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U.S. DISTRICT COURT  
NORTHERN DIST. OF TX.  
FT. WORTH DIVISION

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

2007 AUG -3 PM 12: 59

CLERK OF COURT

BAYCO PRODUCTS, LTD.,

Plaintiff,

v.

GENERAL MANUFACTURING, INC.

Defendant.

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§

CIVIL ACTION NO.  
**4-07 CV - 458 - Y**

A JURY IS DEMANDED

**COMPLAINT FOR DECLARATORY JUDGMENT**

Plaintiff, Bayco Products, Ltd., by and through its undersigned counsel, files this its "Complaint for Declaratory Judgment" against General Manufacturing, Inc. and for its cause of action would show:

**I. PARTIES**

1. Plaintiff Bayco Products, Ltd. is a limited partnership organized and existing under the laws of the State of Texas, having offices at 640 S. Sanden Boulevard, Wylie, Texas 75098. The General Partner of Plaintiff Bayco Products, Ltd. is Bayco Products Management, LLC, a Texas limited liability corporation. Plaintiff Bayco Products, Ltd. is sometimes hereinafter referred to as "Bayco."

2. Defendant General Manufacturing, Inc. is a corporation organized and existing under the laws of the State of Indiana, having its offices at 1100 South Morgan Street, Bluffton, Indiana 46714, and is sometimes hereinafter referred to as "GMI."

Defendant GMI's Registered Agent for service of process is Paul J. Reiff, 1100 South Morgan Street, Bluffton, Indiana 46714.

3. Upon information and belief, Defendant GMI is a foreign corporation which has in the past and continues to date to engage in business in the State of Texas, but has not designated as maintained agents for service of process. Defendant GMI markets and sells its various products, including its lighting products, throughout the United States, including Texas, through a network of representatives. Defendant GMI's lighting products, some of which are known as its "Saf T Lite Products," are sold through automotive representatives and industrial representatives throughout the United States, and particularly in Texas. Upon information and belief, Defendant GMI has specifically entered into contracts, performable in part or in whole, in Texas, with its Texas automotive representative, VSA Inc., a company located at 10550 Shady Trail, Dallas, Texas 75220, and with its Texas industrial representative, Severance Brothers, located in Grand Prairie, Texas, all as identified on its website at [www.saftlite.com](http://www.saftlite.com) (selected website pages are attached hereto as Pleading Exhibit A). Upon information and belief, Defendant GMI has had systematic and continuous contacts with the State of Texas, is actively doing business in the State of Texas, and has actively participated and enjoyed the privilege of doing business in the State of Texas. The conferring of jurisdiction over Defendant GMI is not offensive to traditional notions of fair play and substantial justice.

## II. JURISDICTION AND VENUE

4. This is an action for a declaratory judgment under 28 U.S.C. § 2201 and § 2202, and arising under the Patent Laws of the United States, 35 U.S.C. § 101 *et seq.* As set forth hereinbelow, an actual and justiciable controversy exists between Plaintiff Bayco and Defendant GMI regarding the validity and infringement of a certain United States patent.

5. Jurisdiction is based upon 28 U.S.C. § 1331 and § 1338(a). Furthermore, jurisdiction is proper under 28 U.S.C. § 1332 as there is full diversity as to all parties and the amount in controversy exceeds the sum or value of \$100,000, exclusive of interests and costs. Jurisdiction over related claims of unfair competition is based upon 28 U.S.C. § 1338(b). Jurisdiction over the state law claims is based upon the court's supplemental jurisdiction under 28 U.S.C. § 1367.

6. Venue is proper in this court under 28 U.S.C. § 1391.

## III. BACKGROUND

7. Plaintiff Bayco has long been a manufacturer, seller, and distributor of a wide variety of consumer and professional products relating to work lighting and power reels. Such goods are sold throughout the United States, with many of its consumer goods sold through home improvement/hardware stores such as Home Depot, Lowes, Ace, and True Value, retailers such as Wal-Mart, and automotive stores such as O'Reilly's, and Murray's.

8. Among the various products that Bayco has manufactured, it has manufactured and sold its Model No. 9850, known as its "Intrinsically Safe LED Cordless

Worklight/Flashlight,” an example of which is sold widely via Amazon.com, as set forth in Pleading Exhibit B.

