

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

MASS ENGINEERED DESIGN, INC.,

Plaintiff,

v.

ATDEC DISTRIBUTION USA PTY LTD.

Defendant.

Cause No.

COMPLAINT FOR PATENT  
INFRINGEMENT OF US PATENT NOS.  
RE36,978; 8,102,331 AND 8,462,103

DEMAND FOR JURY TRIAL

Plaintiff Mass Engineered Design, Inc. (“Mass” or Plaintiff) complains of Atdec Distribution USA Pty Ltd. (“Atdec” or “Defendant”) as follows:

**NATURE OF LAWSUIT**

1. This is a patent infringement action to stop Defendant’s infringement of United States Patent Nos. RE36,978 (the “’978 Patent”), 8,102,331 (the “’331 Patent”), and 8,462,103 (the “’103 Patent”) (collectively, the “Patents-in-Suit”).

**THE PARTIES**

2. Plaintiff Mass is a company organized and existing under the laws of Ontario, Canada.

3. On information and belief, Defendant Atdec is a corporate entity, including a proprietary limited company, organized and existing under the laws of Australia, and it has a place of business at 20427 87<sup>th</sup> Avenue South, Kent, WA 98031. Atdec Distribution USA Pty Ltd.’s registered agent is SW&W Registered Agents, Inc., which can be served at 1420 5th Ave, Suite 3400, Seattle, WA, 98101-4010.

**JURISDICTION AND VENUE**

1  
2 4. This action arises under the patent laws of the United States, Title 35 of the United  
3 States Code. This Court has subject matter jurisdiction including pursuant to 28 U.S.C. §§ 1331 and  
4 1338(a).

5 5. On information and belief, Atdec is subject to this Court’s specific and general personal  
6 jurisdiction, pursuant to due process and the Washington Long Arm Statute, due at least to its  
7 continuous and systematic business contacts in Washington, including related to operations conducted  
8 from its Kent, Washington facilities and the infringements alleged herein.

9  
10 6. Further, on information and belief, Atdec has, within Washington, engaged in at least  
11 the selling and offering for sale of accused products.

12 7. Further, on information and belief, Atdec induces infringement of the patents-in-suit  
13 by re- sellers and/or infringing users located in Washington.

14 8. Further, on information and belief, Atdec regularly conducts and/or solicits business,  
15 engages in other persistent courses of conduct, and/or derives substantial revenue from goods and  
16 services provided to persons and/or entities in Washington.

17 9. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391 and 1400.

18 10. Atdec has regular and established places of business in this Judicial District, including  
19 at 20427, 87<sup>th</sup> Ave South, Kent, Washington, 98031.

20 11. Atdec is deemed to reside in this Judicial District, has committed acts of infringement  
21 in this Judicial District, and/or has purposely transacted business involving the accused devices in this  
22 Judicial District.

23 12. Further, on information and belief, Atdec is subject to this Court’s specific and general  
24 personal jurisdiction in this district, due at least to its continuous and systematic contacts in this  
25 District, including related to operations conducted from its Kent, Washington facilities and the  
26 infringements alleged herein.



1 Freestanding Double Horizontal, VFS-Q and/or Freestanding Quad for their sole and intended purpose  
2 of mounting at least two electronic displays. Atdec’s knowledge of the ‘978 patent and Atdec’s  
3 infringement of the ‘978 Patent, combined with Atdec’s intentional instruction and encouragement of  
4 customers to mount at least two electronic displays (including via instructions, mounting means  
5 specifically intended for mounting displays, and by providing multi-monitor mounts whose sole and  
6 intended purposes is for mounting at least two electronic displays), provides strong and clear evidence  
7 of Atdec’s knowledge and specific intent that customers and end users directly infringe via their  
8 assembly and use of the VFS-DH, Freestanding Double Horizontal, VFS-Q and/or Freestanding Quad.  
9

10  
11 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. RE36,978**

12 20. Mass refers to and incorporates herein the allegations of Paragraphs 1-20, above.

