

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RTC INDUSTRIES, INC.,
an Illinois corporation,

Plaintiff,

V.

FFR MERCHANDISING, INC.,
an Ohio corporation,

Defendant.

Civil Action No. 17-cv-3595

Judge Sharon Johnson Coleman

Magistrate Judge Sidney I. Schenkier

JURY DEMAND

AMENDED COMPLAINT

The Plaintiff, RTC Industries, Inc., (hereinafter “RTC”), for its Complaint against the Defendant, FFR Merchandising, Inc. (“Defendant”), alleges as follows:

THE PARTIES

1. Plaintiff RTC is an Illinois corporation having its principle place of business at 2800 Golf Road, Rolling Meadows, Illinois 60008. RTC, *inter alia*, makes and sells consumer retail systems, including merchandise display systems. Since its founding in 1951, RTC has consistently advanced the leading edge of retail technology by providing new and innovative solutions to the retail marketplace.

2. Defendant FFR Merchandising, Inc. is an Ohio corporation with a place of business at 8181 Darrow Road Twinsburg, Ohio 44087. Defendant also has a manufacturing and distribution center at 1600 Birchwood Avenue, Des Plaines, Illinois 60018. Defendant makes,

uses, sells and offers for sale merchandise display systems, including a new system that Defendant refers to as the Power Zone Kwik-Set Self-Facing System.

3. Defendant does business on a regular basis in Illinois and in this District, including making, using, selling and/or offering for sale its new Power Zone Kwik-Set Self-Facing System in Illinois and this District that infringes RTC's rights under the patents asserted in this Complaint.

DEFENDANT'S PAST AND REPEATED INFRINGEMENT

4. This is the fourth time Defendant has infringed RTC's patents and the second time Defendant has infringed one particular patent. In 2005, RTC filed a patent infringement lawsuit (*RTC Industries, Inc. v. Fasteners for Retail, Inc. et al*, Civil Action No. 05-cv-6940, Northern District of Illinois) against Defendant for infringing RTC's U.S. Patent No. 6,964,235 – the same patent asserted in this Complaint. Defendant's infringing system at that time was its Power Zone Store-Set System.

5. In 2010, RTC filed another patent infringement lawsuit (*RTC Industries, Inc. v. Fasteners for Retail, Inc.*, Civil Action No. 10-cv-2653, Northern District of Illinois) against Defendant because Defendant was infringing RTC's U.S. Patent Nos. 7,661,545 and 7,669,722. Defendant's infringing system was its Invisi-Shield System.

6. Also in 2010, RTC was forced to file yet another patent infringement lawsuit (*RTC Industries, Inc. v. Fasteners for Retail, Inc. et al*, Civil Action No. 10-cv-2837, Northern District of Illinois) against Defendant because Defendant repeated its infringement of the previously asserted RTC patents and was also infringing numerous other RTC patents, including U.S. Patent Nos. 7,661,545, 7,669,722, 7,299,934, 7,497,341, and 7,389,886. Defendant's infringing system at that time was its Star Brand Loss Prevention System. Defendant repeated its

infringement of RTC's U.S. Patent Nos. 7,661,545 and 7,669,722 – patents that were asserted previously in Civil Action No. 10-cv-2653.

7. Defendant is a recidivist. Defendant habitually infringes RTC's patents and has been doing so for over 10 years. Unless enjoined by this Court, Defendant will continue its present willful infringement and will likely repeat its infringement of the RTC patents.

JURISDICTION AND VENUE

8. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, and particularly 35 U.S.C. §§ 271 and 281. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a). Personal jurisdiction over the Defendant is proper in this Court because Defendant actively and regularly conducts business within the state of Illinois including within many retail stores, and conducts business in this District through its manufacturing and distribution center located in Des Plaines, Illinois.

9. Venue is proper in this District in accordance with 28 U.S.C. §§ 1391(b)-(c) and § 1400(b). Defendant sells and/or offers to sell its infringing Power Zone Kwik-Set Self-Facing System in this District. Defendant has a manufacturing and distribution facility in this District at 1600 Birchwood Avenue, Des Plaines, Illinois 60018. On information and belief, at this manufacturing and distribution facility, Defendant makes, uses, sells and/or offers for sale its infringing Power Zone Kwik-Set Self-Facing System, one example of Defendants' infringement in this District.

RTC'S PATENTED TECHNOLOGY

10. RTC is a Chicago-based industry-leading designer, manufacturer, and seller of consumer retail systems, including merchandise display systems commonly found on shelves at major retailers like Walgreens, CVS, Walmart, and Kroger. Since its founding almost seventy years ago, RTC has pushed the envelope of retail technology, providing new and innovative

solutions to retailers. RTC has been awarded and is the owner of many patents relating to and covering its innovative solutions. Some of those patents are asserted in this Complaint.