9. On or about July 23, 2007, Plaintiff Bayco received a demand from Defendant GMI, claiming to be the assignee of United States Patent No. 6,979,100 (the “100 Patent”) [attached as Pleading Exhibit C] and further asserting that Bayco’s Model No. 9850 “comes within the scope of the claims of” the ‘100 Patent. Further, Defendant GMI claimed that Plaintiff Bayco’s Model No. 9850 “would constitute an infringement of” the ‘100 Patent, and demanding from Plaintiff Bayco an accounting for all sales thereof. A true and accurate copy of the July 23, 2007 demand letter (for referenced attachments, see Pleading Exhibits B and C) is attached hereto as Pleading Exhibit D.

10. This July 23, 2007 demand letter of Defendant GMI creates an actual and justiciable controversy currently between Plaintiff Bayco and Defendant GMI concerning the validity and infringement of the ‘100 Patent.

**IV. DECLARATORY JUDGMENT THAT THE ‘100 PATENT OF GMI  
IS INVALID AND IS NOT INFRINGED.**

11. Plaintiff Bayco repeats and realleges the allegations contained in paragraphs 1 through 10 set forth hereinabove, which are incorporated herein by reference.

12. Upon information and belief, Defendant GMI’s ‘100 Patent is invalid under 35 U.S.C. § 102, 35 U.S.C. § 103 and/or 35 U.S.C. § 112.

13. Upon information and belief, Defendant GMI’s ‘100 Patent is unenforceable as a result of patent misuse.

14. Upon information and belief, Plaintiff Bayco's Model No. 9850 worklight/flashlight does not infringe any valid claim of GMI's '100 Patent.

#### **V. UNFAIR COMPETITION**

15. Plaintiff Bayco repeats and realleges the allegations contained in paragraphs 1 through 14 set forth hereinabove, which are incorporated herein by reference.

16. Upon information and belief, Defendant GMI has sought to unfairly compete with Plaintiff Bayco by charging Plaintiff Bayco with unfounded claims of infringement of the '100 Patent with the purpose of unfairly and illegally attempting to exercise a patent right that it knows does not relate to Bayco's Model No. 9850 product in efforts to coerce Plaintiff Bayco to not manufacture and sell its Model No. 9850.

17. Upon information and belief, Plaintiff Bayco believes that Defendant GMI's unfounded claims of infringement of '100 Patent may be used with Plaintiff Bayco's customers in efforts to dissuade Plaintiff Bayco's customers from purchasing products from Plaintiff Bayco and purchasing products from Defendant GMI instead.

18. Upon information and belief, all of the foregoing acts of Defendant GMI constitute acts of unfair competition.

#### **VI. INJUNCTIVE RELIEF**

19. Plaintiff Bayco repeats and realleges the allegations contained in paragraphs 1 through 18 set forth hereinabove which are incorporated herein by reference.

20. Based upon the demands of Defendant GMI as set out in Pleading Exhibit D, Plaintiff Bayco further seeks an order from this court to enjoin Defendant GMI from

claiming that its '100 Patent is valid and/or infringed by the Model No. 9850 worklight/flashlight of Plaintiff Bayco or engaging in any conduct designed to unfairly compete with Plaintiff Bayco based upon Defendant GMI's claim that the '100 Patent is valid and/or infringed.

21. Based upon the demands of Defendant GMI as set out in Pleading Exhibit D, Plaintiff Bayco further seeks an order from this court to enjoin Defendant GMI from taking any action to interfere with Plaintiff Bayco's rights to advertise, market, and sell its Model No. 9850 worklight/flashlight or engaging in any conduct designed to unfairly compete with Plaintiff Bayco based upon Defendant GMI's claim that the '100 Patent is valid and/or infringed.

#### **VII. ATTORNEY'S FEES**

22. Plaintiff Bayco repeats and realleges the allegations contained in paragraphs 1 through 21 as set forth hereinabove and which are incorporated herein by reference.

23. Upon information and belief, the claims of Defendant GMI are without merit, frivolous, and brought with the intent to unduly multiply proceedings as between Plaintiff Bayco and Defendant GMI, and Plaintiff Bayco seeks its attorney's fees pursuant to 28 U.S.C. § 1927.

