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Attorney for A.B.I. SAFETY, LLC

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

A.B.I. SAFETY, LLC, an Idaho limited liability  
company,

Plaintiff,

v.

EPIROC AB, a foreign corporation; EPIROC  
USA, LLC, a Delaware limited liability  
company; EPIROC NORTH AMERICA  
CORP., a Delaware corporation; EPIROC  
FINANCIAL SOLUTIONS USA, LLC, a  
Delaware limited liability company; EPIROC  
DRILLING TOOLS, LLC, a Delaware limited  
liability company; and EPRIOC DRILLING  
SOLUTIONS, LLC, a Delaware limited  
liability company,

Defendants.

CASE NO.

COMPLAINT FOR PATENT  
INFRINGEMENT AND FALSE  
ADVERTISING

JURY TRIAL DEMANDED

COMPLAINT

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COMES NOW, the Plaintiff, A.B.I. SAFETY, LLC, an Idaho limited liability company by and through its attorney of record PAUL W. DAUGHARTY of the law firm DAUGHARTY LAW GROUP, and for causes of action against the Defendants named herein complains and alleges as follows:

### **I. Nature of this Action**

1. This is an action for patent infringement brought by A.B.I. Safety against the Defendants named herein pursuant to 35 U.S.C. § 271 and 281 -285 for Defendants' infringement of U.S. Patent No. 10,361,533 B1, and for false advertising for Defendants' false and misleading statements in violation of the Lanham Act (15 U.S.C. § 1125(a)).

### **II. Parties**

2. A.B.I. SAFETY, LLC, is an Idaho limited liability company with principal place of business at 1665 E. Evergreen Drive, Hayden Lake, Idaho 83835. Unless otherwise specified herein Plaintiff, A.B.I. SAFETY, LLC will be referred to as "A.B.I. Safety" or "Plaintiff" throughout this Complaint.

3. EPIROC AB, is a foreign corporation organized under the laws of the country of Sweden with principal offices located at 19 Sickla Industrivag, Nacka, Stockholm, Sweden, 13154. Unless otherwise specified herein EPRIOC AB will be referred to as "Epiroc AB" throughout this Complaint. Upon information and belief, Epiroc AB is the parent company of the other defendants named herein who are believed to be part of the Epiroc Group.

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2  
3 3. EPIROC USA, LLC, is a Delaware limited liability company with principal offices  
4 located at 8001 Arista Place, Suite 400, Broomfield, CO 80021. Unless otherwise specified herein  
5 Defendant, EPIROC USA, LLC will be referred to as “Epiroc USA” throughout this Complaint.  
6 Upon information and belief, Epiroc USA is believed to be part of the Epiroc Group.

7  
8 4. EPIROC NORTH AMERICA CORP., is a Delaware corporation with principal  
9 offices located at 2100 N. 1<sup>st</sup> Street, Garland, TX 75040. Unless otherwise specified herein  
10 Defendant, EPIROC NORTH AMERICA CORP. will be referred to as “Epiroc North America”  
11 throughout this Complaint. Upon information and belief, Epiroc North America is believed to be  
12 part of the Epiroc Group.

13  
14 5. EPIROC FINANCIAL SOLUTIONS USA, LLC, is a Delaware limited liability  
15 company with principal offices located at 2100 N. 1<sup>st</sup> Street, Garland, TX 75040. Unless otherwise  
16 specified herein Defendant, EPIROC FINANCIAL SOLUTIONS USA, LLC will be referred to  
17 as “Epiroc Financial Solutions” throughout this Complaint. Upon information and belief, Epiroc  
18 Financial Solutions is believed to be part of the Epiroc Group.

19  
20 6. EPIROC DRILLING TOOLS, LLC, is a Delaware limited liability company with  
21 principal offices located 13278 Lincoln Way West, Fort Loudon, PA 17224. Unless otherwise  
22 specified herein Defendant, EPIROC DRILLING TOOLS, LLC be referred to as “Epiroc Drilling  
23 Tools” throughout this Complaint. Upon information and belief, Epiroc Drilling Tools is believed  
24 to be part of the Epiroc Group.

