

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

U.S. DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIV.

HANSEN GLOBAL, INC.,)

Plaintiff,)

vs.)

ILLINOIS INDUSTRIAL TOOL, INC.,)

Defendant.)

'06 OCT -3 P1:42

FILED
SOFRON B. NEDILSKY
CLERK

Case No.

06-C-1030

**COMPLAINT FOR PATENT INFRINGEMENT
AND UNFAIR COMPETITION**

JURISDICTION AND VENUE

1. This is a claim for patent infringement of a U.S. patent arising under the patent laws of the United States, 35 U.S.C. § 271, and a claim for unfair competition closely related to the patent infringement. The Court has exclusive jurisdiction over the patent infringement claim under 28 U.S.C. § 1338(a) and jurisdiction over the unfair competition claim under 28 U.S.C. § 1338(b).

2. Plaintiff Hansen Global, Inc. is a Wisconsin corporation with a principal place of business at 251 Taylor Street, Two Rivers, Wisconsin 54241.

3. Upon information and belief, Defendant Illinois Industrial Tool, Inc. (“Defendant”) is an Illinois corporation having a principal place of business at 8811 S. 77th Ave., Bridgeview, Illinois 60455, and has a sales office in this judicial district.

PATENT INFRINGEMENT

4. Plaintiff is the owner of all right, title and interest in U.S. Patent No. 5,511,673, entitled "Storage Rack for Mechanical Drive Sockets," issued April 30, 1996, and is entitled to sue for infringement thereof. The patent is directed to a storage rack for storing drive sockets of drive socket wrenches. A copy of the patent is attached to this complaint.

5. The validity of U.S. Patent No. 5,511,673 has been judicially acknowledged. *R.J. Industries, L.L.C. v. Hansen Global, Inc.*, 2001 U.S. Dist. LEXIS 2331 (N.D. Ill, 2001).

6. Plaintiff sells drive socket storage racks pursuant to said patent and at all times pertinent hereto said products have carried a proper patent marking.

7. Defendant is manufacturing, or having manufactured on its behalf, drive socket storage racks which are covered by one or more claims of U.S. Patent No. 5,511,673, which constitutes infringement upon the patent rights of Plaintiff asserted herein.

8. Defendant is selling drive socket storage racks that are covered by one or more claims of U.S. Patent No. 5,511,673, which constitutes infringement upon the patent rights of Plaintiff asserted herein. Such sales have occurred in this district.

9. Such infringement is wanton and willful and in disregard of the patent rights of Plaintiff.

UNFAIR COMPETITION – TRADE DRESS INFRINGEMENT

10. Plaintiff sells drive socket storage racks. The drive socket storage racks sold by Plaintiff have a unique and non-functional appearance. In particular the drive socket storage trays have unique characteristics such as the following:

a. The shape of the drive socket storage racks has unique and non-functional appearance that has come to be associated by the purchasing public with a product sold by Plaintiff.

b. Plaintiff sells drive socket storage trays for metric size drive sockets and fractional (inch) size drive sockets. The metric size drive socket storage trays are colored gray. The fractional size drive socket storage trays are colored red.

The appearance of the drive socket storage racks sold by Plaintiff has come to be associated with Plaintiff by the purchasing public whereby upon recognizing the drive socket storage rack the consuming public associates the uniquely appearing drive socket storage rack as being that of the Plaintiff.

11. Defendant has intentionally copied the unique appearance of the drive socket storage rack of Plaintiff and markets the copies to the consuming public resulting in a likelihood of confusion.

12. In particular, Defendant has copied the unique appearance of the drive socket storage trays of Plaintiff.

13. In addition Defendant sells drive socket storage trays for metric size drive sockets and for fractional size drive sockets. The metric size drive sockets are colored gray. The fractional size drive sockets are colored red.

14. The acts complained of herein constitute trade dress infringement at common law to the damage of Plaintiff.

15. The acts complained of herein constitute trade dress infringement under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a) to the damage of Plaintiff.

WHEREFORE Plaintiff prays that:

a. Defendant be preliminarily and permanently enjoined from acts of patent infringement of U.S. Patent No. 5,511,673.

b. Plaintiff be awarded damages against Defendant for its patent infringement.

c. The damages for patent infringement be trebled.

d. Defendant be preliminarily and permanently enjoined from acts of unfair competition complained of herein.

e. Plaintiff be awarded against the Defendant for acts of unfair competition complained of herein.

f. This case be adjudged exceptional and Plaintiff be awarded its attorney fees.