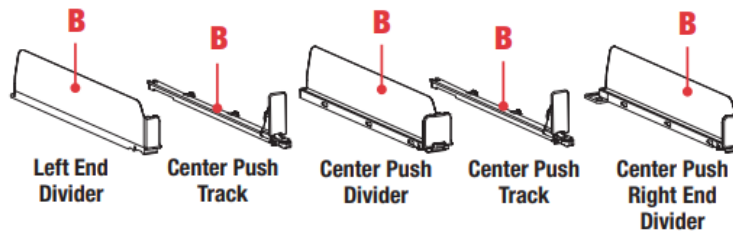
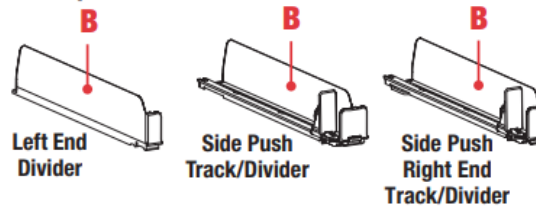
11. Retail and wholesale stores, such as convenience stores, drug stores, grocery stores, discount stores, and the like, require a large amount of shelving both to store products and to display the products to consumers. In displaying the products, it is desirable for the products on the shelves to be situated toward the front of the shelf so that the products are visible and accessible to consumers. To accomplish this placement of products on the shelf, product merchandise display systems can use a pusher system to push the products toward the front of the shelf as the product at the front of the shelf is removed. The pusher systems can be mounted to a front rail and include a pusher paddle and a coiled spring to urge the product forward. Product dividers can also be used to separate the products into rows of product to better organize and display the different products on the shelf.

DEFENDANT'S INFRINGING SYSTEM

12. Defendant makes, uses, sells and offers for sale merchandise display systems that repeatedly infringe RTC's patented technologies. Defendant calls its latest infringing system the Power Zone Kwik-Set Self-Facing System. Defendant sells this system to retail stores in direct competition with RTC. The Power Zone Kwik-Set Self-Facing System is illustrated below and also shown in Exhibit I.



13. The Power Zone Kwik-Set Self-Facing System is a merchandise display system that pushes products forward on the shelf and organizes the products into rows. This system includes dividers, pushers and a front rail that are mounted to a shelf. The dividers include a divider wall that extends upwardly from a divider floor on which product can sit. The system includes pusher tracks, paddles and coiled springs. Defendant's system includes what Defendants refer to as a "lock" that both locks the divider in relation to the front rail to inhibit lateral movement of the divider and unlocks the divider in relation to the front rail to allow lateral movement of the divider. Defendant's system also includes a pusher paddle extender that defines a sleeve to permit the paddle extender to slide over the pusher paddle to create a greater pusher surface area. Components of Defendant's Power Zone Kwik-Set Self-Facing System are depicted in the below figures taken from Defendant's advertisement. (Exhibit I.)

Center Push Components**Side Push Components****Standard Front Rail**

41211000 CL

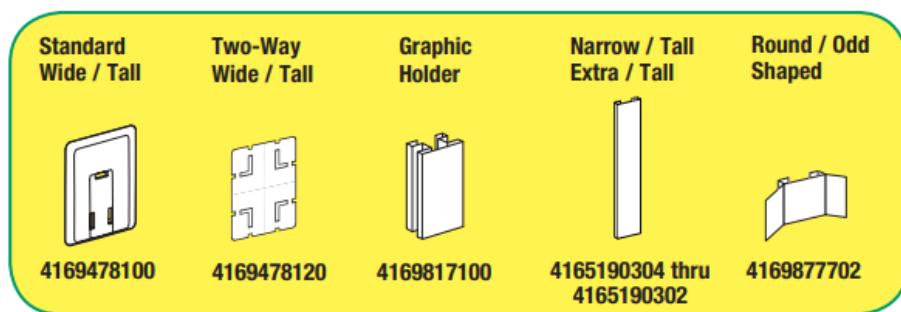
Kwik-Connect™ Front Rail

41212000 CL

14. Defendant advertises that the “Dividers and [Pusher] Tracks engage and disengage easily [the front rail] for trouble-free installations and quick set changes.” (Exhibit I.) Defendant further advertises that the “Dividers and Tracks can be adjusted by sliding along [a] Front Rail” and that a “Spring-loaded lock tab allows easy adjustment of facing width, even with product in place; tab automatically locks into place, maintaining facing width integrity.” (*Id.*) A spring-loaded lock that permits the divider to slide along the front rail and to lock the divider to the front rail is shown in Defendant’s advertisement photo depicted below.



15. Defendant also advertises that its system includes an “Integrated clear front product stop [that] provides unobstructed view of products” (as shown in the above image) and the system is “Compatible with all Power Zone® Sure-Set™ Paddle Extenders and Adapters.” (*Id.*) Examples of the paddle extenders are depicted below.



COUNT 1 - INFRINGEMENT OF U.S. PATENT NO. 9,173,505

16. RTC realleges and incorporates by reference the allegations stated in paragraphs 1-15 of this Complaint as if fully set forth herein.

17. On November 3, 2015, the United States Patent and Trademark Office duly and legally issued United States Patent No. 9,173,505 (“the ‘505 patent”) entitled “Product Management Display System with Trackless Pusher Mechanism.” RTC is the owner of the ‘505

patent, by virtue of assignment of all rights, title and interest to the '505 patent. RTC marks its products in compliance with 35 U.S.C. § 287. A true and correct copy of the '505 patent is attached to this Complaint as Exhibit A.