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3 7. EPIROC DRILLING SOLUTIONS, LLC, is a Delaware limited liability company  
4 with principal offices located 13278 Lincoln Way West, Fort Loudon, PA 17224. Unless otherwise  
5 specified herein Defendant, EPIROC DRILLING SOLUTIONS, LLC be referred to as “Epiroc  
6 Drilling Solutions” throughout this Complaint. Upon information and belief, Epiroc Drilling  
7 Solutions is believed to be part of the Epiroc Group.

### 8 **III. Jurisdiction and Venue**

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10 8. These claims arise under the patent laws of the United States of America, 35 U.S.C.  
11 §§ 101 *et seq.*, and the Lanham Act, 15 U.S.C. §§ 1051 *et seq.*

12 9. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §§  
13 1331, 1332 and 1338(a).

14  
15 10. This Court has personal jurisdiction over Defendants because, among other things,  
16 Defendants conduct business in this District; Defendants have purposefully availed themselves of  
17 the rights and benefits of Idaho law; and Defendants substantial, continuous, and systematic  
18 contacts with the state of Idaho and this District. Upon information and belief, Defendants  
19 purposefully directs activities toward this forum and market, manufacture, offers to sell, sells and  
20 distributes infringing products and/or equipment, as described below, throughout the United  
21 States, and the District of Idaho.

22  
23 11. Venue is proper in this District as to Defendants pursuant to 28 U.S.C. §§ 1391(b),  
24 1391(c), and 1400(b) because Defendants: (i) have committed acts of infringement in this District  
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1  
2 at least by manufacturing, selling and offering to sell the infringing products within the District;  
3 (ii) have made false and misleading statements in this District and to consumers residing or doing  
4 business in this District; and (iii) maintain regular and established places of business in this  
5 District.  
6

#### 7 **IV. Background**

8  
9 12. A.B.I. Safety is a designer and innovator in the underground mining industry and  
10 has been an innovator and designer technologies related to equipment safety. Specifically, A.B.I.  
11 Safety designed and developed a battery interrupter system that identifies operating conditions of  
12 the electrical systems used on equipment. The battery interrupter system designed by A.B.I. Safety  
13 specifically identifies heat conditions, pressure conditions and fire conditions occurring in the  
14 electrical systems used on equipment and once detected causes a disruption in the electrical system  
15 between the battery and the electrical system.  
16

17 13. On July 23, 2019, the United States Patent and Trademark Office (“USPATO”)  
18 duly and legally issued Patent No. US 10,361,553 B1 entitled “Battery Interrupter.” A true and  
19 correct copy of Patent No. US 10,361,553 B1 is attached hereto as Exhibit A and incorporated  
20 herein by reference. The inventor of Patent No. US 10,361,553 B1 was Gerald Laughter who  
21 assigned the same to A.B.I. Safety.  
22

23 14. Patent No. US 10,361,553 B1 is valid and enforceable.  
24  
25  
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#### IV. General Allegations

15. Epiroc AB is a Swedish manufacturer of mining and infrastructure equipment headquartered in Stockholm, Sweden. Specifically, Epiroc AB manufactures and develops mining equipment such as drilling rigs, rock excavation and construction equipment and tools for surface and underground mining. This includes aftermarket support and solutions for automation and electrification.

16. Epiroc AB has seven (7) divisions operating in five different areas: (a) surface – develops, manufactures and markets rock drilling equipment for use in surface mining and construction; (b) underground – develops, manufactures and markets tunneling and mining equipment, including but not limited to, drill rigs, loaders, mine trucks (including battery electric versions) used in underground mining; (c) parts and service; (d) digital solutions; and (e) tools and attachments.

17. Upon information and belief, Epiroc AB is the parent company of the other defendants named herein who are believed to be part of the Epiroc Group.

18. On or about April 18, 2023, A.B.I. Safety notified Defendants that A.B.I. Safety was concerned that Defendants were infringing upon Patent No. US 10,361,553 B1. A.B.I. Safety provided a copy of Patent No. US 10,361,553 B1 with this correspondence.

