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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

Westech Aerosol Corporation, (a Washington Corporation),
Plaintiff,
v.
Quin Global US, Inc., (a Nebraska Corporation),
Defendant.

Civil Action No.
COMPLAINT
JURY TRIAL DEMANDED

The Plaintiff, Westech Aerosol Corporation (“Westech”), for its complaint against Defendant, Quin Global US, Inc. (“Quin”), requesting damages, an injunction, and other relief, alleges as follows:

I. NATURE OF THE ACTION

1. This is an action for infringement of United States Patent No. 7,705,056 (“the’056 patent”) under 35 U.S.C. §§ 271 *et. seq.*

II. PARTIES

2. The Plaintiff, Westech Aerosol Corporation, is a corporation organized and existing under the laws of the State of Washington, with a principal place of business in Kitsap

1 County, WA.

2 3. Defendant, Quin Global US, Inc. (“Quin”), is a corporation organized and
3 existing under the laws of the State of Nebraska, with a principal place of business in or near
4 Omaha, NE.
5

6 **III. JURISDICTION AND VENUE**
7

8 6. This action arises under the Patent Act, 35 U.S.C. §§ 1 et. seq. This court has
9 jurisdiction over the subject matter of this complaint under 28 U.S.C. §§ 1331 and 1338(a).
10

11 7. Defendant have placed infringing products into the stream of commerce by
12 shipping those products into this judicial district or by knowing that such products would be
13 shipped into this judicial district by one or more distributors.
14

15 8. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b) and 28
16 U.S.C. § 1391(b) because Defendant have committed acts of infringement in this judicial district
17 and are subject to personal jurisdiction in this judicial district.
18

19 **IV. GENERAL ALLEGATIONS**
20

21 9. Entitled “Aerosol Adhesive and Canister-Based Aerosol Adhesive System,” the
22 ’056 patent was duly and legally issued on April 27, 2010. A true and correct copy of the ’056
23 patent is attached hereto as Exhibit 1.
24

25 10. The ’056 patent issued in the name of the inventor, Dr. David Carnahan (“Dr.
26 Carnahan”). Dr. Carnahan is a named inventor on several U.S. patents. In 1981, Dr. Carnahan
27 earned a B.S. in mathematics and chemistry from Northland College. In 1982, Dr. Carnahan

1 earned an M.S. in business administration from Michigan Technological University. In 1986, Dr.
2 Carnahan earned a PhD from Emory University.

3 11. Dr. Carnahan founded Westech in Bremerton, Washington. Westech designs,
4 manufactures, and sells aerosol adhesives, including those that are low in volatile organic
5 compounds (“VOCs”). Over the years, Westech’s low VOC aerosol adhesives have enjoyed
6 market acceptance and industry recognition.
7

8 12. Westech is the owner of all right, title, and interest in and to the ’056 patent
9 including all claims for infringement of the ’056 patent.
10

11 13. Claim 1 of the ’056 patent discloses and claims a novel and non-obvious aerosol
12 adhesive canister system including a gas cylinder canister, a hose, a spray gun, a hydrocarbon
13 propellant, and an aerosol adhesive comprising a solvent mixture selected to have volatility
14 characteristics for producing a specific spray pattern, a polymeric base, and a compressed gas
15 dissolved in the solvent mixture.
16

17 14. On information and belief, Defendant Quin sells the following aerosol adhesive
18 products that are believed to infringe at least claim 1 of the ’056 Patent because they contain all
19 elements of claim 1 of the ’056 patent either literally or under the doctrine of equivalents: A30,
20 F50, L20, L30, L64, M70, P301, P307, P313, X30, X60, EP0-CA, and M31 (hereinafter “the
21 Quin Accused Products”).
22
23

24 **V. CAUSES OF ACTION**

25 Infringement of the ’056 Patent by Quin Global US, Inc. (“Quin”)
26
27

1 16. Westech incorporates the allegations in paragraphs 1-15 of this complaint.

2 17. Defendant Quin has directly infringed at least claim 1 of the '056 patent by selling
3 the Quin Accused Products in violation of 35 U.S.C. § 271(a).
4

5 18. Defendant Quin has actively induced infringement of at least claim 1 of the '056
6 patent in violation of 35 U.S.C. § 271(b) by causing others to sell or use the Quin Accused
7 Products with knowledge and intent that such sale or use will directly infringe at least claim 1 of
8 the '056 patent.
9

10 19. On information and belief, Defendant Quin has contributed to the infringement of
11 the '056 patent in violation of 35 U.S.C. § 271(c) by selling a component of an infringing
12 combination, namely a canister filled with an aerosol adhesive and usable in a combination
13 comprising the Quin Accused Products, with knowledge that this component constitutes a
14 material part of the invention, that this component was especially made or especially adapted for
15 use in an infringement, and that this component is not a staple article or commodity of commerce
16 suitable for substantial non-infringing use.
17
18

19 20. On information and belief, the infringement by Quin of the '056 patent as alleged
20 herein has at all times been willful.
21

22 21. As a direct result of Quin's infringement as alleged herein, Westech has suffered
23 irreparable injury such that remedies available at law are inadequate to compensate for that
24 injury.
25

26 22. Considering the balance of hardships between the Plaintiff and Defendant, a
27 remedy in equity is warranted.

23. The public interest would not be disserved by a permanent injunction against further sales by Quin of the Quin Accused Products.

VI. PRAYER FOR RELIEF

WHEREFORE, Westech Aerosol Corporation prays for relief against Quin Adhesives, Inc. (“Quin”) as follows:

A. that the court enter judgment that the '056 patent is infringed the Quin Accused Products and that Westech is entitled to an award of damages in an amount to be proven at trial but in no event less than a reasonable royalty;

B. that the court enter judgment that the '056 patent is infringed the Quin Accused Products and that Westech is entitled to an award of damages in an amount to be proven at trial but in no event less than a reasonable royalty;

C. that the court enter judgment that the '056 patent is not invalid;

D. that the court permanently enjoin Defendant from any further acts of direct infringement of the '056 patent, including enjoining any further manufacture, sale, offers for sale, and use by Defendant of the Quin Accused Products;

E. that the court permanently enjoin Defendant from any further acts of indirect infringement of the '056 patent, including enjoining any further acts of inducement and contributory infringement;

F. that the court treble damages and award reasonable attorney’s fees and costs pursuant to 35 U.S.C. § 285;

1 G. that the court order an accounting of all sales not presented at trial and award
2 damages for any such sales; and

3 H. that the court enter such additional and further relief as it deems just and proper.
4

5 **VII. JURY DEMAND**
6

7 Plaintiff demands a trial by jury of all claims so triable.
8

9 DATED this 2nd day of February, 2017.
10

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