18. Defendant manufactures, uses, offers to sell, sells, and/or imports merchandise display systems, including, but not limited to its Power Zone Kwik-Set Self-Facing System, and/or engages in activities related to merchandise display systems that directly infringe, either literally or through the doctrine of equivalents, and Defendant induces infringement of, one or more claims of the '505 patent, including at least claims 1, 7, 9 and 10.

19. Exemplary claim 1 of the '505 patent recites:

A merchandise display system comprising:

- a front rail configured to mount to a shelf;
- at least one divider defining a first end and a second end and configured to engage the front rail, the at least one divider further including a divider wall and a divider floor perpendicular to the divider wall, wherein the divider floor is configured to hold product;
- a barrier located at the first end of the divider; and
- a lock coupled to the divider, wherein the lock is configured to move between a first position and a second position,
wherein the lock inhibits movement of the at least one divider in a lateral direction parallel to the front rail when the lock is in the first position and in engagement with the front rail and the lock allows movement of the divider in a lateral direction parallel to the front rail when the lock is in the second position and disengaged from the front rail.

20. As shown in Exhibits I and J, the Power Zone Kwik-Set Self-Facing System constitutes a merchandise display system including each and every element of at least claim 1 of the '505 patent, either literally or through the doctrine of equivalents, including:

- a front rail configured to mount to a shelf;
- at least one divider defining a first end and a second end and configured to engage the front rail, the divider further including a divider wall and a divider floor perpendicular to the divider wall, the divider floor is configured to hold product;
- a barrier located at the first end of the divider; and
- a lock coupled to the divider, wherein the lock is configured to move between a first position and a second position,

the lock inhibits movement of the divider in a lateral direction parallel to the front rail when the lock is in the first position and in engagement with the front rail and

the lock allows movement of the divider in a lateral direction parallel to the front rail when the lock is in the second position and disengaged from the front rail.

21. A claim chart cross-referencing the elements of claims 1, 7, 9 and 10 with an explanation of infringing aspects of the Power Zone Kwik-Set Self-Facing System is attached as Exhibit J and is incorporated by reference herein.

22. Defendant's acts of infringement have been without express or implied license by RTC, are in violation of RTC's rights, and will continue unless enjoined by this Court.

23. Defendant has induced its customers to use the Power Zone Kwik-Set Self-Facing System. Defendant's product manuals, instructional videos and advertisements instruct Defendant's customers on how to install and use the Power Zone Kwik-Set Self-Facing System. On information and belief, Defendant knew that its customers, in using the Power Zone Kwik-Set Self-Facing System, were practicing the claims of the '505 patent. Accordingly, on information and belief, Defendant has induced and is inducing its customers of the Power Zone Kwik-Set Self-Facing System to infringe claims of the '505 patent.

24. On information and belief, Defendant's acts of infringement have been willful. Defendant has continued its infringement with knowledge of the '505 patent and in willful disregard of the '505 patent and the rights created thereunder.

25. RTC has been and will continue to be irreparably harmed by Defendant's infringement of the '505 patent.

COUNT 2 - INFRINGEMENT OF U.S. PATENT NO. 9,149,132

26. RTC realleges and incorporates by reference the allegations stated in paragraphs 1-25 of this Complaint as if fully set forth herein.

27. On October 6, 2015, the United States Patent and Trademark Office duly and legally issued United States Patent No. 9,149,132 (“the ‘132 patent”) entitled “Product Management Display System with Trackless Pusher Mechanism.” RTC is the owner of the ‘132 patent, by virtue of assignment of all rights, title and interest to the ‘132 patent. RTC marks its products in compliance with 35 U.S.C. § 287. A true and correct copy of the ‘132 patent is attached to this Complaint as Exhibit B.

28. Defendant manufactures, uses, offers to sell, sells, and/or imports merchandise display systems, including, but not limited to its Power Zone Kwik-Set Self-Facing System, and/or engages in activities related to merchandise display systems that directly infringe, either literally or through the doctrine of equivalents, and Defendant induces infringement of, one or more claims of the ‘132 patent, including at least claims 1, 5, 6, 7 and 8.

29. Exemplary claim 1 of the ‘132 patent recites:

A merchandise display system comprising:

- a front rail, the front rail comprising at least a first engaging member;
- at least one divider configured to attach to the front rail, the at least one divider comprising a divider wall and a divider floor perpendicular to the divider wall, the at least one divider further comprising at least a second engaging member; and
- a third engaging member connected to either the front rail or the at least one divider and configured to move between a first position and a second position,
 - wherein the at least one divider is (a) movable in a lateral direction parallel to the front rail and (b) secured in a direction perpendicular to the front rail when the first engaging member of the front rail is engaged with the second engaging member of the divider and the third engaging member is in the first position, and
 - wherein the at least one divider is (a) fixed in the lateral direction parallel to the front rail and (b) secured in the direction perpendicular to the front rail when the first engaging member of the front rail is engaged with the second engaging member of the divider and the third engaging member is in the second position.