24. In accordance with the provisions of 35 U.S.C. § 285, Plaintiff Bayco seeks to receive an award of its reasonable attorney's fees as the prevailing party in this action.

25. Plaintiff Bayco further seeks to recover its costs, expenses, and reasonable attorney's fees under the common law, the laws of the State of Texas, and otherwise.

### VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff Bayco prays for a declaration from this Court determining:

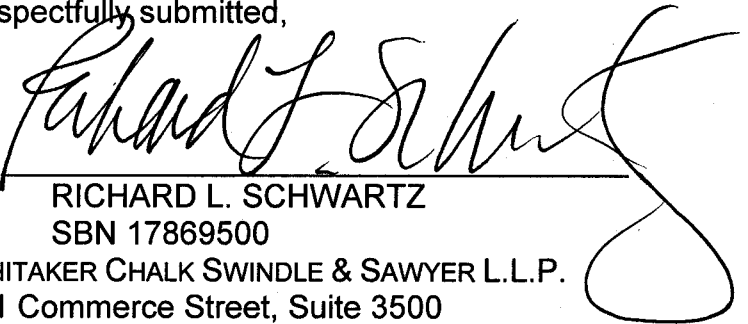
- (a) That the claims of the '100 Patent of Defendant GMI are invalid;
- (b) That the claims of the '100 Patent of Defendant GMI are unenforceable against Plaintiff Bayco;
- (c) That Plaintiff Bayco's Model No. 9850 infringes no valid claim of the '100 Patent of Defendant GMI;
- (d) That Defendant GMI, and all who are in active concert or participation with Defendant GMI, be enjoined from claiming infringement of the '100 Patent and/or claiming that Plaintiff Bayco's Model No. 9850 infringes any claim of the '100 Patent.
- (e) That Defendant GMI and all who are in active concert or participation with Defendant GMI, be enjoined from taking any action to (i) interfere with Plaintiff Bayco's rights to advertise, market, and sell its Model No. 9850 worklight/flashlight; (ii) to contact any of Plaintiff Bayco's customers claiming that Plaintiff Bayco's Model No. 9850 worklight/flashlight infringes Defendant GMI's '100 Patent; or (iii) in any fashion to unfairly compete with Bayco.
- (f) That Plaintiff Bayco be entitled to recover its costs, expenses, and reasonable attorney's fees pursuant to 35 U.S.C. § 285 and 28 U.S.C. § 1927, under the common law, Texas law, and otherwise; and,
- (g) That such other and further relief as the Court deems just, equitable, and proper be awarded to Plaintiff Bayco.

**IX. JURY DEMAND**

Pursuant Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff Bayco hereby demands a trial by jury in the above-identified action.

Respectfully submitted,

By:

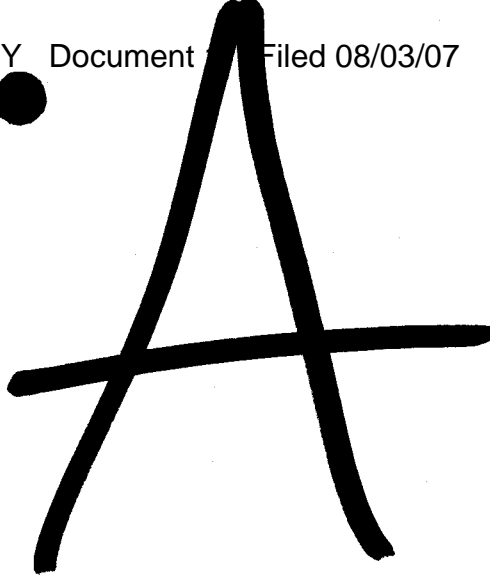


RICHARD L. SCHWARTZ  
SBN 17869500

WHITAKER CHALK SWINDLE & SAWYER L.L.P.  
301 Commerce Street, Suite 3500  
Fort Worth, TX 76102-4186  
(817)878-0500  
Fax: (817)878-0501

ATTORNEYS FOR PLAINTIFF  
BAYCO PRODUCTS, LTD.



