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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Portland Division

AMERICAN LOUVER COMPANY d/b/a/
PLASTICADE,

Plaintiff,

v.

MULTI-CRAFT PLASTICS, INC.,

Defendant.

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiff American Louver Company d/b/a Plasticade (“Plasticade”), by and through its undersigned counsel, files this Complaint for patent infringement against Defendant Multi-Craft Plastics, Inc. (“Defendant”) alleging as follows:

NATURE OF ACTION

1. This is a civil 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, which gives rise to the remedies specified under 35 U.S.C. §§ 281 and 283-285.

PARTIES

2. Plaintiff Plasticade is a corporation organized and existing under the laws of Illinois with its principal place of business at 100 Howard Avenue, Des Plaines, Illinois 60018.

3. Based on information and belief, Defendant Multi-Craft Plastics, Inc. is a company organized and existing under the laws of the State of Oregon with its principal place of business located at 7298 SW Tech Center Drive, Tigard, Oregon 97223 and doing business throughout the United States.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

5. Defendant is subject to personal jurisdiction in this Court for the following reasons: (i) Defendant is an Oregon corporation and thus resides in Oregon; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Oregon and in the District of Oregon; (iii) Defendant has sought protection and benefit from the laws of the State of Oregon and is incorporated there; (iv) Defendant regularly conducts business within the State of Oregon and within the District of Oregon; and (v) Plaintiff Plasticade's causes of action arise directly from Defendant's business contacts and other activities in the State of Oregon and in the District of Oregon.

6. Venue is proper in this district pursuant to 28 U.S.C. § 1400(b) because Defendant resides in the District of Oregon based on its formation under the laws of Oregon.

THE PATENTS-IN-SUIT

7. Plasticade is a leading manufacturer and marketer of plastic and recycled rubber products, specializing in traffic safety and sign frames.

8. Plasticade has made significant investments in developing, manufacturing, advertising, and selling its products.

9. To protect its intellectual property resulting from these significant investments, Plasticade has obtained numerous patents directed to various inventions and technologies. For

example, Plasticade's sign frame-related patents include U.S. Patent Nos. 7,337,569 and 7,886,467 (collectively, the "Patents-in-Suit").



10. U.S. Patent No. 7,337,569 (the "'569 Patent"), titled "PORTABLE SIGN FRAME ASSEMBLY WITH CHANGEABLE SIGNAGE," was duly and legally issued by the United States Patent and Trademark Office on March 4, 2008. Plaintiff Plasticade is the assignee and owner of all right, title, and interest in the '569 Patent, a copy of which is attached as **Exhibit 1**.

11. U.S. Patent No. 7,886,467 (the "'467 Patent"), titled "PORTABLE SIGN FRAME ASSEMBLY WITH CHANGEABLE SIGNAGE," was duly and legally issued by the United States Patent and Trademark Office on February 15, 2011. Plaintiff Plasticade is the assignee and owner of all right, title, and interest in the '467 Patent, a copy of which is attached as **Exhibit 2**.

FACTUAL BACKGROUND

12. On information and belief, Defendant Multi-Craft Plastics, Inc. is in the business of offering for sale, selling, and distributing sign products including plastic signs.

13. On information and belief, Defendant Multi-Craft Plastics, Inc. makes, uses, offers to sell, sells, and/or imports the Multi-Craft Deluxe 2-Sided Sign Frame in both black and white variants (see <https://www.multicraftplastics.com/product/SNDELUXE-BK>; <https://www.multicraftplastics.com/product/SNDELUXE-WH>) (collectively, the "Accused Products"). Images of the Multi-Craft Deluxe 2-Sided Sign Frames are provided below.

Deluxe 2-Sided Black Sign Frame	Deluxe 2-Sided White Sign Frame
	

GENERAL ALLEGATIONS

14. Defendant has directly infringed and continues to directly infringe each of the Patents-in-Suit by engaging in acts constituting infringement under 35 U.S.C. §§ 271(a), (b), and/or (c), including but not necessarily limited to one or more of making, using, selling, offering to sell, and inducing and contributing to infringement by others, in this District and elsewhere in the United States.

15. Defendant's acts of infringement have caused damage to Plaintiff Plasticade. Plasticade is entitled to recover from Defendant the damages sustained by Plasticade as a result of Defendant's wrongful acts in an amount subject to proof at trial.

16. Defendant's infringement of the Patents-in-Suit has been and continues to be willful.

17. Defendant has committed and continues to commit acts of infringement despite a high likelihood that its actions constitute infringement, and Defendant knew or should have known that its actions constituted an unjustifiably high risk of infringement.

