

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

GRAY MANUFACTURING COMPANY, INC.,

Plaintiff,

v.

ASHBURN VOLUNTEER FIRE AND RESCUE
DEPARTMENT,

Defendant.

Case No. 3:19cv801

JURY TRIAL DEMANDED

COMPLAINT AND JURY DEMAND

Plaintiff Gray Manufacturing Company, Inc. (“Gray”), for its complaint against Defendant Ashburn Volunteer Fire and Rescue Department, states:

Parties

1. Gray is a corporation duly organized and existing under the laws of the State of Missouri and having its principal place of business at 3501 S. Leonard Rd., St. Joseph, Missouri 64503.

2. Ashburn Volunteer Fire and Rescue Department is a non-profit corporation organized under the laws of the Commonwealth of Virginia, with its principal business office located at 20688 Ashburn Rd., Ashburn, Virginia 20147.

Jurisdiction and Venue

3. This is an action arising under the patent laws, Title 35, United States Code, for Ashburn Volunteer Fire and Rescue Department’s infringement of infringement of U.S. Patent No. 10,457,536 B2 (“the ‘536 Patent”).

4. This Court has subject-matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

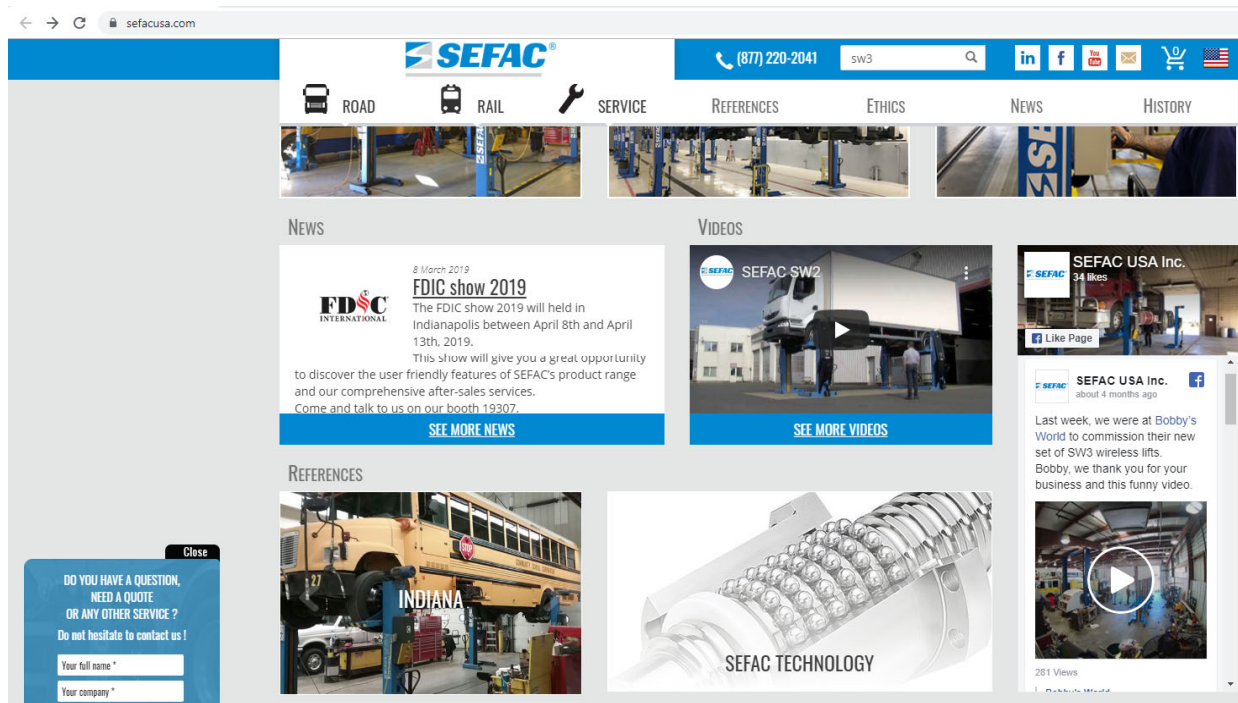
5. This Court has personal jurisdiction over Ashburn Volunteer Fire and Rescue Department because, on information and belief, it is registered as a non-profit corporation in Virginia, regularly conducts business in Virginia, and has committed infringing acts within Virginia, including by using a wireless portable vehicle lift system that infringes the '536 Patent and using the wireless portable vehicle lift system in methods that infringe the '536 Patent.

