

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

LEATHERMAN TOOL GROUP, INC.,

Plaintiff,

v.

KING TECHNOLOGY OF MISSOURI, INC.,
d/b/a KING INNOVATION,

Defendant.

Civil Action No.: _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Leatherman Tool Group, Inc. (“Leatherman”) files this Complaint and Jury Demand against Defendant King Technology of Missouri, Inc., d/b/a King Innovation (“King”), and in support alleges as follows:

NATURE AND BASIS OF ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* Leatherman seeks damages and attorney fees in this action.

THE PARTIES

2. Plaintiff Leatherman Tool Group, Inc. is a corporation organized under the laws of Oregon, with its principal place of business at 12106 NE Ainsworth Circle, Portland, Oregon 97220.

3. Upon information and belief, Defendant King Technology of Missouri, Inc., d/b/a King Innovation is a corporation organized under the laws of Missouri, with its principal place of business at 42 N. Central Drive, O’Fallon, Missouri 63366.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1332, and 1338 because this case arises under the patent laws of the United States, Title 35 of the United States Code.

5. This Court has personal jurisdiction over King for at least the following reasons: (i) King is a corporation organized under the laws of Missouri with its principal place of business in this District; (ii) King regularly does business or solicits business, engages in other persistent courses of conduct, and/or derives substantial revenue from the sale of products and/or services provided to individuals in this District and in this State through at least the distributors of King's products located in this District; and (iii) King has purposefully established substantial, systematic, and continuous contacts with this District and expects or should reasonably expect to be haled into court in this District. This Court's exercise of jurisdiction over King will not offend traditional notions of fair play and substantial justice.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400 because King has committed acts of infringement in this judicial district and has a regular and established place of business in this judicial district. More specifically, King's principal place of business is located in this District at 42 N. Central Drive, O'Fallon, Missouri 63366. In addition, King has committed acts of infringement in this District by making, importing, offering for sale, and/or selling to customers in this District infringing products.

FACTUAL BACKGROUND

I. THE PARTIES

7. Since its founding in 1983, Leatherman has been—and continues to be—a leader in innovation through its development of multi-tools and knives, and the Leatherman brand has become associated with quality, dependable, and affordable products.

8. Leatherman designs, manufactures, and sells a range of portable, multifunctional tools and knives, including the Leatherman Wave[®], which is a multi-tool built around a pair of pliers, with additional tools, such as knives, screwdrivers, and saws, stored in the handles. Leatherman was the first company to design this type of innovative, multipurpose tool, and it sells its products through distributors located throughout the United States.

9. Upon information and belief, King manufactures and sells various products related to the irrigation, electrical, and utility industries. Among these products is King's I-tool line of products, which consists of multi-tools built around a pair of pliers, with additional tools stored in the handles.

II. ASSERTED PATENTS

10. Leatherman has obtained multiple patents to protect the functional and ornamental features of its multi-tools, including its line of multi-tools that are built around a pair of pliers with additional tools in the handles.

A. U.S. Patent No. 7,347,128

11. The '128 Patent was duly and lawfully issued by the United States Patent Office on March 25, 2008. Leatherman is the lawful owner of all right, title, and interest in and to the '128 Patent, including the right to sue for and recover for infringement thereof. A true and correct copy of the '128 Patent is attached hereto as Exhibit A.

12. The '128 Patent generally relates to a folding multipurpose hand tool with a tool bit holder and blade lock. A representative independent claim of the '128 Patent is set forth below:

1. A hand tool, comprising:

(a) a handle having an end and a pair of side walls adjacent said end;

(b) a folding tool member attached to said handle at said end and having a base located adjacent said side wall and movable about a tool pivot, between an extended position and a folded position;