A large, bold, handwritten letter 'A' in black ink, centered at the top of the page. The letter is formed by three strokes: a vertical line down on the left, a vertical line down on the right, and a horizontal crossbar connecting them.

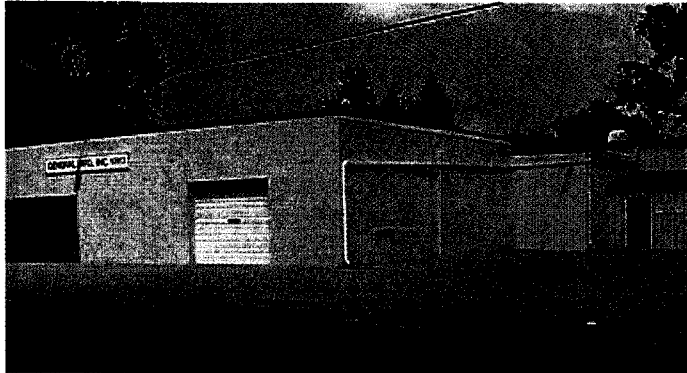
# **EXHIBIT A**

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Plant 1 - Morgan Street



Plant 2 - Bond Street



Plant 3 - Lancaster Street

## About General Manufacturing Inc

Established in 1962 General Mfg., Inc. was the first company to offer portable fluorescent lighting to the automotive aftermarket. At the time, the company operated out of a small shop in Fort Wayne, Indiana. The light design of a cool operating fluorescent lamp and all electrical components inside the light fixture protected by a hard outer tube and soft end caps necessitated a brand name that indicated the newfound safety. The Saf-T-Lite® brand name quickly became recognized for its leadership in safety and durability.

After great initial success, the owners felt the company was getting too big and decided to sell. The company was then sold and changed hands several times until 1986 when the current owners purchased General Mfg. and all of its assets. At the time of purchase, the company had 1 employee and two light offerings; a 15-watt fluorescent light and an incandescent trouble light.

Today, General Mfg. has three facilities in Bluffton, Indiana, two for manufacturing and one for warehousing of raw materials. The product line has grown from a single fluorescent work light to hundreds of lighting, leak detection, and power supply products. Markets currently being served include Automotive Aftermarket, Industrial, Heating, Plumbing & HVAC, Hardware, Original Equipment Manufacturers, Government, Military, and numerous Specialty markets.

As part of General Mfg's growth, a line of leak detection lights was developed in 1994. In 2004 The GloZone™ brand name was created and the leak detection line included its first LED leak detection light. Today, the GloZone™ brand includes fluorescent and LED leak detection lights, a full line of dyes, injectors, and kits, General Mfg. has a complete offering for the leak detection market.

With low-cost light imports from China on the horizon, in 1995 General Mfg. developed and added the Competitive Edge Products™ brand to its offering. Competitive Edge Products™ brand includes a US made, inexpensive fluorescent light designed to compete with the imports. In addition, General Mfg. developed strategic partnerships with Chinese Manufacturers to round out the Competitive Edge Products™ line.

As the recognized leader in innovative product design and development, General Mfg. will always keep in mind its commitment to safe, quality lighting. You can count on General Manufacturing; we'll be there for you!

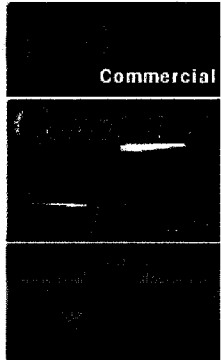
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Web Development: Shawn Walsh

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## WELCOME TO GENERAL MANUFACTURING



### PRODUCT SPOTLIGHT



#### Universal A/C Dye

#### Universal A/C Dye

- GloZone Universal A/C Dye meets all major automotive manufacturers standards to be used in R12, R22 and R134A air conditioning systems. One-quarter oz. is all that is needed for a typical automotive A/C system. Available in packs of twelve 1/4-ounce bottles or one 8-ounce reservoir bottle.

