

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION**

AMARR COMPANY,)	
a North Carolina corporation,)	
d/b/a Entrematic,)	
)	
Plaintiff,)	Civil Action No. 2:18-cv-2269
)	
v.)	
)	COMPLAINT FOR PATENT
C.H.I. OVERHEAD DOORS, LLC)	INFRINGEMENT
an Illinois limited liability company,)	
)	JURY TRIAL DEMANDED
Defendant.)	
)	
)	

For its Complaint for Patent Infringement, Plaintiff Amarr Company d/b/a Entrematic (“Amarr” or “Plaintiff”) alleges against the Defendant as follows:

THE PARTIES

1. Amarr is a North Carolina corporation, and has a regular and established place of business at 165 Carriage Court, Winston-Salem, NC 27105.
2. Defendant C.H.I. Overhead Doors, LLC, (“C.H.I.” or “Defendant”) is a limited liability company organized under the laws of the state of Illinois, with its principal place of business at 1485 Sunrise Drive, Arthur, Illinois 61911. Defendant has appointed CT Corporation System, 208 South LaSalle Street, Suite 814, Chicago, IL 60604 as its agent for service of process.

JURISDICTION AND VENUE

3. This is an action for patent infringement, arising under the patent laws of the United States, 35 U.S.C. § 1 et seq., including 35 U.S.C. § 271, and seeking monetary damages,

disgorgement of profits, permanent injunctive relief, as well as costs and attorneys' fees pursuant to 35 U.S.C. §§ 281-285.

4. This Court has original subject matter jurisdiction over all causes of action set forth herein pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 1 et seq.

5. Venue is proper in this District and this Division pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because Defendant resides within the District on the basis of its incorporation. In addition, Plaintiff alleges upon information and belief that Defendant has a regular and established place of business in this District and has committed acts of infringement in this District.

6. This Court has personal jurisdiction over Defendant because Defendant is incorporated in Illinois and actively and regularly conducts business within the state of Illinois.

7. Further, this Court has personal jurisdiction over Defendant because upon information and belief Defendant has committed and continues to commit acts of infringement in violation of 35 U.S.C. § 271 in this District. Such acts by Defendant cause injury to Amarr within this District.

AMARR'S RIGHTS

8. Amarr is one of the world's leaders in design, manufacturing, and distribution of sectional doors for residential garages, condominiums, commercial buildings, shopping malls, warehouses, and other industrial applications. Made in the U.S., Amarr products have a legacy of innovation, high quality design, and sustainability. Amarr products are distributed through more the 80 Door Centers in the United States, Mexico, and Canada to more than 3,000 professional independent garage door dealers. This extensive network provides widespread

accessibility and reliable service for the new construction, replacement, industrial and commercial markets. Amarr garage doors also are sold by America's leading retailers, including Costco Warehouses, and, under private label, at Sears and Lowe's Home Improvement.

9. In connection with its innovation efforts to provide high quality designs, Amarr creates unique styles and patterns for residential overhead garage doors. To protect its novel designs, Amarr timely and dutifully obtained the valid and subsisting United States patent referenced below.

10. On April 21, 2009, United States Patent No. D590,956 ("the '956 patent"), entitled "Sectional overhead Door," was duly and legally issued by the United States Patent and Trademark Office to Amarr Company. The '956 patent claims, inter alia, the ornamental design for a sectional overhead door. A true and correct copy of the '956 patent is attached hereto as Exhibit A.

11. Amarr is the owner, by assignment, of all right, title, and interest in the '956 patent, and has the right to bring this suit for patent infringement thereon.

12. Amarr manufactures, promotes, and sells its RECESSED style steel doors within its HILLCREST, OAK SUMMIT and DESIGNER'S CHOICE collections according to the design of the '956 patent.