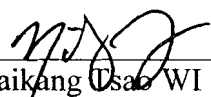
g. Plaintiff be awarded such additional relief as the Court may deem just and proper.

Plaintiff hereby demands a trial by jury.

DATED this 2nd day of October, 2006.

Respectfully submitted,

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Attorneys for Plaintiff



US005511673A

United States Patent [19]
Folk

[11] **Patent Number:** **5,511,673**
[45] **Date of Patent:** **Apr. 30, 1996**

[54] **STORAGE RACK FOR MECHANICAL DRIVE SOCKETS**

[76] Inventor: **Randall W. Folk**, 17483 Farm School Rd., Davis, Ill. 61019

4,688,672	8/1987	Pemberton	211/70.6 X
4,717,106	1/1988	Bies et al.	211/70.6 X
4,826,021	5/1989	Burrell	211/70.6
5,228,570	7/1993	Robinson	211/70.6 X
5,398,823	3/1995	Anders	211/70.6

[21] Appl. No.: **294,161**

Primary Examiner—Robert W. Gibson, Jr.
Attorney, Agent, or Firm—Henderson & Sturm

[22] Filed: **Aug. 22, 1994**

[57] **ABSTRACT**

[51] **Int. Cl.⁶** **A47F 7/00**

[52] **U.S. Cl.** **211/70.6; 206/378; 211/59.1**

[58] **Field of Search** **206/378; 211/70.6, 211/59.1, 89; 248/309.2**

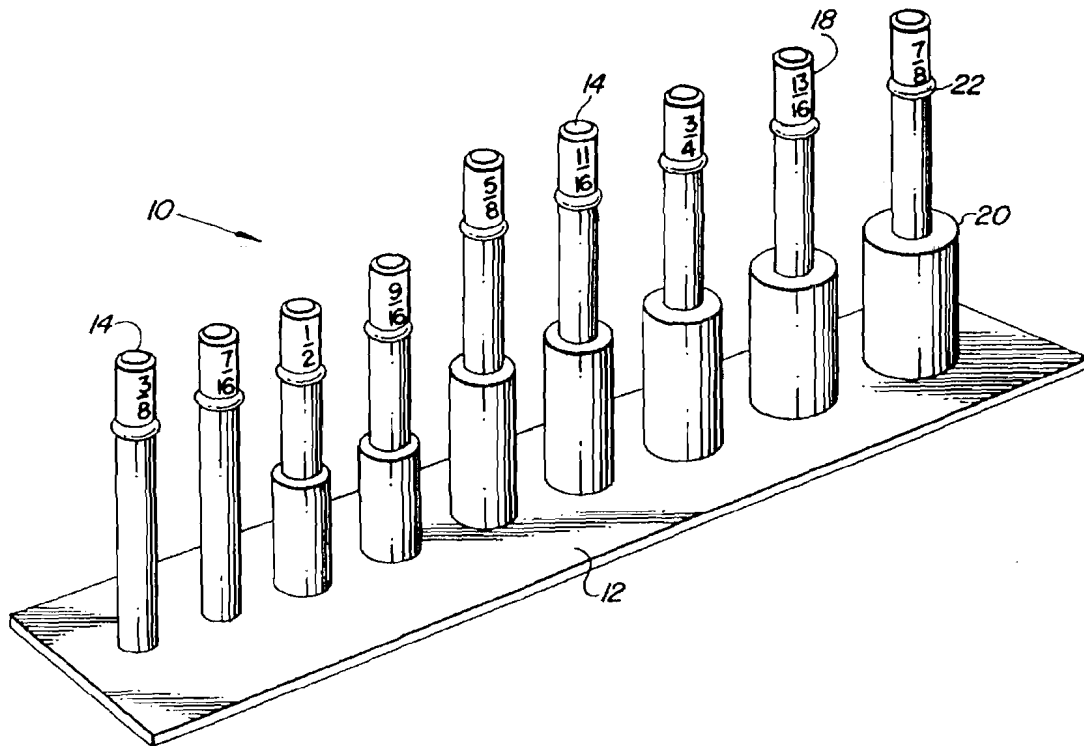
A storage rack for mechanical drive sockets comprising a set of rods upon which the sockets are placed when not in use. The rods are affixed upon a platform in rows and correspond to the graduated sizes of the various sockets. Each rod may have a snap ring which serves to additionally secure the socket upon the rod. Further, each rod has the socket size clearly marked thereon to facilitate socket identification. A particular embodiment may store a single drive size and socket length, or may store various combinations thereof.