- (c) a latch lever attached pivotably to said handle by a latch pivot;
- (d) a locking bar carried on an outer end of said latch lever;
- (e) a latch support notch defined in each of said side walls of said handle;
- (f) a latch engagement notch defined in said base of said folding tool member, said locking bar being engaged in both of said latch support notches and in said engagement notch, thereby holding said folding tool member in a selected position with respect to said tool pivot; said latch pivot including clearance between said latch lever and said handle to allow said latch lever to move along said side walls in a direction extending longitudinally along said handle without rotation of said latch lever about said latch pivot, to a position in which said locking bar is received snugly in said latch support notches, whereby said latch pivot is substantially isolated from forces exerted by said folding tool member through said latch engagement notch; and
- (g) said locking bar being selectively removable from said latch engagement notch by pivoting movement of said latch lever about said latch pivot, in order to release said folding tool member from said selected position.

B. U.S. Patent No. 7,568,408

13. The '408 Patent was duly and lawfully issued by the United States Patent Office on August 4, 2009. Leatherman is the lawful owner of all right, title, and interest in and to the '408 Patent, including the right to sue for and recover for infringement thereof. A true and correct copy of the '408 Patent is attached hereto as Exhibit B.

14. The '408 Patent is a division of the application that became the '128 Patent. Like the '128 Patent, the '408 Patent generally relates to a folding multipurpose hand tool with a tool bit holder and blade lock. A representative independent claim of the '128 Patent is set forth below:

- 1. A multipurpose hand tool comprising:
 - (a) a pair of pivotally interconnected first and second tool members, pivotable relative to each other about a tool pivot joint defining a pivot axis, and each of said first and second tool members having a respective length, a respective front portion, and a respective base;
 - (b) a pair of handles and pair of handle pivot joints, a respective one of said handle pivot joints connecting each one of the pair of handles to said respective base of a respective one of said first and second tool members, and each of said first and second tool members being movable about the respective one of said handle pivot

joints relative to a respective one of said handles, between respective stowed and deployed positions;

(c) each of said tool members including an oval hub, said tool pivot joint being defined by said oval hubs, and said pivot axis being fixedly aligned with and extending through a central point in each of said oval hubs;

(d) in each of said first and second tool members, the included respective one of said oval hubs having an overall width extending perpendicular to said respective length and the included respective one of said oval hubs having a smaller second overall dimension, in a direction parallel with said respective length; and

(e) said pair of interconnected first and second tool members cooperatively defining a throat located adjacent said oval hubs and between said tool members, said throat being located at a distance from said pivot axis that is less than half said overall width.

C. U.S. Patent No. 6,014,787

15. The '787 Patent was duly and lawfully issued by the United States Patent Office on January 18, 2000. Leatherman is the lawful owner of all right, title, and interest in and to the '787 Patent, including the right to sue for and recover for infringement thereof. A true and correct copy of the '787 Patent is attached hereto as Exhibit C.

16. The '128 Patent generally relates to a folding multipurpose hand tool with easily accessible outer blades. A representative independent claim of the '128 Patent is set forth below:

1. A folding multipurpose tool, comprising:

(a) a pair of pivotally interconnected jaws each having a base;

(b) a pair of handles, each of said handles having a first end attached pivotally to said base of a respective one of said jaws, each of said handles defining a respective central channel, and said tool having a folded configuration in which said jaws are stowed within said central channels and an open configuration in which said jaws extend away from said handles and said central channels face outwardly away from each other; and

(c) each of said handles including a pair of side wing portions, each of said side wing portions defining a respective side trough that is located parallel with and alongside said respective central channel but facing in an opposite direction, and wherein each of said handles defines a respective handle-folding pivot axis, one of said handles having an outer blade mounted thereon and pivotally movable about

said handle-folding pivot axis thereof, between a stowed position in a respective one of said side troughs and an extended position.

D. U.S. Patent No. 6,128,805

17. The '805 Patent was duly and lawfully issued by the United States Patent Office on October 10, 2000. Leatherman is the lawful owner of all right, title, and interest in and to the '805 Patent, including the right to sue for and recover for infringement thereof. A true and correct copy of the '805 Patent is attached hereto as Exhibit D.

