

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

VICTORY INNOVATIONS COMPANY,
INC.,

Plaintiff,

v.

TECHTRONIC INDUSTRIES NORTH
AMERICA, INC. and ONE WORLD
TECHNOLOGIES, INC. d/b/a
TECHTRONIC INDUSTRIES POWER
EQUIPMENT,

Defendants.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Victory Innovations Company, Inc. (“Victory Innovations”), by and through its counsel, complains of Defendants, Techtronic Industries North America, Inc. (“TTI North America”) and One World Technologies, Inc. d/b/a Techtronic Industries Power Equipment (“One World”) (TTI North America and One World are hereinafter collectively referred to as “TTI”), as follows:

NATURE OF THE ACTION

1. This is an action arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Victory Innovations is a corporation organized under the laws of the State of Delaware with a place of business at 2300 Edison Boulevard, Twinsburg, Ohio 44087. Victory Innovations is in the business of, among other things, the design, marketing, sale, and support of cutting-edge battery-powered electrostatic sprayers. Victory Innovations advertises its

electrostatic sprayers on, for example, its website at <https://www.victoryinnovations.com/>. Victory Innovations offers both backpack and handheld versions of its electrostatic sprayers. (*See, e.g.,* <https://www.victoryinnovations.com/product/professional-cordless-electrostatic-backpack-sprayer/>; <https://www.victoryinnovations.com/product/professional-cordless-electrostatic-hand-held-sprayer/>.)

3. Victory Innovations' electrostatic sprayers provide an electrostatic charge to the sprayed solutions. Electrostatic-sprayed particles have an attraction up to 75 times that of gravity and will seek out items to land on, rather than simply "floating" in the air. Once the like-charged particles land upon a surface, they repel each other like magnets, spreading out evenly across the sprayed surface and providing excellent solution coverage.

4. If the sprayed particles have the opposite charge as the material upon which they are sprayed, the electrical force will cause the particles to reverse course and coat hidden or hard-to-reach surfaces that would typically be missed by conventional spraying or wiping.

5. The launch of Victory Innovations' electrostatic sprayers was a smashing commercial success in the marketplace. These products, embodied in the patent-in-suit (defined below), are new, unique, and a great advance over existing products in the field.

6. Victory Innovations designed and introduced its novel electrostatic sprayers after an enormous amount of hard work, research, and development.

7. TTI North America is a corporation organized under the laws of the State of Delaware with a place of business at 450 East Las Olas Boulevard, Suite 1500, Fort Lauderdale, Florida 33301.

8. One World is a corporation organized under the laws of the State of Delaware with a place of business at 100 Innovation Way, Anderson, South Carolina, 29621. One World is a wholly owned subsidiary of TTI North America.

9. TTI is involved in the manufacture and marketing of hand tools, power tools, outdoor power equipment, and appliances, including battery-powered electrostatic sprayers. TTI sells its products under several brand names, including Ryobi®, Milwaukee®, AEG®, Empire®, Stiletto®, Hart®, and Ridgid®. TTI is in the business of manufacturing, marketing, selling, and distributing lithium-ion battery packs and chargers under the Ryobi brand name.

10. TTI advertises and sells its accused battery-powered electrostatic sprayers under the Ryobi brand name on, for example, the Direct Tools Factory Outlet website (*see e.g.*, <https://www.directtoolsoutlet.com/Products/RYOBI-ONE%2B-18-Volt-Cordless-Handheld-Electrostatic-Sprayer-Kit/p/PSP02K2>) and the Home Depot Website (*see, e.g.*, <https://www.homedepot.com/p/RYOBI-ONE-18V-Cordless-Handheld-Electrostatic-Sprayer-Kit-with-1-2-0-Ah-Battery-and-Charger-PSP02K/314319231>).

11. TTI, seeing the success of Victory Innovations' patented electrostatic sprayers, decided to copy Victory Innovations' invention rather than develop a unique product of its own.

12. TTI's unauthorized use of the patented features of the patent-in-suit (defined below) in its accused battery-powered electrostatic sprayers has caused Victory Innovations commercial injury, lost sales, and lost profits.

JURISDICTION AND VENUE

13. This Court has exclusive jurisdiction over the subject matter of this case under 28 U.S.C. §§ 1331 and 1338(a).

14. The Court has personal jurisdiction over TTI because TTI resides in this judicial district and has, as discussed in greater detail below, committed acts of patent infringement in this judicial district.