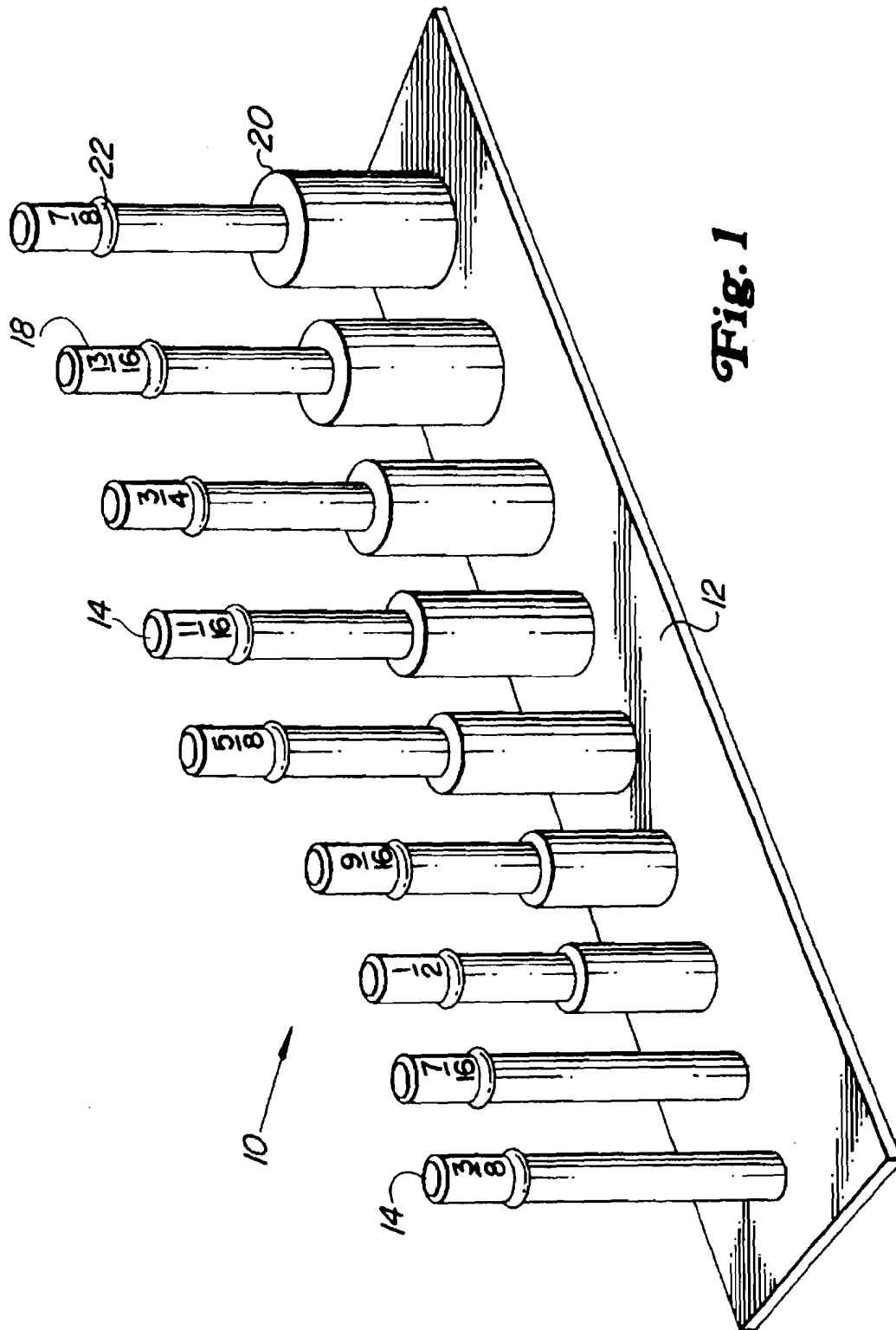
[56] **References Cited**

U.S. PATENT DOCUMENTS

1,712,473	5/1929	McWethy	206/378
4,337,860	7/1982	Carrigan	211/70.6 X
4,421,230	12/1983	Stanton	206/378
4,621,738	11/1986	Delucchi	206/378 X