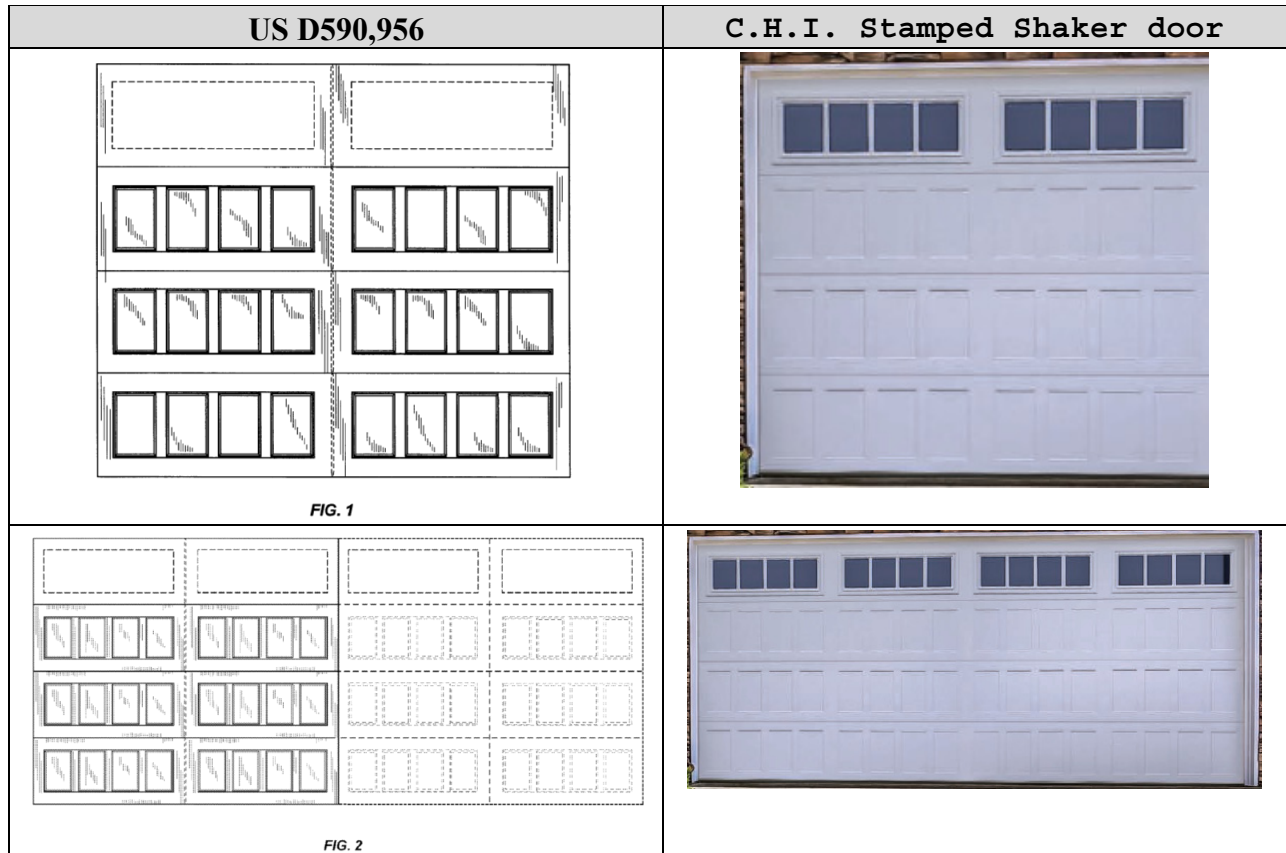
DEFENDANT'S INFRINGING ACTIVITY

13. C.H.I. is a competitor of Amarr and advertises itself as a manufacturer of residential garage doors as well as commercial and rolling steel garage doors.

14. Defendant, has been making, using, offering for sale, and/or selling products that fall within the scope of the '956 patent ("the Infringing Products").

15. The Infringing Products offered for sale and sold by Defendant are the “Stamped Shaker” residential door with the model numbers 2550, 2551, 2583, and 2518. A copy of a brochure that promotes the Infringing Products is attached hereto as Exhibit B.