15. TTI North America and One World are Delaware corporations. TTI also maintains a registered agent for service of process in this judicial district.

16. TTI's accused battery-powered electrostatic sprayers are available for sale at several retailers located in this judicial district, including at least the following:

- Home Depot, 17832 Coastal Highway, Lewes, Delaware 19958;
- Home Depot, 801 North Dupont Highway, Dover, Delaware 19901;
- Home Depot, 350 Auto Park Drive, Middletown, Delaware 19709; and
- Direct Tools Factory Outlet, 36698 Bayside Outlet Drive, Suite 210, Rehoboth Beach, Delaware 19971.

17. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b). *See, e.g., TC Heartland LLC v. Kraft Foods Group Brands LLC*, 137 S. Ct. 1514 (2017); *In re Cray Inc.*, 871 F.3d 1355 (Fed. Cir. 2017).

THE PATENT-IN-SUIT

18. On May 4, 2021, the United States Patent and Trademark Office ("USPTO") duly and legally issued U.S. Patent No. 10,994,291 ("the '291 patent") entitled "Electrostatic Fluid Delivery System." Mr. Clifford Wright, co-founder of Victory Innovations, is named as the inventor of the '291 patent. Victory Innovations owns, is the assignee of, and has standing to sue for infringement of the '291 patent. A copy of the '291 patent is attached as Exhibit A.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 10,994,291

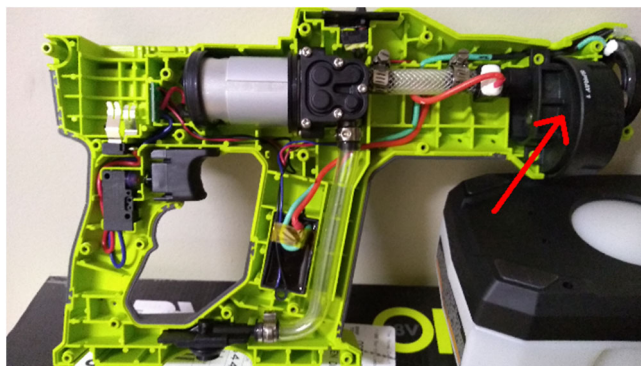
19. Victory Innovations repeats and re-alleges the allegations in the preceding paragraphs as though fully set forth herein.

20. TTI has infringed and continues to infringe the ‘291 patent by, at least, making, using, offering for sale, and/or selling throughout the United States, including within this judicial district, the Ryobi® 18V ONE+ Handheld Electrostatic Sprayer Kit Model #PSP02K, the Ryobi® 18V ONE+ Handheld Electrostatic Sprayer Model #PSP02 with 2 Liter Reservoir Model #A95103, as well as other electrostatic sprayers with different names and/or model numbers but with the same or substantially the same designs, features, and functionalities as the aforementioned Ryobi® electrostatic sprayers (collectively, the “Accused Products”).

21. By way of example but not limitation, as shown below, the Accused Products include every limitation of claim 1 of the ‘291 patent – i.e., the Accused Products are electrostatic sprayers with a main body housing (red arrow) configured to receive a power source (a Ryobi® 18V battery).



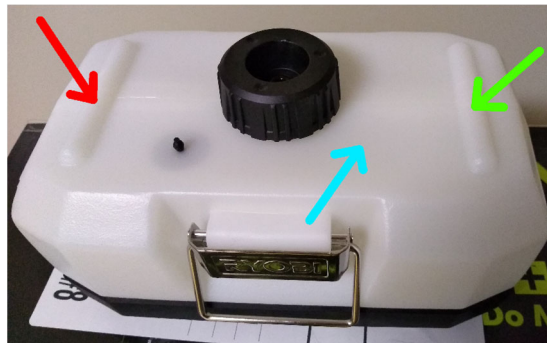
22. The Accused Products have a nozzle assembly (red arrow) at a first end of the main body housing.



23. The Accused Products have a reservoir configured to have a fluid disposed therein. The reservoir is releasably attachable to the main body housing and is configured to provide fluid to the nozzle assembly when attached to the main body housing.



24. The reservoir of the Accused Products has a first linear guide projection (red arrow) and a second linear guide projection (green arrow) disposed in a parallel orientation on a guide surface (blue arrow) of the reservoir housing.