5 Claims, 3 Drawing Sheets





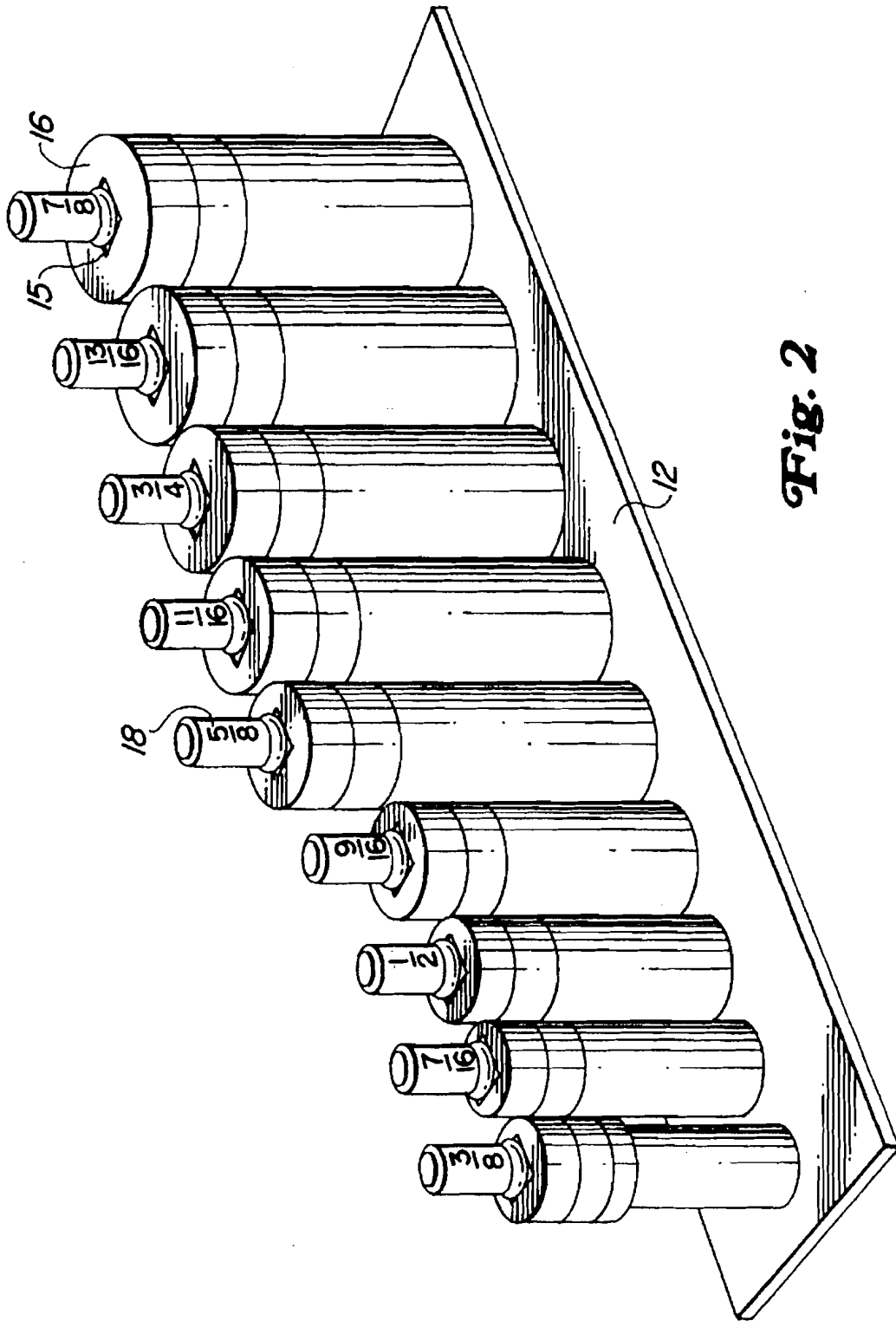


Fig. 2

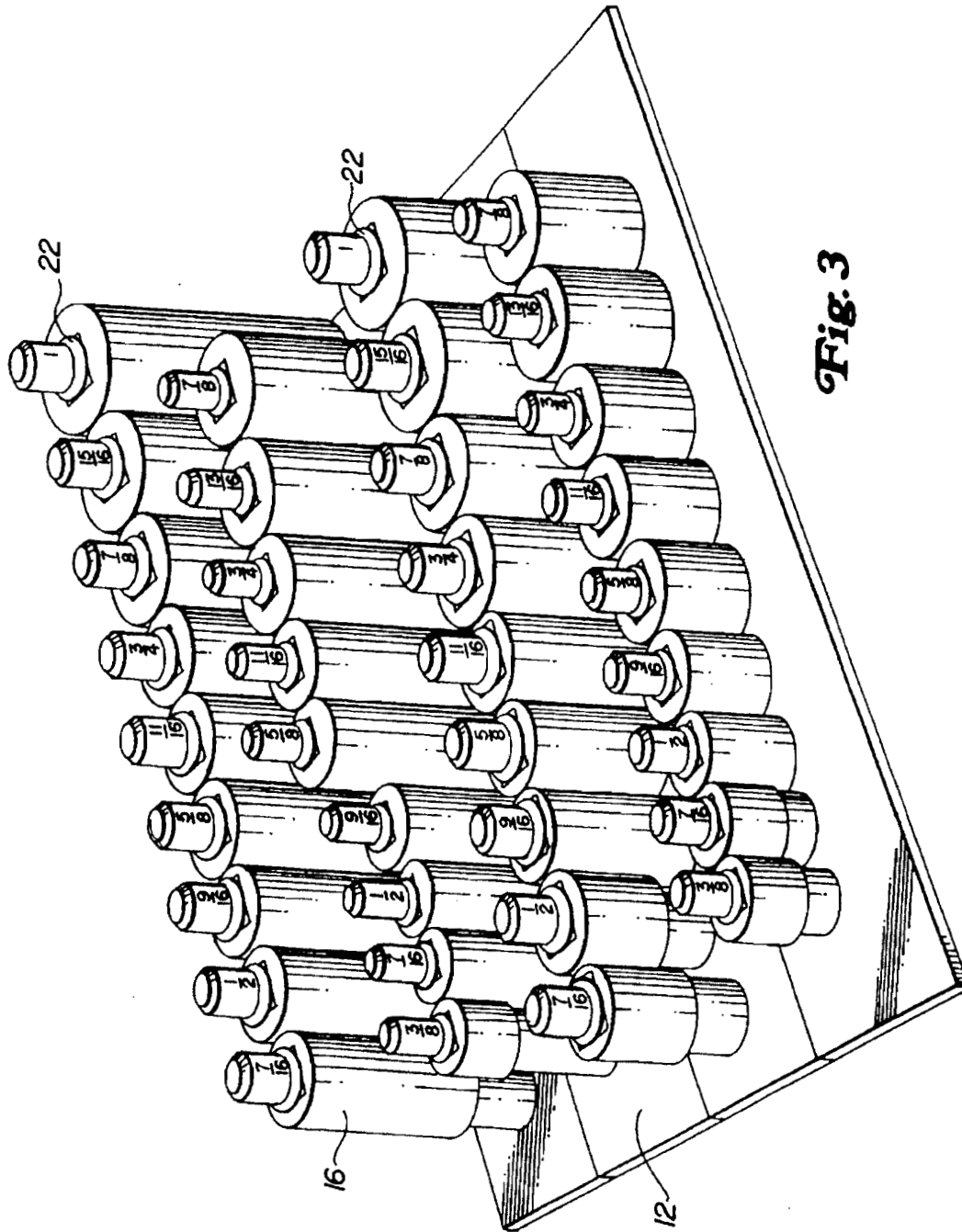


Fig. 3

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**STORAGE RACK FOR MECHANICAL
 DRIVE SOCKETS**

TECHNICAL FIELD

This invention relates to storage devices for mechanical tools, and more particularly to a device for storing and identifying mechanical drive sockets.

BACKGROUND ART

One of the most common and popular tools in use today is the socket wrench. These tools are comprised of a socket driver or handle and a set of sockets of various sizes. Socket drivers are generally available in several different drive sizes, and the sockets are also available in both shallow and deep well types.

A complete tool set can often contain dozens of sockets which are ordinarily stored in socket trays according to their sizes. These trays are unsatisfactory in that the sockets invariably get mixed up and the trays occasionally overturn, with the numerous types and sizes of sockets rolling on the floor in all directions. A second problem is that sockets are identified as to their size only by a small stamped indication on the socket itself. These identifications become difficult to read after the socket has been used for an extended period, and while an experienced mechanic can often identify a socket size by sight, even he will waste a great deal of time by selecting the wrong socket size for a particular job.