30. As shown in Exhibits I and J, the Power Zone Kwik-Set Self-Facing System constitutes a merchandise display system including each and every element of at least claim 1 of the ‘132 patent, either literally or through the doctrine of equivalents, including:

a front rail, the front rail comprising at least a first engaging member;
at least one divider configured to attach to the front rail,
the divider comprising a divider wall and a divider floor perpendicular to the divider wall, the divider further comprising at least a second engaging member; and
a third engaging member connected to either the front rail or the divider and configured to move between a first position and a second position,
the divider is (a) movable in a lateral direction parallel to the front rail and (b) secured in a direction perpendicular to the front rail when the first engaging member of the front rail is engaged with the second engaging member of the divider and the third engaging member is in the first position, and
the divider is (a) fixed in the lateral direction parallel to the front rail and (b) secured in the direction perpendicular to the front rail when the first engaging member of the front rail is engaged with the second engaging member of the divider and the third engaging member is in the second position.

31. A claim chart cross-referencing the elements of claims 1, 5, 6, 7 and 8 with an explanation of infringing aspects of the Power Zone Kwik-Set Self-Facing System is attached as Exhibit J and is incorporated by reference herein.

32. Defendant's acts of infringement have been without express or implied license by RTC, are in violation of RTC's rights, and will continue unless enjoined by this Court.

33. Defendant has induced its customers to use the Power Zone Kwik-Set Self-Facing System. Defendant's product manuals, instructional videos and advertisements instruct Defendant's customers on how to install and use the Power Zone Kwik-Set Self-Facing System. On information and belief, Defendant knew that its customers, in using the Power Zone Kwik-Set Self-Facing System, were practicing the claims of the '132 patent. Accordingly, on information and belief, Defendant has induced and is inducing its customers of the Power Zone Kwik-Set Self-Facing System to infringe claims of the '132 patent.

34. On information and belief, Defendant's acts of infringement have been willful. Defendant has continued its infringement with knowledge of the '132 patent and in willful disregard of the '132 patent and the rights created thereunder.

35. RTC has been and will continue to be irreparably harmed by Defendant's infringement of the '132 patent.

COUNT 3 - INFRINGEMENT OF U.S. PATENT NO. 8,662,319

36. RTC realleges and incorporates by reference the allegations stated in paragraphs 1-35 of this Complaint as if fully set forth herein.

37. On March 4, 2014, the United States Patent and Trademark Office duly and legally issued United States Patent No. 8,662,319 ("the '319 patent") entitled "Product Management Display System." RTC is the owner of the '319 patent, by virtue of assignment of all rights, title and interest to the '319 patent. RTC marks its products in compliance with 35 U.S.C. § 287. A true and correct copy of the '319 patent is attached to this Complaint as Exhibit C.

38. Defendant manufactures, uses, offers to sell, sells, and/or imports merchandise display systems, including, but not limited to its Power Zone Kwik-Set Self-Facing System, and/or engages in activities related to merchandise display systems that directly infringe, either literally or through the doctrine of equivalents, and Defendant induces infringement of, one or more claims of the '319 patent, including at least claims 1 and 8.

39. Exemplary claim 1 of the '319 patent recites:

A merchandise-display system comprising:

a unitary, one-piece, base-and-divider assembly, wherein the base-and-divider assembly includes a base portion adapted for operative coupling to a front rail of a shelf, and a divider portion for dividing displayed merchandise into rows,

wherein the divider portion protrudes from the base portion such that the divider portion separates the base portion into a first portion and a second portion;

a pusher track operatively coupled to the shelf and positioned on the first portion of the base portion; and a spring-urged pusher mounted to the pusher track for pushing merchandise toward the front rail of the shelf.

40. As shown in Exhibits I and J, the Power Zone Kwik-Set Self-Facing System constitutes a merchandise display system including each and every element of at least claim 1 of the '319 patent, either literally or through the doctrine of equivalents, including:

a unitary, one-piece, base-and-divider assembly, wherein the base-and-divider assembly includes a base portion adapted for operative coupling to a front rail of a shelf, and a divider portion for dividing displayed merchandise into rows,

the divider portion protrudes from the base portion such that the divider portion separates the base portion into a first portion and a second portion;

a pusher track operatively coupled to the shelf and positioned on the first portion of the base portion; and

a spring-urged pusher mounted to the pusher track for pushing merchandise toward the front rail of the shelf.

41. A claim chart cross-referencing the elements of claims 1 and 8 with an explanation of infringing aspects of the Power Zone Kwik-Set Self-Facing System is attached as Exhibit J and is incorporated by reference herein.

42. Defendant's acts of infringement have been without express or implied license by RTC, are in violation of RTC's rights, and will continue unless enjoined by this Court.

43. Defendant has induced its customers to use the Power Zone Kwik-Set Self-Facing System. Defendant's product manuals, instructional videos and advertisements instruct Defendant's customers on how to install and use the Power Zone Kwik-Set Self-Facing System. On information and belief, Defendant knew that its customers, in using the Power Zone Kwik-Set Self-Facing System, were practicing the claims of the '319 patent. Accordingly, on information and belief, Defendant has induced and is inducing its customers of the Power Zone Kwik-Set Self-Facing System to infringe claims of the '319 patent.

