

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

SHINMAX INDUSTRY CO., LTD.)	
A foreign corporation)	
)	
Plaintiff,)	Case No. _____
)	
v.)	
)	
GREAT LAKES TECHNOLOGIES,)	
LLC,)	
d/b/a WEN PRODUCTS)	
an Illinois corporation,)	
)	JURY TRIAL DEMANDED
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Shinmax Industry Co., Ltd. (“Plaintiff” or “Shinmax”), by and through its undersigned counsel, alleges the following for its Complaint against Defendant Great Lakes Technologies, LLC, d/b/a WEN Products (“Defendant” or “GLT”):

NATURE OF THE ACTION

1. This is an action for patent infringement under the patent laws of the United States, Title 35 of the United States Code. Shinmax seeks remedies for

Defendant's infringement of Shinmax's U.S. Patent No. 7,857,018 ("the '018 Patent" or the "Asserted Patent").

THE PARTIES

2. Shinmax is a foreign corporation organized under the laws of Taiwan with an office located at No. 32, Aly. 42, Ln. 164, Fenghuang Rd., Dali Dist., Taichung City 412, Taiwan (R.O.C.).
3. On information and belief, GLT is incorporated in the State of Illinois with an office located at 2750 Alft Lane, Elgin, Illinois 60124, U.S.A.
4. On information and belief, GLT is doing business as WEN Products in offering for sale and selling of benchtop, portable, pneumatics, outdoor, and hobby tools and their accessories.

JURISDICTION AND VENUE

5. This action arises under the Patent Laws of the United States Code, 35 U.S.C. §1 et seq.
6. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338(a).
7. This Court has personal jurisdiction over Defendant by virtue of activities Defendant conducts within the State of Michigan.
8. Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b) because Defendant has committed acts of infringement within this district

and, on information and belief, has a regular and established business in this district.

9. For example, on August 31, 2004, Defendant sought and obtained a Certificate of Authority to transact business in Michigan. See Exhibit 1.
10. Moreover, Defendant's infringement includes but is not limited to selling and offering to sell the infringing product through large retail stores in this district, including Home Depot, Walmart, Sears, and K-Mart.
11. Finally, Defendant also conducts continuous and systematic business within the district through its website and through Amazon.com.

THE PATENT-IN-SUIT

12. The '018 Patent is entitled "Carrier of A Wood Planer for Carrying a Cutter and a Motor," and issued December 28, 2010. The '018 Patent issued from United States Patent Application No. 12/313,586, filed on November 21, 2008. The '018 Patent claims foreign priority to Chinese Patent Application No. 200820166204, filed May 15, 2008. A certified copy of the '018 Patent is attached as Exhibit 2.
13. Now and at the time of issuance, Shinmax was and is the owner, by valid assignment, of the entire right, title, and interest in and to the '018 Patent. The '018 Patent is valid, enforceable, and is in full force and effect.

INFRINGEMENT OF THE PATENT-IN-SUIT

14. Defendant has infringed and will continue to infringe at least claims 1 and 9 of the '018 Patent by selling and offering to sell its WEN 6550 Thickness Planer ("the Accused Product"). A copy of the user's manual of the Accused Product is attached as Exhibit 3.

15. Independent Claim 1 of the '018 Patent recites:

A carrier for a wood planer to carry **a motor** and **a cutter** and to move upward and downward along **vertical guide posts**, said carrier comprising:
left and right mounting seats each having
front and rear support blocks, front and rear guide holes, and a cutter mounting hole adapted for mounting the cutter and disposed between said front and rear support blocks and between said front and rear guide holes, said front and rear support blocks projecting oppositely and inwardly from said left and right mounting seats, said front and rear guide holes being adapted for extension of the guide posts,
a front connecting rod having left and right end sections respectively connected to said front support blocks of said left and right mounting seats;
a rear connecting rod having left and right end sections respectively connected to said rear support blocks of said left and right mounting seats;
a motor mounting plate disposed above said front connecting rod and having left and right ends respectively fixed to said front support blocks of said left and right mounting seats; and
a top connecting rod having left and right end sections, said left and right mounting seats further having **top ends** which are provided with **second insert holes**, respectively, said left and right end sections of said top connecting rod being inserted into said second insert holes, respectively.