25. The first and second linear guide projections of the Accused Products are configured to interact with first and second corresponding surfaces (red arrows), respectively, of the main body housing.

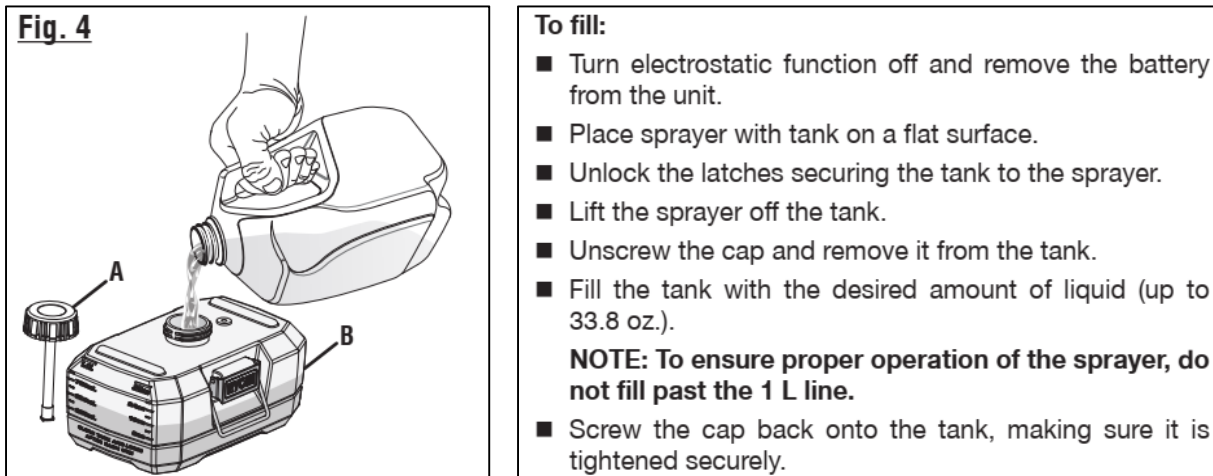


26. The reservoir housing of the Accused Products has an internal cavity defined by an interior surface for holding fluid.

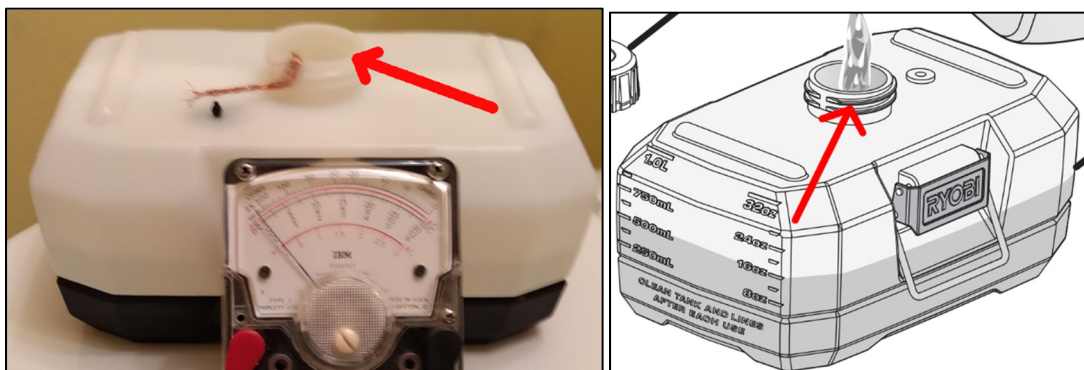
PRODUCT SPECIFICATIONS

Tank Capacity 1 L (33.8 oz.)
Power Input 18 Volt DC

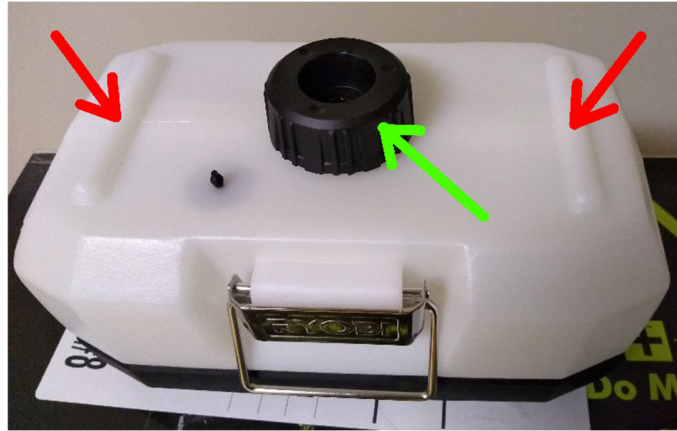
27. Each of the Accused Products has an opening in the reservoir housing to receive fluid into the internal cavity.



