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17 Attorneys for Plaintiff,  
18 ALLFASTENERS USA, LLC

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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

ALLFASTENERS USA, LLC, an Ohio  
limited liability company,

Plaintiff,

vs.

ACME OPERATIONS PTY., LTD.  
d/b/a AJAX ENGINEERED  
FASTENERS, an Australian  
corporation; and IRA SVENDSGAARD  
& ASSOCIATES, a California  
corporation,

Defendants.

CASE NO. 2:18-cv-06929

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

1 **COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff Allfasteners USA, LLC (hereinafter, "Plaintiff"), by and through its  
3 counsel, for its Complaint against Acme Operations Pty. Ltd. d/b/a Ajax  
4 Engineered Fasteners and Ira Svendsgaard & Associates (hereinafter collectively  
5 "Defendants") alleges as follows:

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7 **PARTIES**

8 1. Plaintiff, Allfasteners USA, LLC, is an Ohio limited liability company  
9 with a place of business in Santa Fe Springs, California.

10 2. Plaintiff's products, including its structural blind fastener products, are  
11 distributed throughout the United States, including in the State of California and  
12 this District.

13 3. On information and belief, Defendant Acme Operations Pty. Ltd.,  
14 which does business as Ajax Engineered Fasteners, is an Australian corporation  
15 having a principal place of business located at 41-45 Mills Road, Braeside, Victoria  
16 3195, Australia (hereinafter individually referred to as "Defendant Ajax").

17 4. On information and belief, Defendant Ira Svendsgaard & Associates is  
18 a California corporation having a principal place of business located at 2841  
19 Sommer Star Road, Placerville, California 95667 (hereinafter individually referred  
20 to as "Defendant Svendsgaard"). Defendant Svendsgaard sells and distributes  
21 products manufactured by Defendant Ajax throughout the United States, including  
22 in this District.

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24 **JURISDICTION AND VENUE**

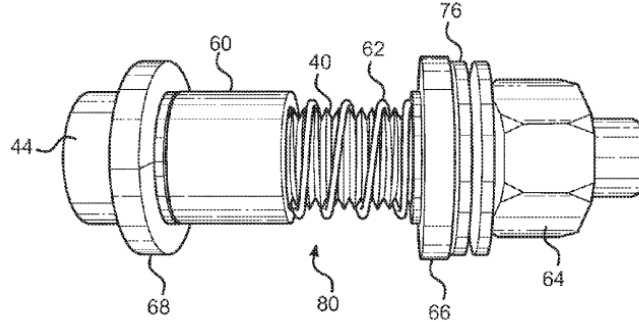
25 5. This Complaint is an action for patent infringement under Title 35 of  
26 the United States Code. Accordingly, this Court has subject matter jurisdiction over  
27 the claims in this case pursuant to 28 USC §§ 1331 and 1338.

6. Defendants offer for sale and sell throughout the United States, including within California and this Judicial District and Division, a variety of products, including the Ajax ONESIDE Hi-Shear and the Ajax ONESIDE TC Hi-Shear structural blind fasteners. The Ajax ONESIDE Hi-Shear and the Ajax ONESIDE TC Hi-Shear structural blind fasteners infringe claims of Plaintiff's U.S. Patent No. 10,018,212. On information and belief, Defendants import the infringing Ajax ONESIDE Hi-Shear and the Ajax ONESIDE TC Hi-Shear structural blind fasteners into the United States through a port in this District. Additionally, Defendant Svendsgaard is incorporated in California and has a principal place of business in California. Accordingly, this Court has personal jurisdiction over Defendants based on Defendants' contacts with this District and Division including, but not limited to, Defendant Svendsgaard's incorporation in California and Defendants' conducting business in California and this district and committing acts of infringement of the patent sued upon in California and this district.

7. Defendant Ajax is a foreign corporation and Defendant Svendsgaard is incorporated in the state of California and sells infringing products within this judicial district. Therefore, venue is proper in this district with regard to Defendants pursuant to 28 USC §§ 1391 and 1400.

### **NATURE OF THE ACTION**

8. Plaintiff is the owner of all right, title, and interest in United States Patent No. 10,018,212, entitled "Blind Bolt and Tool Combination" (hereinafter, "the '212 Patent"), which was duly and legally issued by the United States Patent Office on July 10, 2018. A copy of the '212 patent is attached hereto as Exhibit A. Figure 8 from the '212 is displayed below and shows one example of a structural blind fastener covered by the claims of the '212 patent.



9. Defendants do not have any license, authorization, consent, or permission from Plaintiff or any other party having any interest in or related to the '212 Patent to manufacture, use, offer to sell, or sell any product embodying the subject matter of any claim of the '212 Patent, or to engage in any other activity that would, in the absence of any license, authorization, permission, or consent, infringe upon or in any way violate any right or interest of Plaintiff in or relating to the '212 Patent.