16. Pictured below on the left are FIGs. 1 and 2 from the ‘956 patent, and pictured below on the right is Infringing Product.



17. On information and belief, Defendant was aware of the ‘956 patent prior to developing the Infringing Products, and took efforts to copy the design of the ‘956 patent.

18. Defendant’s manufacturing, selling, and/or offering for sale of the Infringing Products, has been without the permission, authority, or license of Amarr, and constitutes infringement of the ‘956 patent.

COUNT I

(Direct Infringement of U.S. Patent No. D509,956)

19. Amarr re-alleges and incorporates by reference the allegations stated in paragraphs 1-18, of this Complaint as if fully set forth herein.

20. Defendant has infringed and is continuing to infringe the '956 patent by making, using, offering for sale, and/or selling within the United States, including within this judicial district, Infringing Products that fall within the scope of the '956 patent. The design of the Infringing Products would appear to an ordinary observer to be substantially similar to the claim of the '956 patent.

21. These acts constitute direct patent infringement under 35 U.S.C. § 271(a), for which Defendant has no permission, license, or consent from Amarr.

22. On information and belief, the Defendant will continue to infringe the '956 patent unless enjoined by the Court. Amarr is entitled to a preliminary and permanent injunction pursuant to 35 U.S.C. § 283 restraining Defendant, its officers, agents, employees, and all persons acting in concert with them from engaging in further infringement of the '956 patent.

23. Amarr is entitled to recover damages sustained as a result of the Defendant's infringement that are adequate to compensate for the infringement pursuant to 35 U.S.C. § 284, and damages for infringement of a design patent, including all the Defendant's profits resulting from the infringement pursuant to 35 U.S.C. § 289, but in any event no less than a reasonable royalty pursuant to 35 U.S.C. § 284.

24. Defendant has been informed of the existence of the '956 Patent as well as its infringement of that patent, but yet Defendant continues to sell the infringing products with full knowledge of its infringement. Amarr is entitled to recover its costs, expenses, and reasonable attorneys' fees incurred in bringing the present action pursuant to 35 U.S.C. § 285.

25. The circumstances of the infringement renders this case an exceptional case under 35 U.S.C. § 285, with the appropriate resulting award.

26. The circumstances of this case justify enhanced damages under 35 U.S.C. § 284, up to three times the damages found or assessed.

27. Amarr will be substantially and irreparably harmed by the infringing activities described above unless those activities are precluded by this Court. Amarr has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Amarr respectfully requests that the Court:

(a) declare that Defendant has directly and willfully infringed the claim of the '956 patent under 35 U.S.C. § 271(a);

(b) enjoin Defendant from directly infringing, inducing others to infringe, or contributing to the infringement of the '956 patent, including by specifically prohibiting Defendant and its officers, agents, employees, attorneys, representatives, and all others acting in concert therewith, from making, using, offering to sell, and selling in the United States any product which falls within the scope of the claim of the '956 patent;

(c) direct the United States Customs Service to block all importation of unauthorized articles which infringe the claim of the '956 patent;

(d) order an accounting for all monies received by or on behalf of Defendant and all damages sustained by Amarr as a result of Defendant's aforementioned infringements, that such monies and damages be awarded to Amarr, and that interest and costs be assessed against Defendant pursuant to 35 U.S.C. § 284;

(e) declare this an exceptional case and order that Defendant pay to Amarr its reasonable attorneys' fees and costs, pursuant to 35 U.S.C. § 285; and

(f) award such further and other relief to Amarr as the Court deems just, together with its costs and disbursements in this action.

DEMAND FOR A JURY TRIAL

Pursuant to FED. R. CIV. P. 38, Amarr hereby demands trial by jury as to all issues so triable in this action.

Dated: October 12, 2018

Respectfully submitted,

/s/ Scott A. Burow

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