18. The '805 Patent is a division of the application that became the '787 Patent. The '805 Patent generally relates to a handle for a multipurpose folding tool. A representative independent claim of the '805 Patent is set forth below:

1. A handle for a multipurpose hand tool, comprising:

(a) a unitary main member having a length and first and second ends defining an elongate central channel having a pair of parallel channel walls interconnected by a channel base, and a pair of side wing portions each defining a side trough extending along a respective one of said channel walls outside said central channel, said central channel facing openly in a first direction and each side trough facing openly in an opposite second direction;

(b) a pair of oppositely located support flanges each defined as a part of a respective one of said channel walls adjacent said first end, each of said support flanges defining a through-hole, said through-holes defining a pivot axis extending transversely through said handle adjacent said first end; and

(c) a blade locking member defined as an integral part of one of said channel walls.

E. U.S. Patent No. 6,216,301

19. The '301 Patent was duly and lawfully issued by the United States Patent Office on April 17, 2001. Leatherman is the lawful owner of all right, title, and interest in and to the '301 Patent, including the right to sue for and recover for infringement thereof. A true and correct copy of the '301 Patent is attached hereto as Exhibit E.

20. The '301 Patent is a continuation of the application that became the '787 Patent. Like the '787 Patent, the '301 Patent generally relates to a folding multipurpose tool with easily accessible outer blades. A representative independent claim of the '301 Patent is set forth below:

1. A multipurpose hand tool, comprising:

(a) a pair of pivotally interconnected jaws each having a base;

(b) a pair of handles, each of said handles defining a handle-folding pivot axis and having a first end attached to said base of a respective one of said jaws, said first end being movable about said handle-folding pivot axis, each of said handles defining a central channel, and said tool having a folded configuration in which said jaws are stowed within said central channels, and an open configuration in which said jaws are extended away from said handles and said central channels face outwardly away from each other;

(c) at least one of said handles including a pair of side wing portions, each of said side wing portions defining a respective side trough that is located parallel with and alongside said central channel but facing in an opposite direction with respect to said central channel, each said side trough having an arcuately convex base outer surface available as a comfortable hand grip surface when said tool is in said open configuration; and

(d) said at least one of said handles that includes said pair of side wing portions having an outer blade mounted thereon and pivotally movable with respect to said at least one of said handles, between an extended position and a stowed position within a respective one of said side troughs.

F. U.S. Patent No. 6,857,154

21. The '154 Patent was duly and lawfully issued by the United States Patent Office on February 22, 2005. Leatherman is the lawful owner of all right, title, and interest in and to the '154 Patent, including the right to sue for and recover for infringement thereof. A true and correct copy of the '154 Patent is attached hereto as Exhibit F.

22. The '154 Patent is a continuation of application No. 09/837,139, which is a continuation of the application that became the '301 Patent. Like the '301 Patent, the '154 Patent generally relates to a folding multipurpose tool with easily accessible outer blades. A representative independent claim of the '154 Patent is set forth below:

1. A multipurpose hand tool, comprising:

(a) a pair of pivotally interconnected cooperatively functional members each having a base;

(b) a pair of handles, at least one of said pair of handles having a first end attached pivotally to said base of a respective one of said cooperatively functional members, said one of said handles defining a central channel, and said tool having a folded configuration in which said cooperatively functional members are stowed at least partially within said central channel, and an open configuration in which said cooperatively functional members are extended away from said handles and said central channel faces outwardly away from the other of said pair of handles; and

(c) at least said one of said handles including a pair of side wing portions, each of said side wing portions defining a respective side trough that is located parallel with and alongside said central channel but facing in an opposite direction with respect to said central channel, each said side trough having an arcuately convex base outer surface available as a comfortable hand grip surface when said tool is in said open configuration.

