

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Meyer Products LLC  
18513 Euclid Avenue  
Cleveland, Ohio 44112

Plaintiff

V.

Air-Flo Manufacturing Company Inc.  
40 S. Main Street  
Prattsburgh, New York 14873

Defendant.

CASE NO. \_\_\_\_\_

JUDGE

## COMPLAINT

Jury Demand Endorsed Hereon

Meyer Products LLC (“Meyer Products”), as and for its Complaint against Defendant Air-Flo Manufacturing Company (“Air-Flo”), alleges as follows:

## **NATURE OF THE ACTION**

1. This is an action for patent infringement. Meyer Products is the assignee of U.S. Patent Number 6,138,388 (the “388 patent”). A true copy of the ‘388 patent is attached as Exhibit A.

**PARTIES, JURISDICTION, AND VENUE**

2. Meyer Products is an Ohio limited liability corporation with its principal place of business in Cleveland, Ohio. Meyer Products manufactures snow plows and spreaders and has been a leader in the snow and ice control business for over eighty (80) years.

3. Upon information and belief, Air-Flo is a New York corporation with its principal place of business in Prattsburg, New York.

4. Air-Flo manufactures and sells snow and ice control equipment, including snow plows and spreaders. Air-Flo sells and offers for sale its products in the Northern District of Ohio and elsewhere.

5. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338, and 35 U.S.C. §§ 271 and 281.

6. Personal jurisdiction and venue are proper in this Court under 28 U.S.C. § 1391 because Air-Flo has committed the acts of patent infringement of which Meyer Products complains and regularly conducts business in Ohio.

**FACTUAL ALLEGATIONS**

7. Meyer Products designs and manufactures a variety of snow and ice control products, including wiring harnesses that are used in conjunction with snow plows.

8. On October 31, 2000 the United States Patent & Trademark Office duly and legally issued the '388 patent. Meyer Products is the assignee of all rights and interests in the '388 patent.

9. Air-Flo competes against Meyer Products for the sale of wiring harnesses.

10. At least one version of Air-Flo's product infringes the claims of the '388 patent and, on information and belief, the infringing version has been sold or offered for sale in Ohio.

11. Meyer Products has never authorized Air-Flo to manufacture, sell, offer for sale, or use products falling within the scope of the '388 patent.

12. Meyer Products has never authorized Air-Flo to manufacture, sell, offer for sale, or use any wiring harness falling within the scope of the '388 patent.

13. Each claim of the '388 patent is presumed to be valid and invalidity must be proven by clear and convincing evidence.

**Count I**  
**(Patent Infringement)**

14. Meyer Products repeats the allegations in paragraphs 1-13.

15. Air-Flo is infringing at least claims 1, 2-8, 14, 15, 17, 18, 20-25, and 30-33 of the '388 patent by making, using, offering to sell, importing, or selling products falling within the scope of the '388 patent without a license from, or the consent of, Meyer Products.

16. Upon information and belief, Air-Flo's actions have been and are with knowledge of the '388 patent and thus have been and are in willful disregard of those patent rights.

17. As a direct and proximate consequence of Air-Flo's actions, Meyer Products has suffered monetary damages in an amount to be determined at trial.

18. As a direct and proximate consequence of Air-Flo's actions, Meyer Products will continue to suffer irreparable injury unless and until Air-Flo is enjoined from infringing the '388 patent.

**PRAYER FOR RELIEF**

WHEREFORE, Meyer Products prays for judgment against Air-Flo as follows:

- A. That this Court enter a judgment against Air-Flo for patent infringement;
- B. That this Court permanently enjoin Air-Flo, its officers, agents, servants, employees, successors, subsidiaries, and all persons acting under, in concert with, or for it, from

directly or indirectly making or causing to be made, using or causing to be used, selling or causing to be sold, offering for sale or causing to be offered for sale, or importing or causing to be imported products that fall within the scope of one or more claims of the '388 patent, or otherwise directly or contributorily infringing, or inducing infringement of, the '388 patent.

C. That this Court require Air-Flo, its officers, agents, servants and employees to recall and destroy all products infringing, directly or otherwise, one or more claims of the '388 patent.

D. That this Court direct Air-Flo to file with this Court and serve on Meyer Products within twenty (20) days after service of an injunction a written report setting forth in detail the manner and form in which Air-Flo has complied with each injunction to which the Court finds Meyer Products is entitled.

E. That this Court enter judgment against Air-Flo and in favor of Meyer Products all damages caused by Air-Flo.

F. That this Court order that damages awarded to Meyer Products be trebled pursuant to 35 U.S.C. § 284 if it is found that Air-Flo's infringement is willful.

G. That this Court award Meyer Products its reasonable attorneys fees if it determines that this is an exceptional case pursuant to 35 U.S.C. § 285.

H. That Meyer Products be awarded its costs of this action.

I. That Meyer Products be awarded prejudgment and post-judgment interest on its foregoing damages, fees and costs at the highest rate allowable at law until paid in full.

J. That Meyer Products be awarded such further relief as this Court deems just and proper.

Respectfully submitted,

*s/Richard Gurbst*

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**Jury Demand**

Meyer Products LLC demands a trial by jury on all issues so triable.

*s/Richard Gurbst*

Richard Gurbst