13 21. The ‘978 Patent, entitled “Dual Display System,” was duly and legally issued by the United  
14 States Patent and Trademark Office (“USPTO”) on December 5, 2000 after full and fair reissue  
15 examination. Additionally, the ‘978 Patent was subject to reexamination on March 4, 2010. A  
16 Reexamination Certificate issued on May 10, 2011, confirming the patentability of claims 1-8, 13, 16  
17 and 17 (the remaining claims were not the subject of reexamination) and also adding new claims 18-  
18 38. Further, claims of the ‘978 patent have been determined valid over prior art by two separate  
19 federal juries.

20 22. Mass is the exclusive licensee of the ‘978 Patent and it has all substantial rights to the ‘978  
21 Patent, including the right and standing to sue and recover damages for past, present and future  
22 infringement of the patent. The ‘978 patent expired on or about October 13, 2018.

23 23. Upon information and belief, Atdec has infringed the ‘978 Patent during the term of the ‘978  
24 patent in this judicial district, the State of Washington, and elsewhere, in violation of 35 U.S.C. § 271  
25 through actions comprising the making, using, offering for sale, selling, and/or importing, without  
26 authority from Mass, multi-monitor display stands and/or systems, namely products comprising, *inter*  
27

1 *alia*, a base member for supporting at least a pair of electronic displays, an arm assembly, support  
2 means, and mounting means. Mass is informed and believes that Atdec has infringed the '978 Patent  
3 by and through at least its prior making, using, offering for sale, selling, and/or importing of products  
4 comprising at least the VFS-DH, Freestanding Double Horizontal, VFS-Q and/or Freestanding Quad.

5 24. Atdec has been a distributor of the VFS-DH in the United States.

6 25. Atdec has sold the VFS-DH in the United States.

7 26. Atdec has been a distributor of the Freestanding Double Horizontal in the United States.

8 27. Atdec has sold the Freestanding Double Horizontal in the United States.

9 28. Atdec has been a distributor of the VFS-Q in the United States.

10 29. Atdec has sold the VFS-Q in the United States.

11 30. Atdec has been a distributor of the Freestanding Quad in the United States.

12 31. Atdec has sold the Freestanding Quad in the United States.

13 32. Additionally, or in the alternative, upon information and belief, Mass is informed and believes  
14 that Atdec has induced infringement of the '978 Patent during the term of the '978 patent in this  
15 judicial district, the State of Washington, and elsewhere, by actions comprising intentionally inducing  
16 infringement of the '978 Patent in this judicial district, the State of Washington, and elsewhere,  
17 including by aiding or abetting at least customers and other end users to make and/or use said products,  
18 including by selling products and/or providing assembly instructions. Upon information and belief,  
19 Atdec has been aware of the '978 patent and of infringement of same since at least November 2009,  
20 and Atdec's inducement of infringement involves Atdec's knowledge and intent that the induced acts  
21 constitute patent infringement.  
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23 33. Additionally, or in the alternative, upon information and belief, Mass is informed and believes  
24 that Atdec has contributed to infringement of the '978 Patent during the term of the '978 patent in this  
25 judicial district, the State of Washington, and elsewhere, by actions comprising contributing to at least  
26 the use of said products by customers and/or other end users in this judicial district, the State of  
27 Washington, and elsewhere, and such contributory infringement necessarily involves knowledge that

1 such systems and apparatuses are especially made or especially adapted for use in an infringement of  
2 the '978 Patent, and not a staple article or commodity of commerce suitable for substantial non-  
3 infringing use.

4 34. Each of Atdec's aforesaid activities has been without authority and/or license from Mass.

5 **COUNT II – INFRINGEMENT OF U.S. PATENT NO. 8,462,103**

6 35. Mass refers to and incorporates herein the allegations of Paragraphs 1-35 above.

7 36. The '103 patent, entitled "Computer display screen system and adjustable screen mount, and  
8 swinging screens therefor," was duly and legally issued by the United States Patent and Trademark  
9 Office on June 11, 2013 after full and fair examination. Mass is the exclusive licensee of the '103  
10 patent and it has all substantial rights to the '103 patent, including the right and standing to sue and  
11 recover damages for past, present and future infringement of the patent.