18. Defendant's infringement of the Patents-in-Suit is causing irreparable harm for which Plasticade has no adequate remedy at law unless Defendant is enjoined by this Court. Under 35 U.S.C. § 283, Plasticade is entitled to a permanent injunction against further infringement of the Patents-in-Suit.

19. Plasticade has identified below at least one claim per patent to demonstrate infringement. However, the selection of claims should not be considered limiting, and additional claims of the Patents-in-Suit that are infringed by Defendant will be disclosed in compliance with the Court's Local Rules.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,337,569

20. Plasticade incorporates by reference the allegations set forth in the preceding paragraphs as though fully set forth herein.

21. On information and belief, Defendant has infringed and is infringing claims of the '569 Patent, including at least claim 1, in violation of 35 U.S.C. §§ 271(a), (b), and (c) by manufacturing, using, offering to sell, selling, and/or importing infringing products including, but not limited to, the Accused Products.

22. Claim 1 of the '569 Patent recites:

1. A sign stand frame, comprising:

a pair of legs disposed parallel to each other;

an upper cross bar;

a lower cross bar, the lower cross bar having a channel shape; and

a panel,

wherein the upper cross bar connects the pair of legs at a location

near an upper end of the legs, the lower cross bar connects the pair

of legs at a location between the upper cross bar and a lower end of

the legs, the panel connects the pair of legs and is disposed such

that a sign receptacle is formed between each of an inner vertical

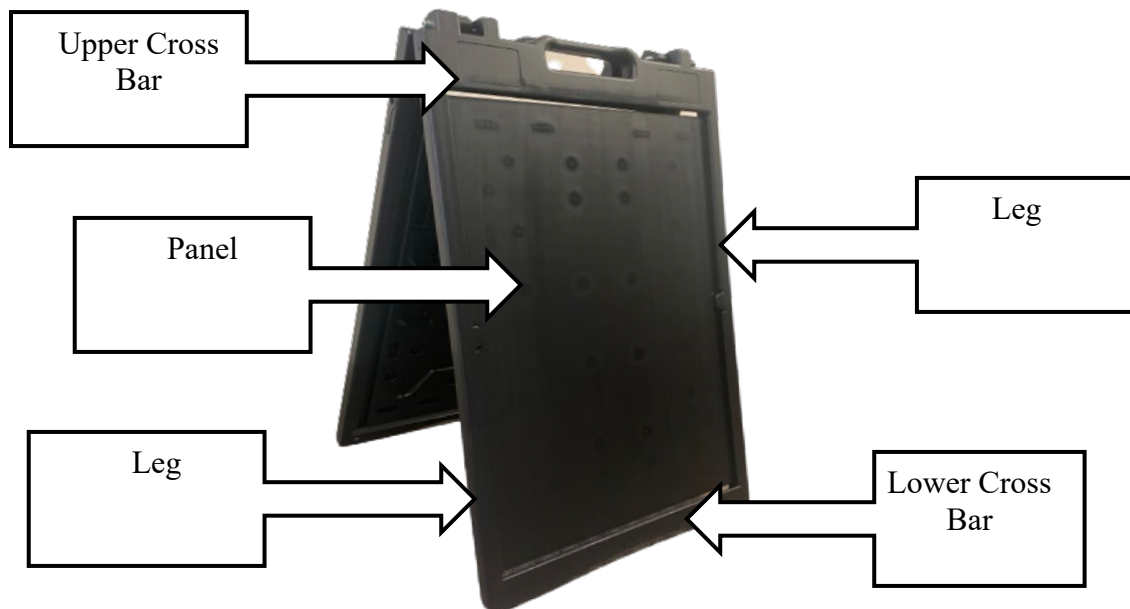
surface of the upper cross bar, an inner vertical surface of the

lower cross bar, and a first plane coincident with the facing surface

of the panel and,

wherein the inner surface of the upper cross bar and the first plane define an aperture having a distance S , dimensioned such that a sign of thickness less than or equal to the distance S is insertable therein.

23. On information and belief, the Multi-Craft Deluxe 2-Sided Sign Frame is a sign stand frame comprising a pair of legs, an upper cross bar, a lower cross bar, and a panel. For example, these features are shown below in an image of the Multi-Craft Deluxe 2-Sided Black Sign Frame provided on the Multi-Craft Plastics website (<https://www.multicraftplastics.com/product/SNDELUXE-BK>).



24. Defendant has been aware of and has had notice of the '569 Patent and its infringement of the '569 Patent at least as early as April 14, 2022, the date on which Plaintiff sent it a Cease and Desist letter ("the April Letter").

25. On information and belief, by continuing to make use, sell, offer to sell, and/or import the '569 Accused Products on or after Defendant first had notice of Plasticade's allegations of infringement, Defendant directly infringes and continues to directly infringe at least claim 1 of the '569 Patent.