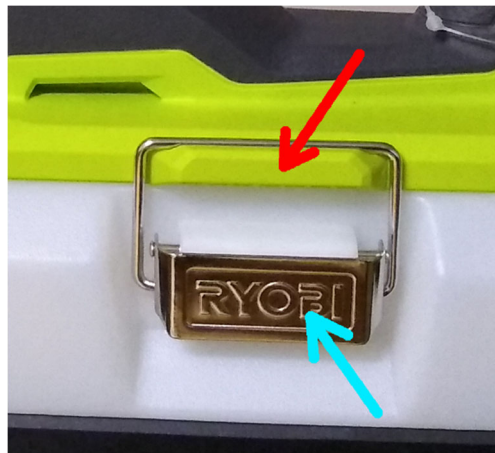
28. In each of the Accused Products, a neck (red arrow) defines the opening in the reservoir housing and projects outward from the reservoir housing.



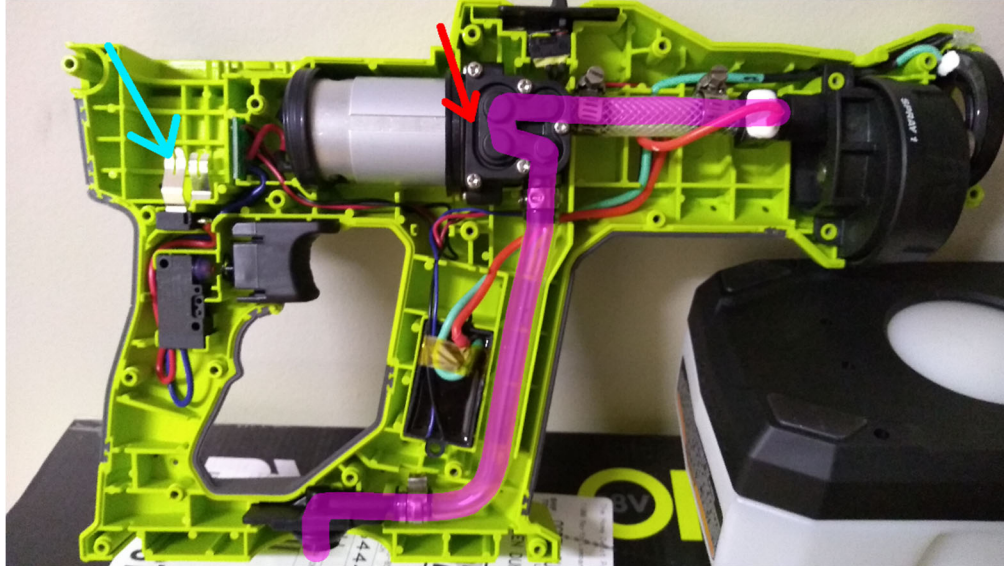
29. In each of the Accused Products, the linear guide projections (red arrows) are discrete from the neck (green arrow, under the cap).



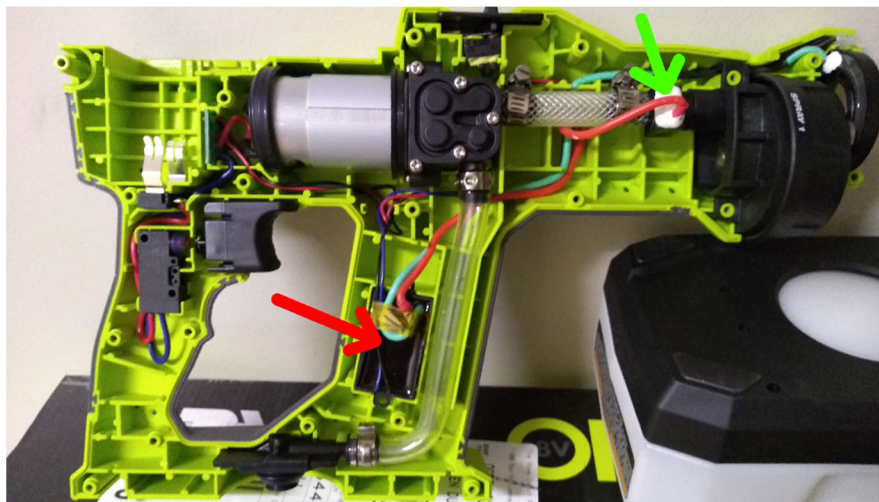
30. The Accused Products include a detachment mechanism to attach the reservoir to (and release the reservoir from) the main body housing. The detachment mechanism includes a flange (red arrow) on the main body housing, a complementary structure of the reservoir (adjacent to the flange), and a release structure (blue arrow) with tabs that are configured to be gripped and pulled by a user to disengage the flange from the complementary structure of the reservoir.