12 37. Upon information and belief, Atdec has infringed and is now infringing, including literally  
13 and/or equivalently, the '103 patent in this judicial district, the State of Washington, and elsewhere,  
14 in violation of 35 U.S.C. § 271 through actions comprising the making, using, offering for sale, selling,  
15 and/or importing, without authority from Mass, a multi-display monitor system, namely products  
16 comprising, *inter alia*, a support member, a base, an arm assembly connected to a column, said arm  
17 assembly capable of supporting computer displays at each end wherein said displays have an operating  
18 position in which images on each display are viewable by a single person and operating position  
19 wherein images are viewable by oppositely positioned persons, wherein there is an arm including two  
20 portions that hinge, and wherein the arm assembly is extendable from a retracted configuration to an  
21 extended configuration, and wherein mounting assemblies support the rear of each display.

22 38. Mass is informed and believes that Atdec infringes and has infringed the '103 patent by and  
23 through at least its making, using, offering for sale, selling, and/or importing of the products  
24 comprising at least the: AF-AT-D and its various iterations including the AF-AT-D-B; the VF-AT-D  
25 and its various iterations including the VF-AT-D-B; and/or the Focus Articulated Arm Double.

26 39. Atdec has been a distributor of the AF-AT-D and its various iterations including the AF-AT-  
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1 D-B in the United States.

2 40. Atdec has sold the AF-AT-D and its various iterations including the AF-AT-D-B in the United  
3 States.

4 41. Atdec has been a distributor of the VF-AT-D and its various iterations including the VF-AT-  
5 D-B in the United States.

6 42. Atdec has sold the VF-AT-D and its various iterations including the VF-AT-D-B in the United  
7 States.

8 43. Atdec has been a distributor of the Focus Articulated Arm Double in the United States.

9 44. Atdec has sold the Focus Articulated Arm Double in the United States.

10 45. Additionally, or in the alternative, upon information and belief, Mass is informed and believes  
11 that Atdec has induced infringement of the '103 patent in this judicial district, the State of Washington,  
12 and elsewhere, by actions comprising intentionally inducing infringement of the '103 patent in this  
13 judicial district, the State of Washington, and elsewhere, including by aiding or abetting at least  
14 customers and other end users to make and/or use said products, including by selling products and/or  
15 providing assembly instructions. Upon information and belief, such induced infringement has  
16 occurred at least since Atdec became aware of the '103 patent, and Atdec's inducement of  
17 infringement involves Atdec's knowledge that the induced acts constitute patent infringement.

18 46. Additionally, or in the alternative, upon information and belief, Mass is informed and believes  
19 that Atdec has contributed to infringement of the '103 patent in this judicial district, the State of  
20 Washington, and elsewhere, by actions comprising contributing to at least the use of said products by  
21 customers and/or other end users in this judicial district, the State of Washington, and elsewhere, and  
22 such contributory infringement necessarily involves knowledge that such systems and apparatuses are  
23 especially made or especially adapted for use in an infringement of the '103 patent, and not a staple  
24 article or commodity of commerce suitable for substantial non-infringing use.

25 47. Each of Atdec's aforesaid activities has been without authority and/or license from Mass.  
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**COUNT III – INFRINGEMENT OF U.S. PATENT NO. 8,102,331**

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2 48. Mass refers to and incorporates herein the allegations of Paragraphs 1-47 above.

3 49. The ‘331 patent, entitled entitled “Horizontal Three Screen LCD Display System,” was duly  
4 and legally issued by the United States Patent and Trademark Office on January 24, 2012 after full  
5 and fair examination. Claims of the ‘331 patent have been determined valid over prior art by a federal  
6 jury.

7 50. Mass is the exclusive licensee of the ‘331 patent and it has all substantial rights to the ‘331  
8 patent, including the right and standing to sue and recover damages for past, present and future  
9 infringement of the patent.

10 51. Upon information and belief, Atdec has infringed and is now infringing, including literally  
11 and/or equivalently, the ‘331 patent in this judicial district, the State of Washington, and elsewhere,  
12 in violation of 35 U.S.C. § 271 through actions comprising the making, using, offering for sale, selling,  
13 and/or importing, without authority from Mass, a multi-display monitor system, namely products  
14 comprising, *inter alia*, a support member and an arm assembly as claimed in the ‘331 patent. Mass is  
15 informed and believes that Atdec infringes the ‘331 patent by and through at least its making, using,  
16 offering for sale, selling, and/or importing of the products comprising at least the SD-FS-T and/or SD-  
17 FS-H.  
18

19 52. Atdec has been a distributor of the SD-FS-T in the United States.

20 53. Atdec has sold the SD-FS-T in the United States.