G. U.S. Patent No. 7,020,922

23. The '922 Patent was duly and lawfully issued by the United States Patent Office on April 4, 2006. Leatherman is the lawful owner of all right, title, and interest in and to the '922 Patent, including the right to sue for and recover for infringement thereof. A true and correct copy of the '922 Patent is attached hereto as Exhibit G.

24. The '922 Patent is a continuation of the application that became the '154 Patent. Like the '154 Patent, the '922 Patent generally relates to a folding multipurpose tool with easily accessible outer blades. A representative independent claim of the '922 Patent is set forth below:

1. A multipurpose hand tool, comprising:

(a) a pair of pivotally interconnected cooperatively functional members each having a base;

(b) a pair of handles, at least one of said pair of handles having a first end attached pivotally to said base of a respective one of said cooperatively functional members, said one of said handles defining a central channel having a pair of channel walls, and said tool having a folded configuration, in which said cooperatively functional members are stowed at least partially within said central channel, and an open configuration, in which said cooperatively functional members are extended away

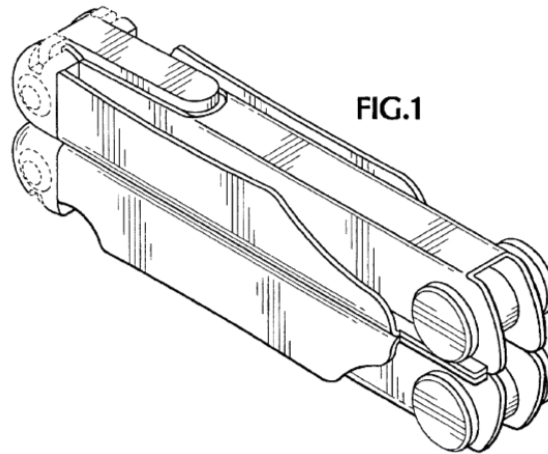
from said handles and said central channel faces outwardly away from the other of said pair of handles; and

(c) at least said one of said handles including a pair of side wing portions, each of said side wing portions extending outwardly away from said channel walls of said central channel and being curved arcuately, extending thence parallel with and alongside a respective one of said channel walls of said central channel, each said side wing portion thus having an arcuately convex outer surface available as a comfortable hand grip surface when said tool is in said open configuration.

H. U.S. Design Patent No. D497,790

25. The '790 Patent was duly and lawfully issued by the United States Patent Office on November 2, 2004. Leatherman is the lawful owner of all right, title, and interest in and to the '790 Patent, including the right to sue for and recover for infringement thereof. A true and correct copy of the '790 Patent is attached hereto as Exhibit H.

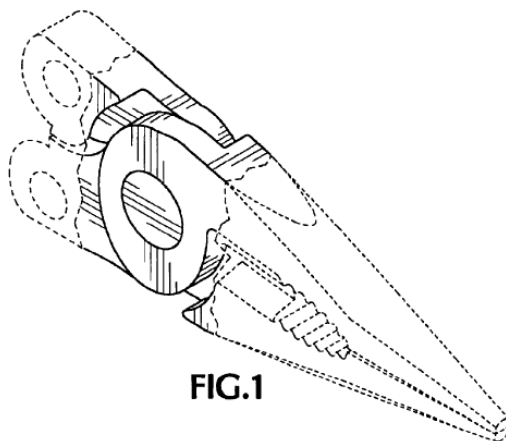
26. The '790 Patent claims an ornamental design for a folding multipurpose hand tool. A representative figure from the '790 Patent is depicted below:



I. U.S. Design Patent No. D499,621

27. The '621 Patent was duly and lawfully issued by the United States Patent Office on December 14, 2004. Leatherman is the lawful owner of all right, title, and interest in and to the '621 Patent, including the right to sue for and recover for infringement thereof. A true and correct copy of the '621 Patent is attached hereto as Exhibit I.