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## Find A Saf-T-Lite Representative

Below you will find the contact information for representatives in the Automotive and Industrial business units

### Automotive Reps

Name	Area Served	Address	City	State	Zip	Phone
Jerry J. Ciptak & Associates	AZ, NM, NV	3301 South Goldfield Rd #2117	Apache Junction	AZ	85219	480-732-9107
Multiple Marketing	CA	609 Ridgeview Dr	Pleasant Hill	CA	94523	925-685-6391
RKD Sales	CO	#8 Sunset Circle	Largmont	CO	80501	303-651-0588
Accelerated Sales & Marketing	GA, FL, TN, MS, AL	867 Mimosa Blvd	Roswell	GA	30075	770-587-2333
B&H Equipment	IL, E. WI, Upper MI	349 Manor Court	Bollingbrook	IL	60440	630-739-1234
Paul Hagaman Sales	Indiana	2416 Temple Court	Indianapolis	IN	46240	317-848-4970
Cooper Associates	MD, NJ, E. PA	2465 McHenry Drive	Mount Airy	MD	21771	410-627-8183
KND Sales	MN, ND, SD, WI	251 5th Ave SE	Osseo	MN	55369	763-315-1057
Peterson Sales	MO, IA, NE, KS	705 Arbor Ridge Court	Ballwin	MO	63021	636-256-3879
Napier Sales	Upstate NY	43 Park Place	Buffalo	NY	14227	716-668-2192
Wessel Sales	MA, ME, CT, RI, NH	801 E. Boston Post Rd	Mamaroneck	NY	10543	914-381-7771
Advantage Marketing Services	W. PA	10305 Smugglers Cove	Aurora	OH	44202	330-562-5999
Romanis Sales Company	OH	PO Box 41494	Dayton	OH	45441	937-609-2037
Connor Running	Canada	12 Cardinal Place	Toronto	Ontario	CANADA	416-543-9266
VSA Inc	TX, OK, LA, AR	10550 Shady Trail	Dallas	TX	75220	214-353-0765
Goodwin-Rawls Sales Company	VA, NC, SC	Box 6700/11011 Leadbetter Rd	Ashland	VA	23005	804-798-4900

### Industrial Reps

Name	Area Served	Address	City	State	Zip	Phone
Multiple Marketing	CA	609 Ridgeview Dr	Pleasant Hill	CA	94523	925-685-6391
B&H Equipment	IL, W. WI	349 Manor Court	Bollingbrook	IL	60440	630-739-1234
RLE & Associates	MI	112 1/2 South Washington Street	Owosso	MI	48867	989-725-8784
KND Sales	MN, ND, SD, E. WI	251 5th Ave SE	Osseo	MN	55369	763-315-1057
Inrep Corp	ME, NH, VT, CT, MA, NY, PA, NJ, RI,	PO Box 1066	Nashua	NH	3061	877-598-1800
J.R. Greenleaf & Associates	OH (Fasteners)	925 Bassett Rd	Westlake	OH	44145	440-871-0800
Jarco Inc.	OH, IN, W. PA, WV,	6010 Clough Pike	Cincinnati	OH	45244	513-624-6000
Severance Brothers	TX, LA, OK	PO Box 531136	Grand Prairie	TX	75053	972-660-7000
Goodwin-Rawls Sales Company	VA, NC, SC	Box 6700/11011 Leadbetter Rd	Ashland	VA	23005	804-798-4900

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B

**EXHIBIT B**



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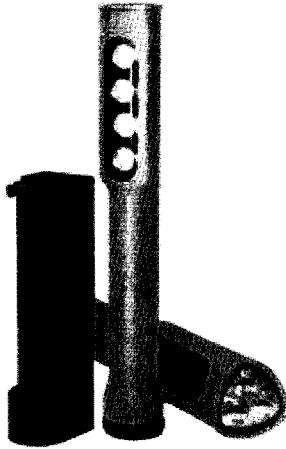


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### Bayco Intrinsically Safe LED Cordless Worklight/Flashlight

BAYCO PRODUCTS

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**Price: \$331.50**

**Availability:** Usually ships within 1 to 2 weeks. Ships from and sold by **Techni-Tool**.

Only 5 left in stock--order soon.