16. Independent Claim 9 of the '018 Patent recites:

A **carrier** for a wood planer to carry a **motor** and a **cutter** and to move upward and downward along **vertical guide posts**, said carrier comprising:

left and right mounting seats each having

front and rear support blocks, front and rear guide holes, and a cutter mounting hole adapted for mounting the cutter and disposed between said front and rear support blocks and between said front and rear guide holes, said front and rear support blocks projecting oppositely and inwardly from said left and right mounting seats, said front and rear guide holes being adapted for extension of the guide posts,

a front connecting rod having left and right end sections respectively connected to said front support blocks of said left and right mounting seats;

a rear connecting rod having left and right end sections respectively connected to said rear support blocks of said left and right mounting seats;

a motor mounting plate disposed above said front connecting rod and having left and right ends respectively fixed to said front support blocks of said left and right mounting seats; and

a rear cover plate extending between said left and right mounting seats and fixed to said rear support blocks of said left and right mounting seats;

wherein the rear cover plate includes

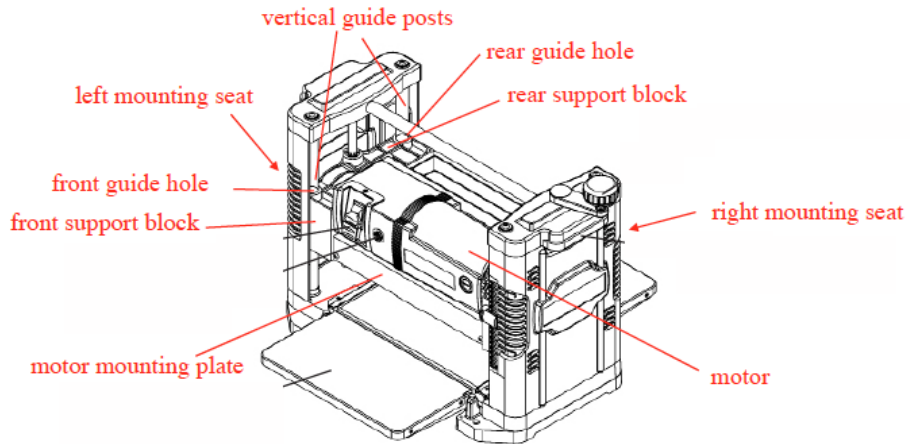
a top plate portion disposed above said rear connecting rod,

a fence plate portion extending downwardly from said top plate portion in front of said rear connecting rod, and

a back plate portion extending downwardly from said top plate portion behind said rear connecting rod.

17. As discussed, the Accused Product, as shown in the annotated figures below, includes each and every limitation of Claim 1 and Claim 9.

