

#### **Infringement of U.S. Patent No. 8,418,739**

15. Stahls' incorporates by reference all allegations of Paragraphs 1-14 as if fully set forth herein.

16. Defendant has infringed, and continue to infringe, directly, contributorily, and/or actively induce infringement of the '739 Patent in violation of 35 U.S.C. § 271 by making, using, distributing, offering to sell, selling and/or importing heat transfer presses, including the Defendant's Heat Presses, upon



which one or more of the claims of the '739 Patent cover, without authority to do so.

17. Defendant is infringing one or more claims of the '739 Patent literally, or under the doctrine of equivalents, by making, using, distributing, offering to sell, selling and/or importing the Defendant's Heat Presses.

18. Stahls' has been and will continue to be pecuniarily and irreparably damaged by Defendant's infringement, including diversion of customers, lost sales and lost profits, unless this Court enjoins Defendant from continuing their infringement pursuant to 35 U.S.C § 283.

19. Because Defendant's actions, on information and belief, were carried out intentionally, willfully and/or deliberately in violation of Stahls' rights, this is "exceptional case" pursuant to 35 U.S.C § 285 and Stahls' is entitled to attorney's fees and costs.

20. Because Defendant's actions, on information and belief, were carried out intentionally, willfully and/or deliberately in violation of Stahls' rights, Stahls' is entitled to an award of treble damages under 35 U.S.C § 284.

### **REQUESTED RELIEF**

WHEREFORE, Plaintiff Stahls' Inc., d/b/a GroupeSTAHL, prays for entry of judgment from this Court that:

- a. United States Patent No. 8,418,739 was duly and legally issued, and is valid and enforceable;
- b. Defendant has directly and/or contributorily infringed United States Patent No. 8,418,739, and/or actively induced infringement of United States Patent No. 8,418,739 by others;
- c. Defendant, and those acting in active concert, be preliminarily and permanently enjoined from engaging in any further acts of infringement of United States Patent No. 8,418,739;
- d. Stahls' be awarded damages adequate to compensate for the patent infringement by Defendant pursuant to 35 U.S.C. § 284, together with prejudgment interest;
- e. Defendant's patent infringement has been willful, thereby entitling Stahls' to recover treble damages, pursuant to 35 U.S.C. § 284;
- f. The patent infringement by Defendant has been such as to render this action exceptional, and Stahls' be awarded reasonable attorney's fees, pursuant to 35 U.S.C. § 285;
- g. Defendant be required to pay Stahls' such damages, statutory or otherwise, together with prejudgment interest thereon, that Stahls' has sustained as a consequence of Defendant's wrongful acts, and to account

for and return to Stahls' monies, profits and advantages wrongfully gained by Defendant;

- h. All damages sustained by Stahls' be trebled;
- i. Defendant be required to pay to Stahls' punitive and exemplary damages;
- j. Defendant be required to pay to Stahls' all attorney's fees, expenses and costs incurred in this action; and
- k. Stahls' be awarded such other and further relief as this Court may deem to be just and proper.

### **JURY DEMAND**

Plaintiff, Stahls' Inc., d/b/a GroupeSTAHL hereby makes demand for a jury trial pursuant to Rule 38 of the Federal Rules of Civil Procedure as to all issues triable to a jury of this lawsuit.

Respectfully submitted,  
FISHMAN STEWART PLLC

Dated: May 6, 2016

/s/ Michael B. Stewart (P45318)  
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## CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2016, I electronically filed the foregoing paper with the Clerk of the United States District Court, Eastern District of Michigan, using the CM/ECF system, which shall send notification of such filing to all counsel of record.

/s/ Michael B. Stewart (P45318)

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