28. The '621 Patent claims an ornamental design for a hub portion of a pair of jaws for a tool. A representative figure from the '621 Patent is depicted below:



III. KING'S INFRINGEMENT OF THE ASSERTED PATENTS

29. Upon information and belief, King currently manufactures and sells at least one multipurpose folding tool built around a pair of pliers, with additional tools stored in the handles, which it has branded "I-tool." A picture of the I-tool product taken from King's website is below:



30. The functional design of King's I-tool product is virtually identical to Leatherman's patented multi-tools, including its Leatherman Wave® multi-tool. The I-tool infringes multiple claims of all of the '128, '408, '787, '805, '301, '154, and '922 Patents because the I-tool contains every element of those claims.

31. In addition, the ornamental design of King's I-tool product is substantially similar to the ornamental designs claimed in the '790 and '621 Patents, and an ordinary observer would be deceived into thinking that the design of the I-tool is the same as the patented designs.

32. On May 5, 2017, Leatherman sent a letter to the President of King, Frank Vlasaty, informing him of King's infringement of the Asserted Patents and demanding that King cease making, using, offering to sell, selling, and importing into the United States the I-tool product and agree to pay Leatherman damages that it sustained as a result of King's infringement. King refused to cease its manufacture and sale of the I-tool product.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,347,128

33. Leatherman incorporates herein by reference each and every allegation contained in paragraphs 1-32 above.

34. Upon information and belief, King has directly infringed and continues to directly infringe at least claims 1 and 8 of the '128 Patent, either literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell the I-tool product in the United States.

35. King's infringement is willful and deliberate. King has had knowledge of the '128 Patent at least since Leatherman sent the first cease and desist letter to King on May 5, 2017.

36. Leatherman has sustained damages as a result of King's past and continuing infringement of the '128 Patent in an amount to be determined at trial.

37. Leatherman has been and continues to be irreparably injured by King's past and continuing infringement of the '128 Patent, and King's infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

38. Leatherman seeks damages in an amount adequate to compensate for King's infringement, a permanent injunction barring King from continuing to infringe the '128 Patent, and its attorney fees and costs associated with this action.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 7,568,408

39. Leatherman incorporates herein by reference each and every allegation contained in paragraphs 1-38 above.

40. Upon information and belief, King has directly infringed and continues to directly infringe at least claim 1 of the '408 Patent, either literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell the I-tool product in the United States.

41. King's infringement is willful and deliberate. King has had knowledge of the '408 Patent at least since Leatherman sent the first cease and desist letter to King on May 5, 2017.

42. Leatherman has sustained damages as a result of King's past and continuing infringement of the '408 Patent in an amount to be determined at trial.

43. Leatherman has been and continues to be irreparably injured by King's past and continuing infringement of the '408 Patent, and King's infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

44. Leatherman seeks damages in an amount adequate to compensate for King's infringement, a permanent injunction barring King from continuing to infringe the '408 Patent, and its attorney fees and costs associated with this action.

COUNT III
INFRINGEMENT OF U.S. PATENT NO. 6,014,787

45. Leatherman incorporates herein by reference each and every allegation contained in paragraphs 1-44 above.

46. Upon information and belief, King has directly infringed and continues to directly infringe at least claims 1 and 27 of the '787 Patent, either literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell the I-tool product in the United States.

47. King's infringement is willful and deliberate. King has had knowledge of the '787 Patent at least since Leatherman sent the first cease and desist letter to King on May 5, 2017.

48. Leatherman has sustained damages as a result of King's past and continuing infringement of the '787 Patent in an amount to be determined at trial.

49. Leatherman has been and continues to be irreparably injured by King's past and continuing infringement of the '787 Patent, and King's infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

50. Leatherman seeks damages in an amount adequate to compensate for King's infringement, a permanent injunction barring King from continuing to infringe the '787 Patent, and its attorney fees and costs associated with this action.