19. On or about May 9, 2023, Epiroc AB responded to the notification sent by A.B.I. Safety on or about April 18, 2023 and denied the infringement claim as unsubstantiated. A true

and correct copy of this correspondence is attached hereto as Exhibit B and incorporated herein by reference.

20. On or about May 23, 2023, A.B.I. Safety, once again, notified Defendants through counsel of the infringement claim. A true and correct copy of this Notice of Infringement and Litigation Hold Letter is attached hereto as Exhibit C and incorporated herein by reference.

21. On or about June 21, 2023, Epiroc AB responded to the notification sent by A.B.I. Safety on or about May 23, 2023 and once again denied the infringement claim. A true and correct copy of this correspondence is attached hereto as Exhibit D and incorporated herein by reference.

**VI. Claims for Relief**  
**First Cause of Action**  
**Infringement of Patent No. US 10,361,553 B1**

22. A.B.I. Safety re-alleges and incorporates Paragraphs 1 through 21 of this Complaint as though fully set forth herein.

23. Upon information and belief Epiroc AB and the other named Defendants, without authority, has made, manufactured, used, offered to sell, sold, and/or imported into the United States mining and infrastructure equipment (the “Accused Equipment”) which incorporate or make use of the inventions covered by Patent No. US 10,361,553 B1, thereby infringing, literally and under the doctrine of equivalents, one or more of the claims of Patent No. US 10,361,553 B1. As a result, and upon information and belief, Epiroc AB and the other named Defendants have directly infringed, and continue to directly infringe, one or more claims of Patent No. 10,361,553 B1.

Epiroc AB and the other named Defendants will continue to infringe upon Patent No. 10,361,553 B1 unless enjoined by this Court.

23. Each of the Accused Equipment infringes upon at least one claim of Patent No. US 10,361,553 B1.

24. Epiroc AB and the other named Defendants had knowledge of Patent No. US 10,361,553 B1 at least as of March 17, 2023. Despite this knowledge, Epiroc AB and the other named Defendants continued to make, manufacture, use, offer to sell, sell, and/or import the Accused Equipment. Epiroc AB's and the other named Defendants' intentional and willful infringement is egregious. Epiroc AB and/or the other named Defendants are liable for the willful infringement and A.B.I. Safety is entitled to enhanced damages under 35 U.S.C. § 284.

25. As a direct result of Epiroc AB's and the other named Defendants' intentional and willful infringement of Patent No. 10,361,553 B1, A.B.I. Safety has suffered irreparable harm and immeasurable impairment of the value of A.B.I. Safety's patent rights. Furthermore, A.B.I. Safety will continue to suffer irreparable harm and impairment of the value of Patent No. US 10,361,553 B1, unless Epiroc AB and the other named Defendants are enjoined by this Court from infringing Patent No. US 10,361,553 B1 pursuant to 35 U.S.C. § 283. A.B.I. Safety has no adequate remedy at law and is entitled to a permanent injunction against Epiroc AB and the other named Defendants.

26. As a direct result of Epiroc AB's and the other named Defendants' intentional and willful infringement of Patent No. 10,361,553 B1, A.B.I. Safety has been and continues to be

1  
2 damaged by Epiroc AB's and other named Defendants' intentional and willful infringement of  
3 Patent No. U.S. 10,361,553 B1. A.B.I. Safety is entitled to an award of damages adequate to  
4 compensate A.B.I. Safety for the infringement in an amount determined at trial but that is in no  
5 event less than a reasonable royalty pursuant to 35 U.S.C. § 284.  
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8 **Second Cause of Action**  
**False Advertising – 15 U.S.C. § 1125**