44. On information and belief, Defendant's acts of infringement have been willful. Defendant has continued its infringement with knowledge of the '319 patent and in willful disregard of the '319 patent and the rights created thereunder.

45. RTC has been and will continue to be irreparably harmed by Defendant's infringement of the '319 patent.

COUNT 4 - INFRINGEMENT OF U.S. PATENT NO. 8,096,427

46. RTC realleges and incorporates by reference the allegations stated in paragraphs 1-45 of this Complaint as if fully set forth herein.

47. On January 17, 2012, the United States Patent and Trademark Office duly and legally issued United States Patent No. 8,096,427 ("the '427 patent") entitled "Product Management Display System." RTC is the owner of the '427 patent, by virtue of assignment of all rights, title and interest to the '427 patent. RTC marks its products in compliance with 35 U.S.C. § 287. A true and correct copy of the '427 patent is attached to this Complaint as Exhibit D.

48. Defendant manufactures, uses, offers to sell, sells, and/or imports merchandise display systems, including, but not limited to its Power Zone Kwik-Set Self-Facing System, and/or engages in activities related to merchandise display systems that directly infringe, either literally or through the doctrine of equivalents, and Defendant induces infringement of, one or more claims of the '427 patent, including at least claims 1-15, and 17-20.

49. Exemplary claim 1 of the '427 patent recites:

A merchandise-display system comprising:

an integrated base-and-divider assembly, wherein the base-and-divider assembly includes a base portion adapted for operative coupling to a front rail, and a divider portion for dividing displayed merchandise into rows,

wherein the divider portion protrudes from the base portion such that the divider portion separates the base portion into a first portion and a second portion;

a pusher track operatively coupled to the front rail, the pusher track comprising at least one rail with a top surface and a bottom surface, wherein the at least one rail defines at least one notch, the pusher track further comprising at least one projection configured to prevent the pusher track from sliding along the front rail; and

a spring-urged pusher mounted to the pusher track for pushing merchandise toward the front of the shelf, the pusher comprising a pusher face having a top and a

bottom, wherein the base-and-divider assembly and pusher track are separate components and each are mounted to the front rail that extends along a front portion of the shelf.

50. As shown in Exhibits I and J, the Power Zone Kwik-Set Self-Facing System constitutes a merchandise display system including each and every element of at least claim 1 of the '427 patent, either literally or through the doctrine of equivalents, including:

an integrated base-and-divider assembly, wherein the base-and-divider assembly includes a base portion adapted for operative coupling to a front rail, and a divider portion for dividing displayed merchandise into rows,

the divider portion protrudes from the base portion such that the divider portion separates the base portion into a first portion and a second portion;

a pusher track operatively coupled to the front rail,

the pusher track comprising at least one rail with a top surface and a bottom surface, wherein the at least one rail defines at least one notch, the pusher track further comprising at least one projection configured to prevent the pusher track from sliding along the front rail; and

a spring-urged pusher mounted to the pusher track for pushing merchandise toward the front of the shelf,

the pusher comprising a pusher face having a top and a bottom,

the base-and-divider assembly and pusher track are separate components and each are mounted to the front rail that extends along a front portion of the shelf.

51. A claim chart cross-referencing the elements of claims 1-15 and 17-20 with an explanation of infringing aspects of the Power Zone Kwik-Set Self-Facing System is attached as Exhibit J and is incorporated by reference herein.

52. Defendant's acts of infringement have been without express or implied license by RTC, are in violation of RTC's rights, and will continue unless enjoined by this Court.

53. Defendant has induced its customers to use the Power Zone Kwik-Set Self-Facing System. Defendant's product manuals, instructional videos and advertisements instruct Defendant's customers on how to install and use the Power Zone Kwik-Set Self-Facing System. On information and belief, Defendant knew that its customers, in using the Power Zone Kwik-

Set Self-Facing System, were practicing the claims of the '427 patent. Accordingly, on information and belief, Defendant has induced and is inducing its customers of the Power Zone Kwik-Set Self-Facing System to infringe claims of the '427 patent.

54. On information and belief, Defendant's acts of infringement have been willful. Defendant has continued its infringement with knowledge of the '427 patent and in willful disregard of the '427 patent and the rights created thereunder.

55. RTC has been and will continue to be irreparably harmed by Defendant's infringement of the '427 patent.

COUNT 5 - INFRINGEMENT OF U.S. PATENT NO. 6,964,235

56. RTC realleges and incorporates by reference the allegations stated in paragraphs 1-55 of this Complaint as if fully set forth herein.

57. On November 15, 2005, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,964,235 ("the '235 patent") entitled "Product Management Display System." RTC is the owner of the '235 patent, by virtue of assignment of all rights, title and interest to the '235 patent. RTC marks its products in compliance with 35 U.S.C. § 287. A true and correct copy of the '235 patent is attached to this Complaint as Exhibit E.

58. Defendant manufactures, uses, offers to sell, sells, and/or imports merchandise display systems, including, but not limited to its Power Zone Kwik-Set Self-Facing System, and/or engages in activities related to merchandise display systems that directly infringe, either literally or through the doctrine of equivalents, and Defendant induces infringement of, one or more claims of the '235 patent, including at least claim 22.