26. Upon information and belief, Defendant sells and offers for sale the Accused Products while being fully aware of the '569 Patent and knowing the Accused Products to be specially made or adapted for infringing the '569 Patent and not to be a staple article or commodity of commerce suitable for substantial non-infringing use.

27. Upon information and belief, Defendant, with knowledge of the '569 Patent, actively induces infringement of the '569 Patent by at least encouraging and instructing its customers and end users to use the Accused Products in a manner that infringes the '569 Patent, knowing that its actions would induce infringement of the '569 Patent, knowing that infringement of the '569 Patent would take place, intending that infringement take place and in substantial numbers, and resulting in direct infringement of the '569 Patent by its customers and end users of the Accused Products.

28. On information and belief, Plasticade has suffered and continues to suffer damages as a result of Defendant's infringement of the '569 Patent in an amount to be determined at trial.

29. On information and belief, Defendant's infringement of the '569 Patent is also causing irreparable harm for which Plasticade has no adequate remedy at law unless Defendant is enjoined by this Court. Under 35 U.S.C. § 283, Plasticade is entitled to a permanent injunction against further infringement of the '569 Patent.

30. On information and belief, Defendant has continued with its infringement despite the objectively high likelihood that its actions constitute infringement and Defendant's subjective knowledge of this obvious risk. As Defendant has no good faith belief that it does not infringe the '569 Patent, at a minimum, Defendant's continued infringement of the '569 Patent is willful and deliberate, entitling Plasticade to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 7,886,467

31. Plasticade incorporates by reference the allegations set forth in paragraphs 1-19 as though fully set forth herein.

32. On information and belief, Defendant has infringed and is infringing claims of the '467 Patent, including at least claim 1, in violation of 35 U.S.C. §§ 271(a), (b), and (c) by manufacturing, using, offering to sell, selling, and/or importing infringing products, including, but not limited to, the Accused Products.

33. Claim 1 of the '467 Patent recites:

1. A sign stand frame, comprising:

a first frame and a second frame, the frames having top portions which are journally connected;

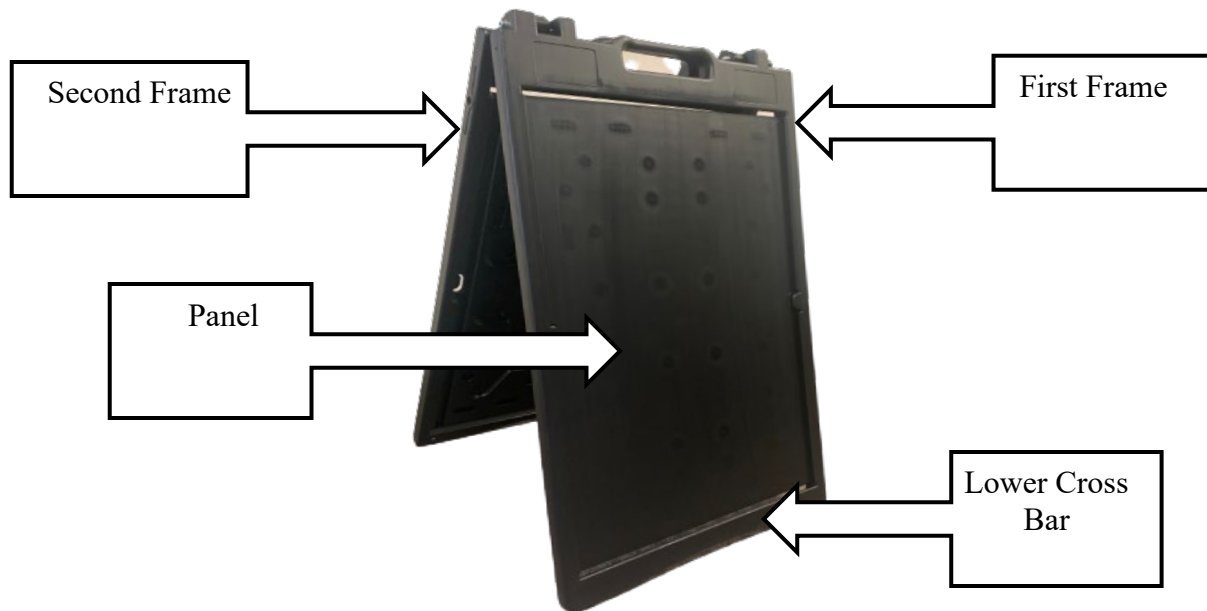
at least one of the frames having side legs, the side legs approximately orthogonal to the top portion, and the side legs being approximately parallel to each other;

a lower cross bar joining the side legs and an upper cross bar disposed parallel to the lower cross bar and joining the side legs, the side legs, an inner surface of the lower cross bar and an inner surface of the upper cross-bar approximately defining a surface of a first plane; and

a panel connecting the side legs, the panel being disposed such that a second plane approximately defined by a facing surface of the panel is displaced by a distance S from the first plane,

wherein the lower cross bar has a first surface orthogonal to the first plane, the first surface facing the top portion, and extending from an inner vertical portion of the lower cross bar towards the second plane.