9 27. A.B.I. Safety re-alleges and incorporates Paragraphs 1 through 26 of this Complaint  
10 as though fully set forth herein.  
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12 28. Upon information and belief, Epiroc AB and the other named Defendants have  
13 made statements concerning the manufacturing and performance of the Accused Equipment that  
14 are both false and misleading and are likely to mislead, confuse, and/or deceive a significant  
15 amount of customers and/or purchasers and potential customers and/or purchasers of mining and  
16 infrastructure equipment utilizing battery interrupter systems designed to identify heat conditions,  
17 pressure conditions and fire conditions occurring in the electrical systems used on equipment. This  
18 includes and once detected causes a disruption in the electrical system between the battery and  
19 the electrical system. This includes aftermarket support and solutions for automation and  
20 electrification.  
21

22 29. Epiroc AB's and the other named Defendants' actions are likely to cause  
23 competitive or commercial injury to A.B.I. Safety and are likely to lead customers to purchase the  
24 Accused Equipment over A.B.I. Safety's competing products and/or equipment which incorporate  
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1  
2 or make use of the inventions covered by Patent No. US 10,361,553 B1. A.B.I. Safety's goodwill  
3 is likely to be harmed among customers that have been misled to believe the Accused Equipment  
4 is equivalent in design or performance to A.B.I. Safety's competing products and/or equipment  
5 which incorporate or make use of the inventions covered by Patent No. US 10,361,553 B1.  
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7 30. Epiroc AB's and the other named Defendants' actions, unless restrained, will cause  
8 and continue to cause A.B.I. Safety irreparable injury, in an amount that cannot presently be  
9 ascertained, leaving A.B.I. Safety with no adequate remedy at law. A.B.I. Safety is entitled to a  
10 permanent injunction against Epiroc AB and the other named Defendants.  
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12 31. As a direct result of Epiroc AB's and the other named Defendants' actions, A.B.I.  
13 Safety has suffered direct and consequential damages and is entitled to recovery compensatory  
14 damages, including opportunity costs and enhanced damages in an amount determined at trial.  
15

### 16 **Jury Demand**

17 A.B.I. Safety demands that all issues of fact raised by this Complaint be tried by a jury of  
18 no less than 12 persons.

### 19 **Prayer for Relief**

20 WHEREFORE, A.B.I. Safety respectfully requests judgment be entered in its favor and  
21 against Defendants, as follows:  
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- 23 1. A judgment that Epiroc AB and the other named Defendants have infringed, either  
24 literally or under the doctrine of equivalents, one or more claims of Patent No. US  
25 10,361,553 B1 under 35 U.S.C. § 271;  
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2. A judgment that Epiroc AB's and the other named Defendants' infringement has been and is willful;
3. A judgment and order requiring Epiroc AB and the other named Defendants to pay A.B.I. Safety its damages, costs, expenses, and enhanced damages to which A.B.I. Safety is entitled for Epiroc AB's and the other named Defendants' infringement;
4. A permanent injunction enjoining and restraining Epiroc AB and the other named Defendants, as well as their subsidiaries, agents, directors, officers, employees, and those is active concert or participation with them from infringing Patent No. US 10,361,553 B1;
5. A judgment and order that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding A.B.I., Safety its reasonable attorney's fees and costs;
6. A judgment finding that Epiroc AB and the other named Defendants have violated the Lanham Act, 15 U.S.C. § 1125(a), by committing acts of false advertising;
7. A judgment and order requiring Epiroc AB and the other named Defendants to pay A.B.I. Safety its damages, costs, expenses, and enhanced damages to which A.B.I. Safety is entitled for Epiroc AB's and the other named Defendants' false advertising;
8. A permanent injunction enjoining and restraining Epiroc AB and the other named Defendants, as well as their subsidiaries, agents, directors, officers, employees, and

those is active concert or participation with them from making further false and misleading statements about the Accused Equipment;

9. A judgment requiring Epiroc AB and the other named Defendants to provide and accounting and to pay supplemental damages to A.B.I. Safety, including without limitation, pre-judgment and post-judgment interest; and

10. For such other and further relief as the Court may deem just and equitable.

DATED this 3rd day of May 2024.

DAUGHARTY LAW GROUP

By: /s/ Paul W. Daugharty  
PAUL W. DAUGHARTY, WSBA#20841  
Attorney for A.B.I. Safety, LLC