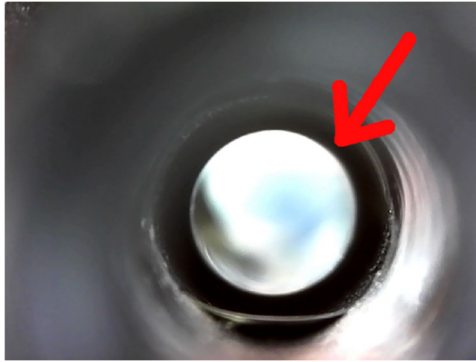
31. The Accused Products include a pump (red arrow) disposed within the main body housing. The pump is configured to be powered by the power source (not shown) electrically connected to a terminal (blue arrow) within the main body housing. The pump is configured to move fluid from the reservoir to the nozzle assembly (via the path highlighted in purple) for dispensing the electrostatically charged fluid through the nozzle assembly to an exterior of the electrostatic sprayer.



32. The Accused Products include an electrostatic module (red arrow) disposed within the main body housing. An electrode assembly (green arrow) is electrically connected to the electrostatic module via a conductive wire (red wire extending between the red and green arrows).



33. The electrode assembly of the Accused Products is configured for electrostatic charging of the fluid. In each of the Accused Products, the electrode assembly includes a conductive ring (red arrow) through which fluid passes en route to the nozzle assembly. The fluid is electrostatically charged via the conductive ring.



34. Each of the Accused Products includes a cap assembly configured to mate with the neck of the reservoir.



35. In each of the Accused Products, when the reservoir is attached to the main body housing, the cap assembly forms a seal with the feature shown below with a red arrow. The formation of the seal enables the pump to move fluid from the reservoir to the nozzle assembly.



36. TTI has infringed and continues to infringe at least claims 1-6, 8-18, 20-22, and 24 of the '291 patent within the meaning of 35 U.S.C. § 271(a) through the foregoing activities

including, without limitation, making, using, importing, offering for sale, and/or selling the Accused Products in the United States. The Accused Products contain each and every element of at least claims 1-6, 8-18, 20-22, and 24 of the '291 patent both literally and under the doctrine of equivalents in contravention of 35 U.S.C. § 271.

37. TTI's infringement has injured Victory Innovations and Victory Innovations is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty, as permitted under 35 U.S.C. § 284.

38. TTI's infringement of the '291 patent has caused irreparable harm to Victory Innovations, which has no adequate remedy at law, and will continue to injure Victory Innovations unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining TTI's importation, manufacture, use, offer for sale, and/or sale of the Accused Products and any other products within the scope of the '291 patent.

39. Victory Innovations has complied with 35 U.S.C. § 287 to the extent required by law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Victory Innovations, respectfully asks this Court to enter judgment against Defendants, TTI North America and One World, and against their subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with TTI North America and One World, granting the following relief:

- A. The entry of judgment in favor of Victory Innovations and against TTI;
- B. An award of damages adequate to compensate Victory Innovations for the infringement that has occurred, and in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284, together with prejudgment and post-judgment interest;

- C. An award of costs and expenses;
- D. A permanent injunction prohibiting further infringement of the '291 patent;
- E. Such other relief that Victory Innovations is entitled to under law, and any other and further relief that this Court or a jury may deem just and proper.

Jury Demand

Victory Innovations demands a trial by jury on all issues presented in this Complaint.

Dated: May 13, 2021

Respectfully submitted,

FARNAN LLP

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