KNOW YOUR PLANER



EXPLODED VIEW AND PARTS LIST

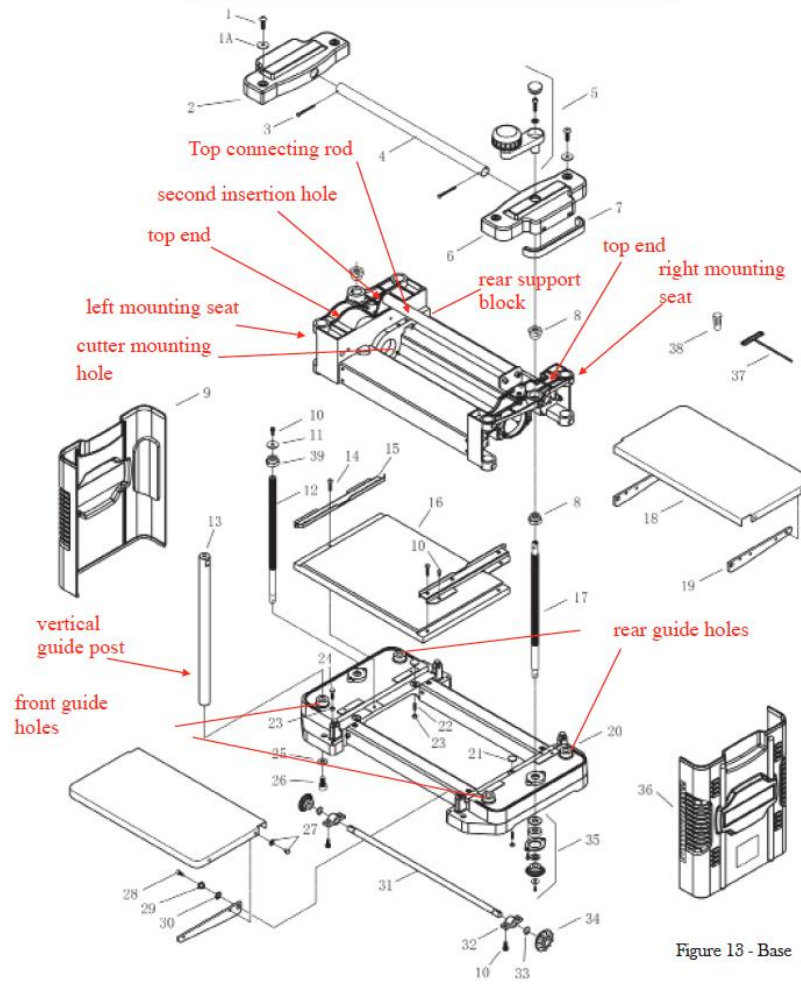


Figure 13 - Base

EXPLODED VIEW AND PARTS LIST

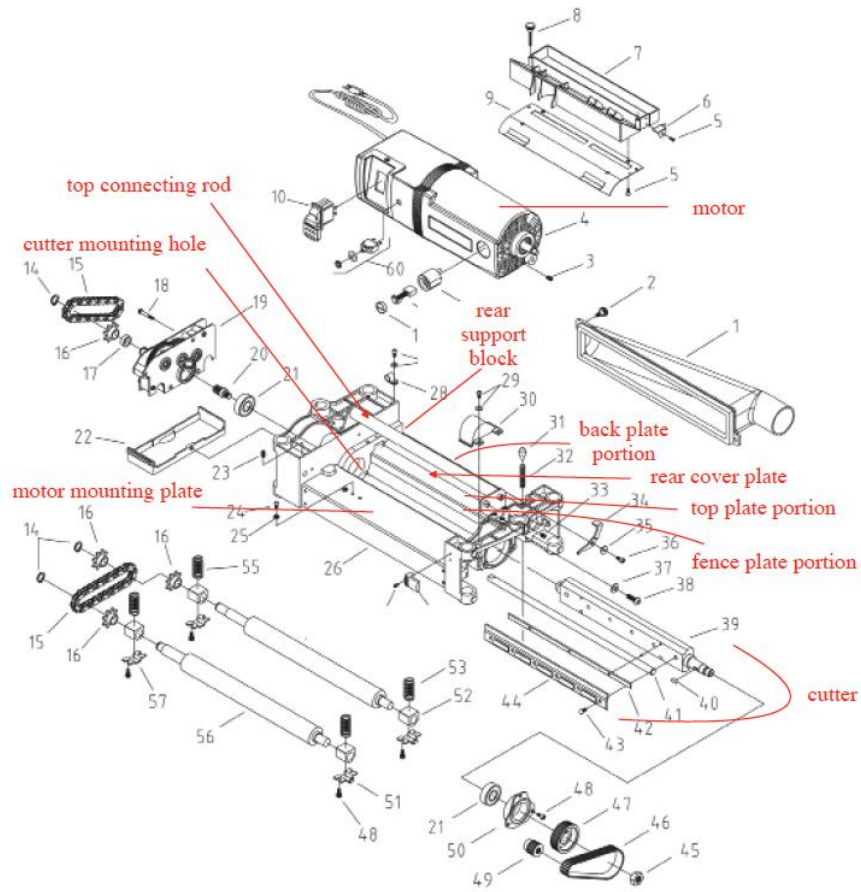
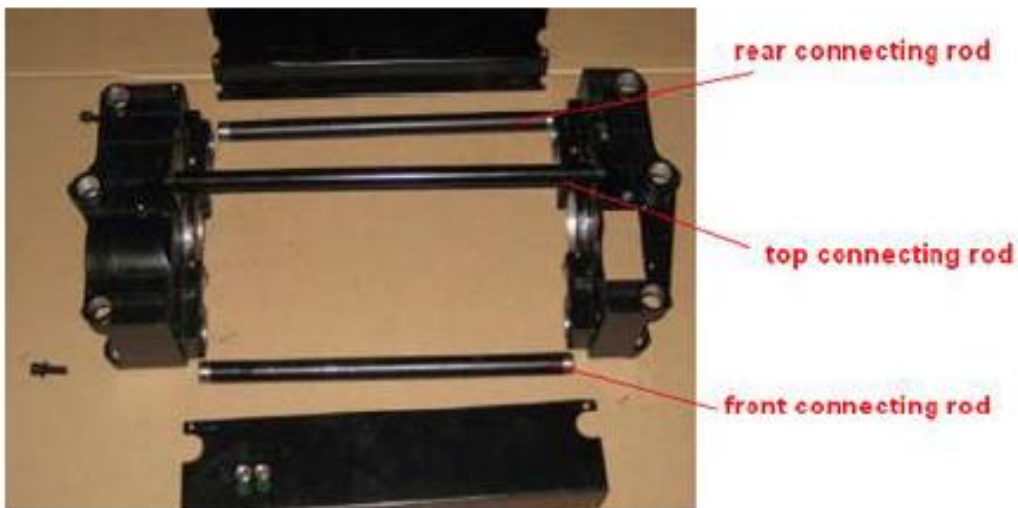
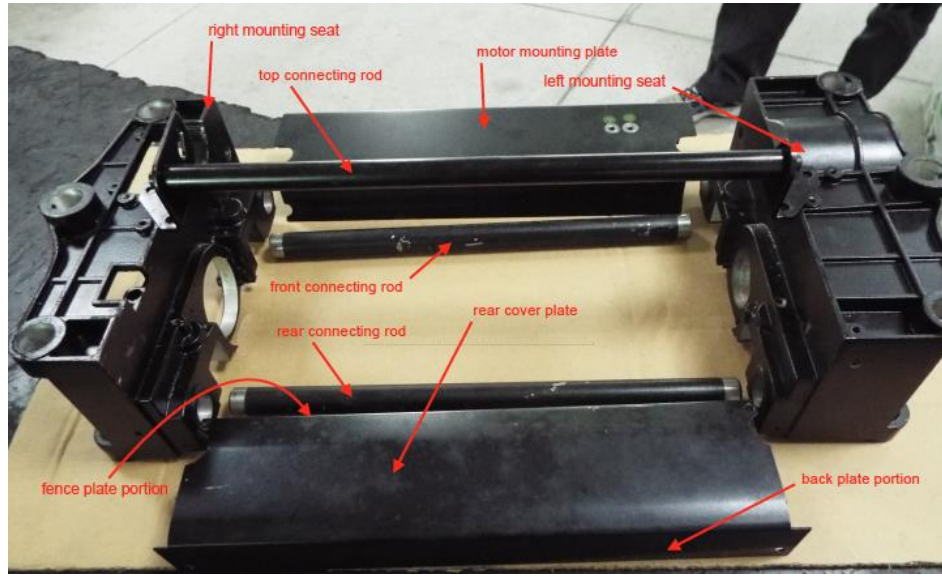