34. On information and belief, the Multi-Craft Deluxe 2-Sided Sign Frame is a sign stand frame comprising a first frame and second frame, side legs, a lower cross bar, and a panel. For example, these features are shown below in an image of the Multi-Craft Deluxe 2-Sided Black Sign Frame provided on the Multi-Craft Plastics website (<https://www.multicraftplastics.com/product/SNDELUXE-BK>).



35. Defendant has been aware of and has had notice of the '467 Patent and its infringement of the '467 Patent at least as early as April 14, 2022, the date on which Plaintiff sent the April Letter.

36. On information and belief, by continuing make use, sell, offer to sell, and/or import the '467 Accused Products on or after Defendant first had notice of Plasticade's allegations of infringement, Defendant directly infringes and continues to directly infringe at least claim 1 of the '467 Patent.

37. Upon information and belief, Defendant sells and offers for sale the Accused Products while being fully aware of the '467 Patent and knowing the Accused Products to be specially made or adapted for infringing the '467 Patent and not to be a staple article or commodity of commerce suitable for substantial non-infringing use.

38. Upon information and belief, Defendant, with knowledge of the '467 Patent, actively induces infringement of the '467 Patent by at least encouraging and instructing its customers and end users to use the Accused Products in a manner that infringes the '569 Patent, knowing that its actions would induce infringement of the '467 Patent, knowing that

infringement of the '467 Patent would take place, intending that infringement take place and in substantial numbers, and resulting in direct infringement of the '467 Patent by its customers and end users of the Accused Products.

39. On information and belief, Plasticade has suffered and continues to suffer damages as a result of Defendant's infringement of the '467 Patent in an amount to be determined at trial.

40. On information and belief, Defendant's infringement of the '467 Patent is also causing irreparable harm for which Plasticade has no adequate remedy at law unless Defendant is enjoined by this Court. Under 35 U.S.C. § 283, Plasticade is entitled to a permanent injunction against further infringement of the '467 Patent.

41. On information and belief, Defendant has continued with its infringement despite the objectively high likelihood that its actions constitute infringement and Defendant's subjective knowledge of this obvious risk. As Defendant has no good faith belief that it does not infringe the '467 Patent, at a minimum, Defendant's continued infringement of the '467 Patent is willful and deliberate, entitling Plasticade to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

JURY DEMAND

42. Pursuant to Federal Rule of Civil Procedure 38(b), Plasticade hereby demands a jury trial on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Plasticade respectfully requests the Court enter judgment in its favor and against Defendant Mult-Craft Plastics, Inc. as follows:

- (a) A judgment that Defendant has infringed and is infringing the Patents-in-Suit;
- (b) A permanent injunction against Defendant and its affiliates, subsidiaries, assignees, employees, agents, or anyone acting in privity or concert with any of them, from infringing the Patents-in-Suit, including enjoining the making, offering to sell, selling, using, or importing into the United States products claimed in any

of the claims of the Patents-in-Suit; using or performing methods claimed in any of the claims of the Patents-in-Suit; inducing others to use and perform methods that infringe any claim of the Patents-in-Suit; or contributing to others using and performing methods that infringe any claim of the Patents-in-Suit, until the expiration of the Patents-in-Suit;

- (c) A judgment that Defendant's infringement the of the Patents-in-Suit was willful and that Defendant's continued infringement of the Patents-in-Suit is willful;
- (d) An award of damages adequate to compensate Plasticade for Defendant's patent infringement, but no less than as permitted under 35 U.S.C. § 284, together with prejudgment interest and post-judgment interest and costs;
- (e) An accounting to adequately compensate Plasticade for the infringement, including, but not limited to, lost profits and/or a reasonable royalty;
- (f) An award of pre-judgment and post-judgment interest at the maximum rate allowed by law;
- (g) An award of damages for willful infringement;

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- (h) An order finding that this is an exceptional case and awarding Plasticade its costs, expenses, disbursements, and reasonable attorneys' fees related to Defendant's patent infringement under 35 U.S.C. § 285 and all other applicable statutes, rules and common law; and
- (i) Such other and further relief, in law or equity, as this Court deems just and proper.

Dated this 8th day of May, 2022.

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