21 54. Atdec has been a distributor of the SD-FS-H in the United States.

22 55. Atdec has sold the SD-FS-H in the United States.

23 56. Additionally, or in the alternative, upon information and belief, Mass is informed and believes  
24 that Atdec has induced infringement of the ‘331 patent in this judicial district, the State of Washington,  
25 and elsewhere, by actions comprising intentionally inducing infringement of the ‘331 patent in this  
26 judicial district, the State of Washington, and elsewhere, including by aiding or abetting at least  
27 customers and other end users to make and/or use said products, including by selling products and/or



1 providing assembly instructions. Upon information and belief, such induced infringement has  
2 occurred at least since Atdec became aware of the '331 patent, and Atdec's inducement of  
3 infringement involves Atdec's knowledge that the induced acts constitute patent infringement.

4 57. Additionally, or in the alternative, upon information and belief, Mass is informed and believes  
5 that Atdec has contributed to infringement of the '331 patent in this judicial district, the State of  
6 Washington, and elsewhere, by actions comprising contributing to at least the use of said products by  
7 customers and/or other end users in this judicial district, the State of Washington, and elsewhere, and  
8 such contributory infringement necessarily involves knowledge that such systems and apparatuses are  
9 especially made or especially adapted for use in an infringement of the '331 patent, and not a staple  
10 article or commodity of commerce suitable for substantial non-infringing use.

11 58. Each of Atdec's aforesaid activities has been without authority and/or license from Mass.

12 **DAMAGES**

13 59. By way of its infringing activities, Atdec has caused and continues to cause Mass to suffer  
14 damages, and Mass is entitled to recover from Atdec the damages sustained by Mass as a result of  
15 Atdec's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a  
16 reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

17 60. Atdec's use of Mass's patented technology has caused, is causing and will continue to cause  
18 MASS irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

19 61. Mass also requests that the Court make a finding that this is an exceptional case entitling Mass  
20 to recover its attorneys' fees and costs pursuant to 35 U.S.C. § 285.

21 **PRAYER FOR RELIEF**

22 62. Mass respectfully requests that the Court find in its favor and against Atdec, and that the Court  
23 grant Mass the following relief:

- 24
- 25 A. An adjudication that one or more claims of the Patents-in-Suit has been directly and/or
  - 26 indirectly infringed, literally and/or under the doctrine of equivalents, by Atdec;
  - 27 B. A preliminary and permanent injunction enjoining Atdec and its officers, directors, agents,

1 servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting  
2 in active concert or participation with it, from making, using, offering to sell, or selling in the  
3 United States or importing into the United States any devices, products that infringe any claim  
4 of the Patents-in-Suit, or contributing to or inducing the same by others;

5 C. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining Atdec and all persons  
6 acting in concert therewith from further acts of infringement with respect to the claims of the  
7 Patents-in-Suit;

8 D. An award to Mass of damages adequate to compensate Mass for Atdec's acts of infringement,  
9 including past and continuing or future infringement of the Patents-in-Suit through the date  
10 such judgment is entered, including pre- and post-judgment interest, costs, expenses and an  
11 accounting of all infringing acts including, but not limited to, those acts not presented at trial;

12 E. That this Court declare that Atdec's infringement has been, and continues to be, willful,  
13 including that Atdec has acted to infringe the Patents-in-Suit despite an objectively high  
14 likelihood that its actions constituted infringement of a valid patent and, accordingly, award  
15 enhanced damages, including treble damages, pursuant to 35 U.S.C. § 284;

16 F. That this Court declare this to be an exceptional case and award Mass reasonable attorneys'  
17 fees and costs in accordance with 35 U.S.C. § 285;

18 G. A judgment and order requiring Atdec to pay Mass its damages, costs, expenses, fees, and  
19 pre-judgment and post-judgment interest for Atdec's infringement of the Patents-in-Suit as  
20 provided under 35 U.S.C. §§ 284 and/or 285; and

21 H. Any and all further relief for which Mass may show itself justly entitled that this Court deems  
22 just and proper.

23  
24 **DEMAND FOR JURY TRIAL**

25 Mass, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so  
26 triable by right.

1  
2 Dated: May 6, 2019

Respectfully submitted,

3 /s/ Nicholas Ranallo  
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