**Price: \$331.50**  
Usually ships in 6 to 10 days  
Ships from and sold by **Techni-Tool**

**Quantity:** 1



or



**Ship to:**

Richard L. Schwar

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#### Technical Details

- XPR-9850

#### Product Description

##### Product Description

Powerful handheld light is intrinsically safe (XPR-9850) and approved for use in Class I Division I C & D hazardous environments. Encased in XENOY, a non-conductive, engineered polymer especially designed to withstand chemicals. Runtime of 9 hours on full power or 18 hours at half power. Recharges in 3 hours. 6W high-density LED throws a 100" circle from 10' away. Nickel metal hydride battery pack recharges from 100 to 240 VAC, 50/60 Hz or 12 VDC. Universal charger included. (USA) Intrinsically Safe

#### Product Details

**Shipping Weight:** 4 pounds (View shipping rates and policies)

**ASIN:** B000Q808MM

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# **EXHIBIT C**



US006979100B2

(12) **United States Patent**  
**Reiff et al.**

(10) **Patent No.:** US 6,979,100 B2  
 (45) **Date of Patent:** Dec. 27, 2005

- (54) **LED WORK LIGHT**
- (75) **Inventors:** Paul J. Reiff, Bluffton, IN (US); David L. Reiff, Bluffton, IN (US); Clyde M. Brown, Hebron, IN (US)
- (73) **Assignee:** General Manufacturing, Inc., Bluffton, IN (US)
- (\*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.
- (21) **Appl. No.:** 10/863,104
- (22) **Filed:** Jun. 8, 2004

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(65) **Prior Publication Data**  
 US 2004/0228124 A1 Nov. 18, 2004

**Related U.S. Application Data**  
 (63) Continuation of application No. 10/119,555, filed on Apr. 10, 2002.

(60) Provisional application No. 60/283,002, filed on Apr. 11, 2002.

- (51) **Int. Cl.**<sup>7</sup> ..... F21L 4/02
- (52) **U.S. Cl.** ..... 362/184; 362/244; 362/294; 362/373; 362/545
- (58) **Field of Search** ..... 362/184, 191, 362/545, 800, 183, 244, 246, 237, 294, 373, 362/547, 396

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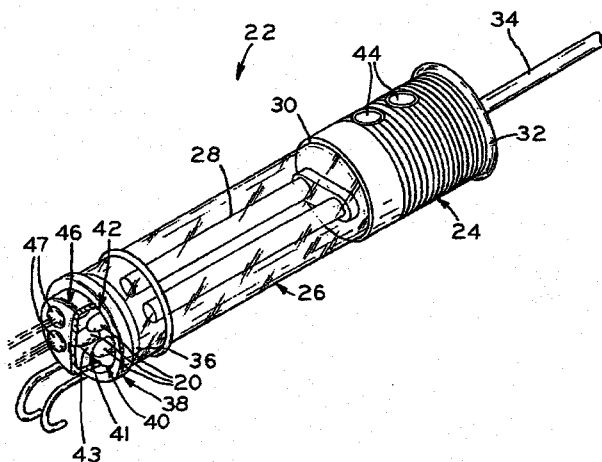
U.S. Appl. No. 10/119,555.\*

*Primary Examiner*—John Anthony Ward  
*Assistant Examiner*—Mark Tsidulko  
 (74) *Attorney, Agent, or Firm*—Baker & Daniels LLP

(57) **ABSTRACT**

A work light for work or task areas which uses light-emitting diodes (LEDs) as the source of light. LED clusters are mounted on a circuit board which is located in a housing. The LED work lights may be powered by conventional 120 or 240-volt electrical outlets, a DC generator, a battery, a battery pack, or a car adapter.