DISCLOSURE OF THE INVENTION

The present invention discloses a storage rack for sockets comprising a set of rods upon which the sockets are placed when not in use. The rods are affixed upon a planar base in rows and correspond to the graduated sizes of the various sockets. Each rod may have a snap ring which serves to additionally secure the socket upon the rod. Further, each rod has the socket size clearly marked thereon to facilitate socket identification. A particular embodiment may store a single drive size and socket length, or may store various combinations thereof.

BRIEF DESCRIPTION OF THE DRAWINGS

These and other attributes of the invention will become more apparent upon a thorough study of the following description of the best mode for carrying out the invention, particularly when reviewed in conjunction with the drawings, wherein:

FIG. 1 is a perspective view of a first embodiment of the invention;

FIG. 2 is a perspective view of the first embodiment with sockets stored thereon; and

FIG. 3 is a perspective view of a second embodiment of the invention with sockets stored thereon.

**BEST MODE FOR CARRYING OUT THE
 INVENTION**

Referring now to the drawings, wherein like reference numerals designate identical or corresponding parts throughout the several views, a perspective view of a first embodiment of the invention is depicted at 10 in FIG. 1. A planar base 12 supports a series of rods 14 which extend substantially perpendicular to the base 12. The base 12 and rods 14 may be fabricated from molded plastic, wood, or any

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other appropriate material having similar properties.

Referring also to FIG. 2, the rods 14 have a diameter at their upper ends which corresponds to the size of the socket drive 15 for the sockets 16 to be stored. Typical socket drive sizes are ¼ inch, ⅜ inch and ½ inch. Further, the length of each rod is such as to permit the end of the rod to extend from the top of its respective socket 16 when the socket is placed over the rod 14. This permits a socket size identification number 18, placed on or adjacent the end of each rod 14, to be displayed for convenient indication of the size of each of the sockets 16. For larger diameter sockets, the respective rods may have a base 20 with a larger diameter which corresponds to the inside diameter of its socket. This would function to hold the socket more snugly on the rod and would be especially useful if the storage rack is to be mounted on a wall. For wall mounting, it would be desirable to have the socket identification numbers 18 located on the ends of the rods.

Each rod 14 may have a snap ring 22 located near the upper end of the rod at a distance above the support base 12 slightly greater than the length of the socket to be stored thereon. This snap ring 22 may be a molded ridge of plastic on molded plastic storage racks, or may be of other appropriate resilient material for storage racks fabricated from other materials. The function of the snap ring 22 is of course to removably secure the sockets upon the rods.

A second embodiment of the invention is depicted in FIG. 3 which accommodates a socket set having two different drive sizes, each of which includes shallow and deep well sockets. Further embodiments of the invention may accommodate socket sets having any number of drive sizes, different socket depths, and any number of sockets. It should therefore be understood that numerous changes may be made in the details of construction and the arrangement of the components without departing from the spirit and scope of this disclosure. It is intended that the invention not be limited to the embodiments specifically set forth herein for purposes of exemplification, but is limited only by the scope of the appended claims including the full range of equivalency to which each element thereof is entitled.

What is claimed is:

1. A storage rack for mechanical drive sockets, comprising:

(a) a support base; and

(b) a plurality of rods having a first end and a second end, said rods affixed at their first end to said support base and extending substantially perpendicular therefrom to receive the mechanical drive sockets, said rods being marked with indications of the size of the sockets to be stored thereon, and said rods having a first diameter and a second diameter, said first diameter substantially conforming to the socket drive size and said second diameter substantially conforming to the size of the socket to be stored thereon, wherein said rods include means for removably securing a socket thereon comprising a snap ring.

2. The storage rack as recited in claim 1 wherein said indications of size are disposed external to the sockets when the sockets are stored on said rods.

3. The storage rack as recited in claim 1 wherein said rods have a plurality of first diameters whereby sockets having a variety of drive sizes may be stored thereon.

4. A storage rack for mechanical drive sockets, comprising:

(a) a support base; and

(b) a plurality of rods having a first end and a second end, said rods affixed at their first end to said support base

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and extending substantially perpendicular therefrom to receive the mechanical drive sockets, said rods being marked with indications of the size of the sockets to be stored thereon, and said rods have a first diameter and a second diameter, said first diameter substantially conforming to the socket drive size and said second diameter substantially conforming to the size of the socket to be stored thereon, wherein said rods include means for removably securing a socket thereon,

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wherein said rods have a plurality of first diameters whereby sockets having a variety of drive sizes may be stored thereon.

5. The storage rack as recited in claim 4 wherein said indications of size are disposed external to the sockets when the sockets are stored on said rods.

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