59. Defendant is a repeat and willful infringer of the '235 patent. RTC previously asserted the '235 patent against Defendant in the lawsuit captioned *RTC Industries, Inc. v. Fasteners for Retail, Inc. et al*, Civil Action No. 05-cv-6940, Northern District of Illinois.

60. Exemplary claim 22 of the '235 patent recites:

A merchandise-display system comprising:

an integrated base-and-divider assembly for supporting displayed merchandise, wherein the base-and-divider assembly includes a base portion adapted for operative coupling to a shelf, and a divider portion for dividing displayed merchandise into rows, wherein the divider portion protrudes from the base such that the divider portion separates the base portion into a first portion having a pusher track and a second portion; and

a spring-urged pusher in the pusher track for pushing merchandise along the first portion toward the front of the shelf, wherein the base-and-divider assembly is non-slidably engaged with a front rail that extends along and is affixed to a front portion of the shelf.

61. As shown in Exhibits I and J, the Power Zone Kwik-Set Self-Facing System constitutes a merchandise display system including each and every element of at least claim 22 of the '235 patent, either literally or through the doctrine of equivalents, including:

an integrated base-and-divider assembly for supporting displayed merchandise,

the base-and-divider assembly includes a base portion adapted for operative coupling to a shelf and a divider portion for dividing displayed merchandise into rows,

the divider portion protrudes from the base such that the divider portion separates the base portion into a first portion having a pusher track and a second portion; and

a spring-urged pusher in the pusher track for pushing merchandise along the first portion toward the front of the shelf,

the base-and-divider assembly is non-slidably engaged with a front rail that extends along and is affixed to a front portion of the shelf.

62. A claim chart cross-referencing the elements of claim 22 with an explanation of infringing aspects of the Power Zone Kwik-Set Self-Facing System is attached as Exhibit J and is incorporated by reference herein.

63. Defendant's acts of infringement have been without express or implied license by RTC, are in violation of RTC's rights, and will continue unless enjoined by this Court.

64. Defendant has induced its customers to use the Power Zone Kwik-Set Self-Facing System. Defendant's product manuals, instructional videos and advertisements instruct Defendant's customers on how to install and use the Power Zone Kwik-Set Self-Facing System. On information and belief, Defendant knew that its customers, in using the Power Zone Kwik-Set Self-Facing System, were practicing the claims of the '235 patent. Accordingly, on information and belief, Defendant has induced and is inducing its customers of the Power Zone Kwik-Set Self-Facing System to infringe claims of the '235 patent.

65. Defendant's acts of infringement have been willful. Defendant was aware of the '235 patent because it was previously accused of infringing the '235 patent and has repeated its infringement of the '235 patent in willful disregard of the '235 patent and the rights created thereunder.

66. RTC has been and will continue to be irreparably harmed by Defendant's infringement of the '235 patent.

COUNT 6 - INFRINGEMENT OF U.S. PATENT NO. 6,041,720

67. RTC realleges and incorporates by reference the allegations stated in paragraphs 1-66 of this Complaint as if fully set forth herein.

68. On March 28, 2000, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,041,720 ("the '720 patent") entitled "Product Management Display System." RTC is the owner of the '720 patent, by virtue of assignment of all rights, title and interest to the '720 patent. RTC marks its products in compliance with 35 U.S.C. § 287. A true and correct copy of the '720 patent is attached to this Complaint as Exhibit F.

69. Defendant manufactures, uses, offers to sell, sells, and/or imports merchandise display systems, including, but not limited to its Power Zone Kwik-Set Self-Facing System, and/or engages in activities related to merchandise display systems that directly infringe, either literally or through the doctrine of equivalents, and Defendant contributes to and induces infringement of, one or more claims of the '720 patent, including at least claims 1-8, 10 and 11.

70. Exemplary claim 5 of the '720 patent recites:

A merchandise display apparatus slidably engaged in a single front rail extending longitudinally along a gondola shelf, the display apparatus comprising:
a merchandise display surface, a front surface and an underside surface;
a first tongue extending from the front surface, the first tongue engaging a first groove in the front rail;
a second groove extending along edges in the underside surface of the slidable display apparatus, the second groove engaging a second tongue in the front rail;
wherein the display apparatus is slidably engaged along with the front rail by complementary tongue and groove cooperation of the display apparatus and the front rail.

71. As shown in Exhibits I and J, the Power Zone Kwik-Set Self-Facing System constitutes a merchandise display system including each and every element of at least claim 5 of the '720 patent, either literally or through the doctrine of equivalents, including:

a merchandise display surface, a front surface and an underside surface;
a first tongue extending from the front surface, the first tongue engaging a first groove in the front rail;
a second groove extending along edges in the underside surface of the slidable display apparatus, the second groove engaging a second tongue in the front rail;
the display apparatus is slidably engaged along with the front rail by complementary tongue and groove cooperation of the display apparatus and the front rail.

72. A claim chart cross-referencing the elements of claims 1-8, 10 and 11 with an explanation of infringing aspects of the Power Zone Kwik-Set Self-Facing System is attached as Exhibit J and is incorporated by reference herein.