6. Venue is proper in this judicial district and division under 28 U.S.C. § 1400(b) for Ashburn Volunteer Fire and Rescue Department because it is incorporated in this judicial district. In addition, Ashburn Volunteer Fire and Rescue Department maintains a physical office and service garage located in Ashburn, Virginia, which is within this judicial district and division, that serves as its regular and established place of business. And, as described herein, Ashburn Volunteer Fire and Rescue Department has committed acts of infringement in this judicial district and division.

Background

7. The '536 Patent, entitled "Vehicle Lift System with Adaptive Wireless Communication," was duly and legally issued to Gray on October 29, 2019, by the United States Patent and Trademark Office. A copy of the '536 Patent is attached as Exhibit A.

8. Sefac USA Inc. offers for sale in the United States model SW3 wireless column lifts and posted a video link on the home page of its www.sefacusa.com website with the caption, "Last week, we were at Bobby's World to commission their new set of SW3 wireless lifts. Bobby, we thank you for your business and this funny video." A partial screenshot of that home page is reproduced below, with the link to the video appearing in the lower right corner:



9. Upon information and belief, the video depicts a set of the SW3 wireless column lifts being installed and operated in a service garage owned and operated by Ashburn Volunteer Fire and Rescue Department.

10. Upon information and belief, Ashburn Volunteer Fire and Rescue Department purchased the set of SW3 wireless column lifts from Sefac USA Inc. and is using those lifts in a wireless portable vehicle lifts system that directly infringes at least independent claims 1 and 11 and in methods that directly infringe at least independent claim 20 of the '536 Patent. A screenshot showing the SW3 wireless column lifts being used as a wireless portable vehicle lift system to lift a fire truck is reproduced below:



11. To illustrate infringement of the '536 Patent, Gray has attached hereto as Exhibit B a claim chart showing how a wireless portable vehicle lift system comprising the SW3 wireless column lifts and its methods of operation satisfy each of the claimed limitations of independent claims 1, 11 and 20 of the '536 Patent. The claim chart of Exhibit B is incorporated herein by reference in its entirety.

12. Ashburn Volunteer Fire and Rescue Department's activities described above are without authorization or license from Gray.

Count I – Patent Infringement

13. Gray incorporates by reference and re-alleges the allegations in Paragraphs 1-12, above, as if fully set forth herein.

14. Gray owns by assignment all right, title, and interest in and to the '536 Patent, including full rights to recover past and future damages thereunder.

15. Upon information and belief, Ashburn Volunteer Fire and Rescue Department has directly infringed one or more claims of the '536 Patent by using the SW3 wireless column lifts as a wireless portable vehicle lift system to lift fire trucks and other vehicles.

16. Gray has been, and continues to be, greatly damaged by reasons of these acts of infringement and, upon information and belief, Ashburn Volunteer Fire and Rescue Department will continue to infringe the '536 Patent.

17. Gray has suffered and will continue to suffer irreparable harm in its trade and business as a result of Ashburn Volunteer Fire and Rescue Department's infringement of the '536 Patent, for which Gray is entitled to both preliminary and permanent injunctive relief pursuant to 35 U.S.C. § 283.

18. Gray has suffered and will continue to suffer monetary damages, in an amount not yet presently known, as a result of infringement of the '536 Patent.

19. Gray is entitled to monetary damages pursuant to 35 U.S.C. § 284 in an amount to be proven at trial.

Prayer for Relief

Based on the foregoing, Gray prays for judgment against Ashburn Volunteer Fire and Rescue Department as follows:

- A. A finding that Ashburn Volunteer Fire and Rescue Department has directly infringed one or more claims of the '536 Patent under 35 U.S.C. § 271(a).
- B. An order enjoining Ashburn Volunteer Fire and Rescue Department and its officers, directors, managers, members, employees, affiliates, agents, representatives, parents, subsidiaries, successors, and assigns; those in privity

with them; and all others aiding, abetting, or acting in concert or active participation with them from:

- (1) using, selling, and/or offering to sell in the United States any wireless portable vehicle lift system covered by the '536 Patent; or
 - (2) otherwise infringing the '536 Patent.
- C. Compensatory damages under 35 U.S.C. § 284 in an amount adequate to compensate Gray for the infringement by Ashburn Volunteer Fire and Rescue Department.
- D. Attorney fees under 35 U.S.C. § 285.
- E. Pre- and post-judgment interest.
- F. Costs of the action.
- G. Such other and further relief as allowed at law or in equity that the Court deems just.

Jury Demand

Gray demands a trial by jury on all issues so triable.

October 29, 2019

Respectfully Submitted,

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