10. Defendants are and have been infringing and/or otherwise violating Plaintiff's rights with respect to at least claims 1-3 of the '212 Patent by, among other things, manufacturing, importing, using, offering for sale, and/or selling in this district and elsewhere throughout the United States structural blind fasteners which include every element of claims 1-3 of the '212 Patent, and will continue to do so unless and until enjoined by this Court. Such infringing products include the Ajax ONESIDE Hi-Shear and Ajax ONESIDE TC Hi-Shear structural blind fasteners. The Ajax ONESIDE Hi-Shear and Ajax ONESIDE TC Hi-Shear structural blind fasteners are shown in Defendant Ajax's advertising materials attached as Exhibit B. A photograph of the Ajax ONESIDE Hi-Shear structural blind fastener is also shown below.



11. Defendants have, with knowledge of the '212 Patent, commenced and/or continued infringement of and/or otherwise acted in violation of Plaintiff's rights with respect to the claims of the '212 Patent in willful disregard of Plaintiff's rights thereunder.

12. On information and belief, Defendants have, with full knowledge of the '212 Patent, actively induced buyers of the infringing Ajax ONESIDE Hi-Shear and Ajax ONESIDE TC Hi-Shear products to infringe claims 1-6 of the '212 Patent by providing the buyers with products which incorporate the subject matter claimed in the '212 patent and by providing instructions to buyers which direct the buyers to use the products covered by claims 1-3 of the '212 patent and to practice each step of the methods of claims 4-6 of the '212 patent. Defendant Ajax's instructions for using the infringing Ajax ONESIDE Hi-Shear and Ajax ONESIDE TC Hi-Shear products are attached as Exhibit C.

13. Also, with knowledge or reason to know of the '212 Patent, Defendants have contributed to the infringement thereof by, among other things, supplying one or more material components or parts of a combination which infringes at least claims 1-3 of the '212 Patent, knowing the same to be especially made or adapted for use in an infringement of the '212 Patent and not as a staple item of commerce suitable for substantial non-infringing uses.

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**COUNT I – PATENT INFRINGEMENT**

14. Plaintiff hereby restates the averments of the previous paragraphs as if fully set forth herein, and for its Count I states as follows:

15. Defendants have been and are now infringing and/or otherwise acting in violation of Plaintiff's rights with respect to the '212 Patent in violation of 35 U.S.C. § 271(a) by, among other things, making, importing, selling, offering to sell, and/or using in the United States, products covered by at least one claim of the '212 Patent.

16. Defendants have been and are now actively inducing infringement of at least one claim of the '212 Patent by others in violation of 35 U.S.C. §§ 271(b) and 271(f).

17. Defendants have been and are now contributing to infringement of at least one claim of the '212 Patent by others in violation of 35 U.S.C. § 271(c).

18. The claims of the '212 Patent that are infringed are valid and enforceable and the '212 Patent is valid, unrevoked, enforceable, in force, and subsisting.

19. The acts of Defendants complained of herein have been and are now being done willfully with knowledge of, or reason to know, that they violate Plaintiff's rights under and related to the '212 Patent including, but not limited to, infringement of the '212 Patent.

20. The acts of Defendants complained of herein have caused and are presently causing irreparable harm, damage, and injury to Plaintiff for which Plaintiff has no adequate remedy at law, and such acts will continue to cause such irreparable harm, damage, and injury to Plaintiff unless and until the same are enjoined and restrained by this Court.

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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for at least the following relief:

A. A permanent injunction against Defendants enjoining them from and against any and all further and/or continued infringement, contributory infringement, and active inducement of infringement of the claims of the '212 Patent.

B. An accounting for damages to Plaintiff resulting from Defendants' infringement, contributory infringement, active inducement of infringement, and any/all other compensable violations of Plaintiff's rights pertaining to the '212 Patent, together with a trebling of all such damages because of the knowing, willful and wanton nature of Defendants' conduct and the exceptional nature of this case pursuant to 35 U.S.C. § 285.

C. An assessment of interest on all damages.

D. That this Court award Plaintiff its attorneys' fees, costs and expenses in this action under 35 U.S.C. § 285.

E. Such other, further, and additional relief as this Court may deem reasonable and just.

Respectfully submitted,  
CISLO & THOMAS LLP.

Dated: August 13, 2018

By: /s/ Peter S. Veregge  
Peter S. Veregge

LUEDEKA NEELY GROUP, P.C.  
Michael J. Bradford, *pro hac vice* to be filed  
Andrew S. Neely, *pro hac vice* to be filed  
ATTORNEYS FOR PLAINTIFF

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues raised by the Complaint so triable.

Respectfully submitted,  
CISLO & THOMAS LLP

Dated: August 13, 2018

By: /s/ Peter S. Veregge  
Peter S. Veregge

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