73. Defendant's acts of infringement have been without express or implied license by RTC, are in violation of RTC's rights, and will continue unless enjoined by this Court.

74. Defendant induced its customers to use the Power Zone Kwik-Set Self-Facing System. Defendant's product manuals, instructional videos and advertisements instruct Defendant's customers on how to install and use the Power Zone Kwik-Set Self-Facing System. On information and belief, Defendant knew that its customers, in using the Power Zone Kwik-Set Self-Facing System, were practicing the claims of the '720 patent. Accordingly, on information and belief, Defendant has induced and is inducing its customers of the Power Zone Kwik-Set Self-Facing System to infringe claims of the '720 patent.

75. On information and belief, Defendant's acts of infringement have been willful. Defendant has continued its infringement with knowledge of the '720 patent and in willful disregard of the '720 patent and the rights created thereunder.

76. RTC has been and will continue to be irreparably harmed by Defendant's infringement of the '720 patent.

COUNT 7 - INFRINGEMENT OF U.S. PATENT NO. 9,635,957

77. RTC realleges and incorporates by reference the allegations stated in paragraphs 1-76 of this Complaint as if fully set forth herein.

78. On May 2, 2017, the United States Patent and Trademark Office duly and legally issued United States Patent No. 9,635,957 ("the '957 patent") entitled "Product Management Display System." RTC is the owner of the '957 patent, by virtue of assignment of all rights, title and interest to the '957 patent. RTC marks its products in compliance with 35 U.S.C. § 287. A true and correct copy of the '957 patent is attached to this Complaint as Exhibit G.

79. Defendant manufactures, uses, offers to sell, sells, and/or imports merchandise display systems, including, but not limited to its Power Zone Kwik-Set Self-Facing System, and/or engages in activities related to merchandise display systems that directly infringe, either

literally or through the doctrine of equivalents, and Defendant induces infringement of, one or more claims of the '957 patent, including at least claims 1, 5, 6, 14 and 15.

80. Exemplary claim 1 of the '957 patent recites:

A merchandise display system comprising:

at least one divider including a barrier, the at least one divider further including a divider wall, the at least one divider further including a divider floor perpendicular to the divider wall, wherein the divider floor is configured to hold product; and

a pusher mechanism operatively connected to the divider, the pusher mechanism having a pusher surface defining a first surface area, a pusher floor, and a coiled spring having a coiled end and a free end and a pusher extender defining a second surface area;

wherein the second surface area is greater than the first surface area such that the pusher extender increases a pusher surface area of the pusher mechanism and wherein the pusher extender defines a sleeve that is configured to fit over the pusher mechanism.

81. As shown in Exhibits I and J, the Power Zone Kwik-Set Self-Facing System constitutes a merchandise display system including each and every element of at least claim 1 of the '957 patent, either literally or through the doctrine of equivalents, including:

at least one divider including a barrier, the at least one divider further including a divider wall,

the at least one divider further including a divider floor perpendicular to the divider wall, wherein the divider floor is configured to hold product; and

a pusher mechanism operatively connected to the divider, the pusher mechanism having a pusher surface defining a first surface area, a pusher floor, and a coiled spring having a coiled end and a free end and a pusher extender defining a second surface area;

the second surface area is greater than the first surface area such that the pusher extender increases a pusher surface area of the pusher mechanism and

the pusher extender defines a sleeve that is configured to fit over the pusher mechanism.

82. A claim chart cross-referencing the elements of claims 1, 5, 6, 14 and 15 with an explanation of infringing aspects of the Power Zone Kwik-Set Self-Facing System is attached as Exhibit J and is incorporated by reference herein.

83. Defendant's acts of infringement have been without express or implied license by RTC, are in violation of RTC's rights, and will continue unless enjoined by this Court.

84. Defendant induced its customers to use the Power Zone Kwik-Set Self-Facing System. Defendant's product manuals, instructional videos and advertisements instruct Defendant's customers on how to install and use the Power Zone Kwik-Set Self-Facing System. On information and belief, Defendant knew that its customers, in using the Power Zone Kwik-Set Self-Facing System, were practicing the claims of the '957 patent. Accordingly, on information and belief, Defendant has induced and is inducing its customers of the Power Zone Kwik-Set Self-Facing System to infringe claims of the '957 patent.

85. On information and belief, Defendant's acts of infringement have been willful. Defendant has continued its infringement with knowledge of the '957 patent and in willful disregard of the '957 patent and the rights created thereunder.

86. RTC has been and will continue to be irreparably harmed by Defendant's infringement of the '957 patent.

COUNT 8 - INFRINGEMENT OF U.S. PATENT NO. 9,504,321

87. RTC realleges and incorporates by reference the allegations stated in paragraphs 1-86 of this Complaint as if fully set forth herein.

88. On November 29, 2016, the United States Patent and Trademark Office duly and legally issued United States Patent No. 9,504,321 ("the '321 patent") entitled "Product Management Display System with Trackless Pusher Mechanism." RTC is the owner of the '321 patent, by virtue of assignment of all rights, title and interest to the '321 patent. RTC marks its products in compliance with 35 U.S.C. § 287. A true and correct copy of the '321 patent is attached to this Complaint as Exhibit H.