Figure 14 - Roller Case





18.A claim chart reading independent claims 1 and 9 of the '018 Patent on the Accused Product is attached as Exhibit 4.

COUNT I
(Direct Infringement of the '018 Patent)

19.Shinmax incorporates each of the preceding paragraphs as if fully set forth herein.

20.On information and belief, Defendant has infringed, and is still infringing, at least claims 1 and 9 (literally and/or equivalently) of the '018 Patent in violation of 35 U.S.C. §271(a), by using, offering to sell and selling the Accused Product.

21.Defendant has committed and continues to commit these acts of infringement without license or authorization.

22. Unless Defendant is enjoined from infringing the '018 Patent, Shinmax will suffer irreparable injury for which damages are an inadequate remedy.
23. As a result of Defendant's infringement of the '018 Patent, Shinmax has suffered damages pursuant to 35 U.S.C. §284.
24. Defendant had actual notice of the '018 Patent no later than June 20, 2016, when Defendant responded to Shinmax's letter dated May 19, 2016, which letter notified Defendant of its possible infringement of the '018 Patent. Shinmax subsequently sent a letter dated October 6, 2016 notifying Defendant of its infringement of the '018 Patent and demanding Defendant to cease its infringing activities. A copy of Shinmax's letters and Defendant's response is attached as Exhibit 5.
25. Despite Defendant's knowledge of its infringement, Defendant has continued to and still is intentionally and willfully infringing at least claims 1 and 9 of the '018 Patent. As a result of Defendant's willful infringement, Shinmax is entitled to treble damages, attorney's fees and the costs incurred in this action, along with prejudgment interest under 35 U.S.C. §§ 284, 285.
26. As a result of Defendant's willful infringement, Shinmax has suffered and will continue to suffer damage.
27. Unless enjoined by this Court, Defendant will continue to infringe the '018 Patent, and Shinmax will continue to be seriously and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court:

- A. Enter judgment that Defendant has infringed the '018 Patent;
- B. Enter a preliminary and permanent injunction restraining Defendant, its officers, agents, servants, and employees, and each of them and anyone acting in concert with them, from infringing the '018 Patent;
- C. Order Defendant to pay all damages sustained by Shinmax resulting from Defendant's infringement of the Asserted Patent and to compensate Shinmax for such infringement, but in no event less than a reasonably royalty in accordance with 35 U.S.C. § 284, together with prejudgment and post-judgment interest thereon;
- D. Find this case exceptional;
- E. Increase the damage amount up to three times the amount found or assessed against Defendant in accordance with 35 U.S.C. § 284;
- F. Order Defendant to pay Shinmax costs, expenses and attorneys' fees in accordance with 35 U.S.C. § 285; and
- G. Award other and further relief that this Court deems just and proper.

DEMAND FOR A JURY TRIAL

Shinmax hereby demands a trial by jury in this action.

Respectfully submitted,

BUTZEL LONG, PC

By: /s/George T. Schooff

George T. Schooff (P45596)

150 W. Jefferson Avenue, Suite 100

Detroit, MI 48207-4291

(313) 225-7000

Attorneys for Plaintiff Shinmax Industries Co., Ltd.

and

BURRIS LAW, PLLC

Kelly K. Burris (P69597)

300 River Place Drive, Suite 1775

Detroit, MI 48207-4291

(313) 393-5400

Attorneys for Plaintiff Shinmax Industries Co., Ltd.