**COUNT IV
INFRINGEMENT OF U.S. PATENT NO. 6,128,805**

51. Leatherman incorporates herein by reference each and every allegation contained in paragraphs 1-50 above.

52. Upon information and belief, King has directly infringed and continues to directly infringe at least claim 1 of the '805 Patent, either literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell the I-tool product in the United States.

53. King's infringement is willful and deliberate. King has had knowledge of the '805 Patent at least since Leatherman sent the first cease and desist letter to King on May 5, 2017.

54. Leatherman has sustained damages as a result of King's past and continuing infringement of the '805 Patent in an amount to be determined at trial.

55. Leatherman has been and continues to be irreparably injured by King's past and continuing infringement of the '805 Patent, and King's infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

56. Leatherman seeks damages in an amount adequate to compensate for King's infringement, a permanent injunction barring King from continuing to infringe the '805 Patent, and its attorney fees and costs associated with this action.

COUNT V
INFRINGEMENT OF U.S. PATENT NO. 6,216,301

57. Leatherman incorporates herein by reference each and every allegation contained in paragraphs 1-56 above.

58. Upon information and belief, King has directly infringed and continues to directly infringe at least claims 1-2, 18, and 24-26 of the '301 Patent, either literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell the I-tool product in the United States.

59. King's infringement is willful and deliberate. King has had knowledge of the '301 Patent at least since Leatherman sent the first cease and desist letter to King on May 5, 2017.

60. Leatherman has sustained damages as a result of King's past and continuing infringement of the '301 Patent in an amount to be determined at trial.

61. Leatherman has been and continues to be irreparably injured by King's past and continuing infringement of the '301 Patent, and King's infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

62. Leatherman seeks damages in an amount adequate to compensate for King's infringement, a permanent injunction barring King from continuing to infringe the '301 Patent, and its attorney fees and costs associated with this action.

COUNT VI
INFRINGEMENT OF U.S. PATENT NO. 6,857,154

63. Leatherman incorporates herein by reference each and every allegation contained in paragraphs 1-62 above.

64. Upon information and belief, King has directly infringed and continues to directly infringe at least claim 1 of the '154 Patent, either literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell the I-tool product in the United States.

65. King's infringement is willful and deliberate. King has had knowledge of the '154 Patent at least since Leatherman sent the first cease and desist letter to King on May 5, 2017.

66. Leatherman has sustained damages as a result of King's past and continuing infringement of the '154 Patent in an amount to be determined at trial.

67. Leatherman has been and continues to be irreparably injured by King's past and continuing infringement of the '154 Patent, and King's infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

68. Leatherman seeks damages in an amount adequate to compensate for King's infringement, a permanent injunction barring King from continuing to infringe the '154 Patent, and its attorney fees and costs associated with this action.

COUNT VII
INFRINGEMENT OF U.S. PATENT NO. 7,020,922

69. Leatherman incorporates herein by reference each and every allegation contained in paragraphs 1-68 above.

70. Upon information and belief, King has directly infringed and continues to directly infringe at least claim 1 of the '922 Patent, either literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell the I-tool product in the United States.

71. King's infringement is willful and deliberate. King has had knowledge of the '922 Patent at least since Leatherman sent the first cease and desist letter to King on May 5, 2017.

72. Leatherman has sustained damages as a result of King's past and continuing infringement of the '922 Patent in an amount to be determined at trial.

73. Leatherman has been and continues to be irreparably injured by King's past and continuing infringement of the '922 Patent, and King's infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

74. Leatherman seeks damages in an amount adequate to compensate for King's infringement, a permanent injunction barring King from continuing to infringe the '922 Patent, and its attorney fees and costs associated with this action.

**COUNT VIII
INFRINGEMENT OF U.S. DESIGN PATENT NO. D497,790**

75. Leatherman incorporates herein by reference each and every allegation contained in paragraphs 1-74 above.

76. Upon information and belief, King has directly infringed and continues to directly infringe the claim of the '790 Patent by making, using, selling, and/or offering to sell the I-tool product in the United States.