89. Defendant manufactures, uses, offers to sell, sells, and/or imports merchandise display systems, including, but not limited to its Power Zone Kwik-Set Self-Facing System,

and/or engages in activities related to merchandise display systems that directly infringe, either literally or through the doctrine of equivalents, and Defendant induces infringement of, one or more claims of the '321 patent, including at least claim 9.

90. Exemplary claim 9 of the '321 patent recites:

A merchandise display system comprising:

- a front rail;
- at least one divider configured to engage the front rail, the at least one divider further including a divider wall, a floor configured to engage the front rail and to hold product,
- a front lock coupled to a front end of the floor,
- a pusher mechanism mounted to the floor and configured to slide along the floor, wherein the front lock is in front of the pusher mechanism and is configured to be digitally accessible when product is on the floor;
- wherein the front lock is shiftable between a first position and a second position, wherein the front lock moves the floor out of engagement with the front rail when in the first position and permits slidable movement of the floor relative to the front rail, and wherein the front lock prevents slidable movement of the floor relative to the front rail when in the second position.

91. As shown in Exhibits I and J, the Power Zone Kwik-Set Self-Facing System constitutes a merchandise display system including each and every element of at least claim 9 of the '321 patent, either literally or through the doctrine of equivalents, including:

- a front rail;
- at least one divider configured to engage the front rail, the at least one divider further including a divider wall, a floor configured to engage the front rail and to hold product,
- a front lock coupled to a front end of the floor,
- a pusher mechanism mounted to the floor and configured to slide along the floor, wherein the front lock is in front of the pusher mechanism and is configured to be digitally accessible when product is on the floor;
- the front lock is shiftable between a first position and a second position,
- the front lock moves the floor out of engagement with the front rail when in the first position and permits slidable movement of the floor relative to the front rail, and
- the front lock prevents slidable movement of the floor relative to the front rail when in the second position.

92. A claim chart cross-referencing the elements of claim 9 with an explanation of infringing aspects of the Power Zone Kwik-Set Self-Facing System is attached as Exhibit J and is incorporated by reference herein.

93. Defendant's acts of infringement have been without express or implied license by RTC, are in violation of RTC's rights, and will continue unless enjoined by this Court.

94. Defendant induced its customers to use the Power Zone Kwik-Set Self-Facing System. Defendant's product manuals, instructional videos and advertisements instruct Defendant's customers on how to install and use the Power Zone Kwik-Set Self-Facing System. On information and belief, Defendant knew that its customers, in using the Power Zone Kwik-Set Self-Facing System, were practicing the claims of the '321 patent. Accordingly, on information and belief, Defendant has induced and is inducing its customers of the Power Zone Kwik-Set Self-Facing System to infringe claims of the '321 patent.

95. On information and belief, Defendant's acts of infringement have been willful. Defendant has continued its infringement with knowledge of the '321 patent and in willful disregard of the '321 patent and the rights created thereunder.

96. RTC has been and will continue to be irreparably harmed by Defendant's infringement of the '321 patent.

JURY DEMAND

97. RTC demands a jury trial on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff RTC respectfully prays that:

A. Pursuant to 35 U.S.C. §271, this Court enter judgment that Defendant has been and is currently infringing the '505, '132, '319, '427, '235, '720, '321 and '957 patents;

B. This Court Order that Defendant and each of its officers, agents, servants, employees, assigns and successors in interest, those persons in active concert of participation with it who receive notice of the injunction, and others acting on its behalf, be preliminarily and permanently enjoined from infringing the '505, '132, '319, '427, '235, '720, '321 and '957 patents, including through use of the infringing products as well as making, selling or offering for sale the infringing products or engaging in infringing activities;

C. This Court Order that Defendant notify purchasers and users of the infringing systems and activities that the systems and activities infringe the '505, '132, '319, '427, '235, '720, '321 and '957 patents, and that Defendant recall all infringing products sold or otherwise distributed, and that the Defendant remove the infringing products from all stores where those products have been installed;

D. Defendant be directed to provide an accounting to determine the damages suffered by RTC as a result of Defendant's infringing conduct, such damages including, but not limited to, RTC's lost profits on sales or offers for sale of the infringing products, and in no event less than a reasonable royalty;

E. Defendant be directed to pay RTC the amount of damages that RTC has sustained as a result of Defendant's acts of patent infringement, and that such damages be trebled under 35 U.S.C. §284 as a result of any willful infringement of RTC's '505, '132, '319, '427, '235, '720, '321 and/or '957 patents;

F. This be declared an exceptional case under 35 U.S.C. §285, and RTC be awarded its attorneys' fees;

G. Defendant be directed to pay RTC an award of pre-judgment interest, post-judgment interest, and costs of the suit; and

H. RTC be granted such other further relief as the Court may deem proper and just.

Respectfully submitted,

Dated: September 8, 2017

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***Attorneys for Plaintiff
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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of September, 2017, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send electronic notification of such filing to the following counsel of record for Defendant:

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