77. King's infringement is willful and deliberate. King has had knowledge of the '790 Patent at least since Leatherman sent the first cease and desist letter to King on May 5, 2017.

78. Leatherman has sustained damages as a result of King's past and continuing infringement of the '790 Patent in an amount to be determined at trial.

79. Leatherman has been and continues to be irreparably injured by King's past and continuing infringement of the '790 Patent, and King's infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

80. Leatherman seeks damages in an amount adequate to compensate for King's infringement, a permanent injunction barring King from continuing to infringe the '790 Patent, and its attorney fees and costs associated with this action.

COUNT IX
INFRINGEMENT OF U.S. DESIGN PATENT NO. D499,621

81. Leatherman incorporates herein by reference each and every allegation contained in paragraphs 1-80 above.

82. Upon information and belief, King has directly infringed and continues to directly infringe the claim of the '621 Patent by making, using, selling, and/or offering to sell the I-tool product in the United States.

83. King's infringement is willful and deliberate. King has had knowledge of the '621 Patent at least since Leatherman sent the first cease and desist letter to King on May 5, 2017.

84. Leatherman has sustained damages as a result of King's past and continuing infringement of the '621 Patent in an amount to be determined at trial.

85. Leatherman has been and continues to be irreparably injured by King's past and continuing infringement of the '621 Patent, and King's infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

86. Leatherman seeks damages in an amount adequate to compensate for King's infringement, a permanent injunction barring King from continuing to infringe the '621 Patent, and its attorney fees and costs associated with this action.

DEMAND FOR JURY TRIAL

Leatherman requests a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, Leatherman respectfully requests judgment against King as follows:

- a) For a judgment in favor of Leatherman that King has infringed the '128 Patent, whether literally or under the doctrine of equivalents, as described herein;
- b) For a judgment in favor of Leatherman that King has infringed the '408 Patent, whether literally or under the doctrine of equivalents, as described herein;
- c) For a judgment in favor of Leatherman that King has infringed the '787 Patent, whether literally or under the doctrine of equivalents, as described herein;
- d) For a judgment in favor of Leatherman that King has infringed the '805 Patent, whether literally or under the doctrine of equivalents, as described herein;
- e) For a judgment in favor of Leatherman that King has infringed the '301 Patent, whether literally or under the doctrine of equivalents, as described herein;
- f) For a judgment in favor of Leatherman that King has infringed the '154 Patent, whether literally or under the doctrine of equivalents, as described herein;
- g) For a judgment in favor of Leatherman that King has infringed the '922 Patent, whether literally or under the doctrine of equivalents, as described herein;
- h) For a judgment in favor of Leatherman that King has infringed the '790 Patent, as described herein;
- i) For a judgment in favor of Leatherman that King has infringed the '621 Patent, as described herein;
- j) For an award of such damages in an amount sufficient to compensate Leatherman for King's infringement of the '128, '408, '787, '805, '301, '154, and '922 Patents, but under no circumstances an amount less than a reasonable royalty for King's use of Leatherman's patented inventions;

- k) For an award of the total profit made by King from its infringement of the '790 and '621 Patents pursuant to 35 U.S.C. § 289;
- l) For an order under 35 U.S.C. § 283 permanently enjoining King from continuing to make, use, sell, or offer to sell the I-tool product in the United States;
- m) For an order declaring this to be an exceptional case pursuant to 35 U.S.C. § 285;
- n) For an award to Leatherman of its reasonable attorney fees and full costs;
- o) For an order declaring that King's infringement was willful and an award of treble damages to Leatherman pursuant to 35 U.S.C. § 284; and
- p) For such further relief as the Court may deem just and appropriate.

Dated: August 18, 2017

Respectfully submitted,

/s/ James F. Bennett

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