**8 Claims, 14 Drawing Sheets**





**US 6,979,100 B2**

Page 2

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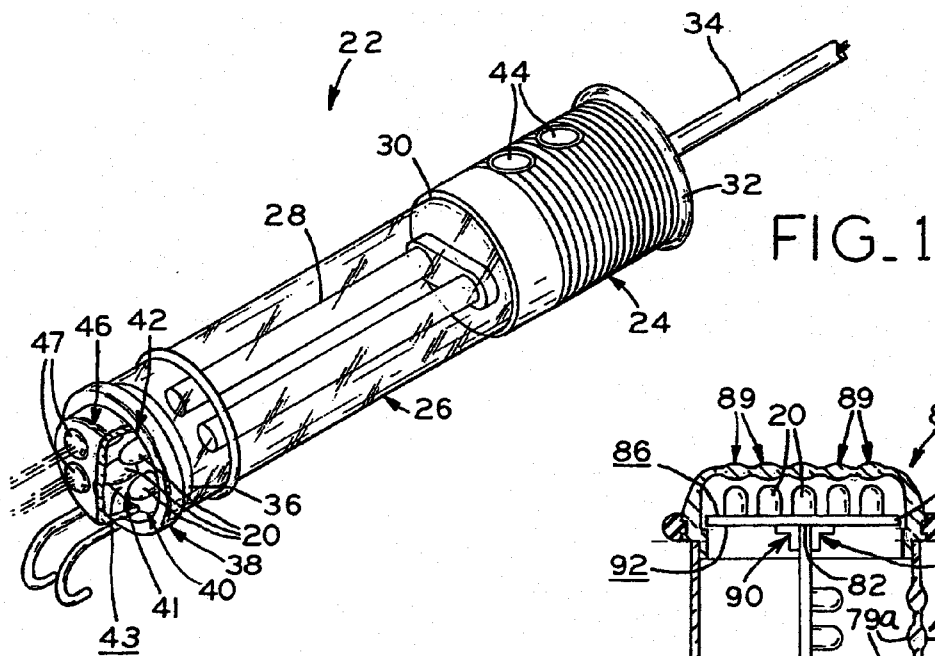


FIG. 1

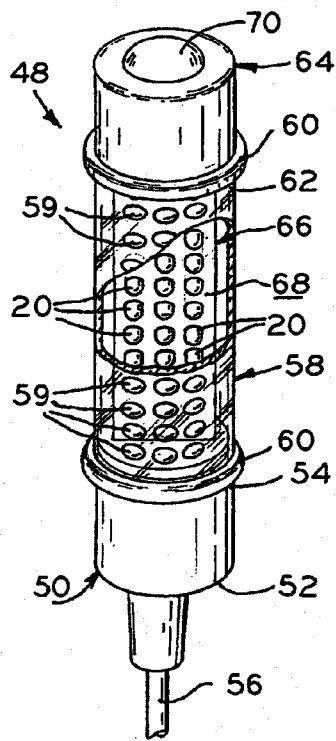


FIG. 2

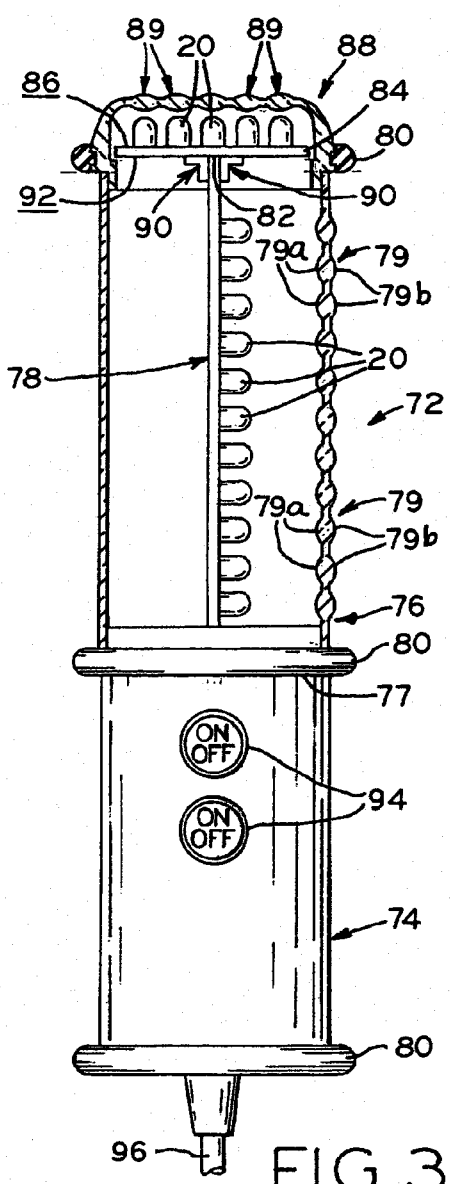


FIG. 3

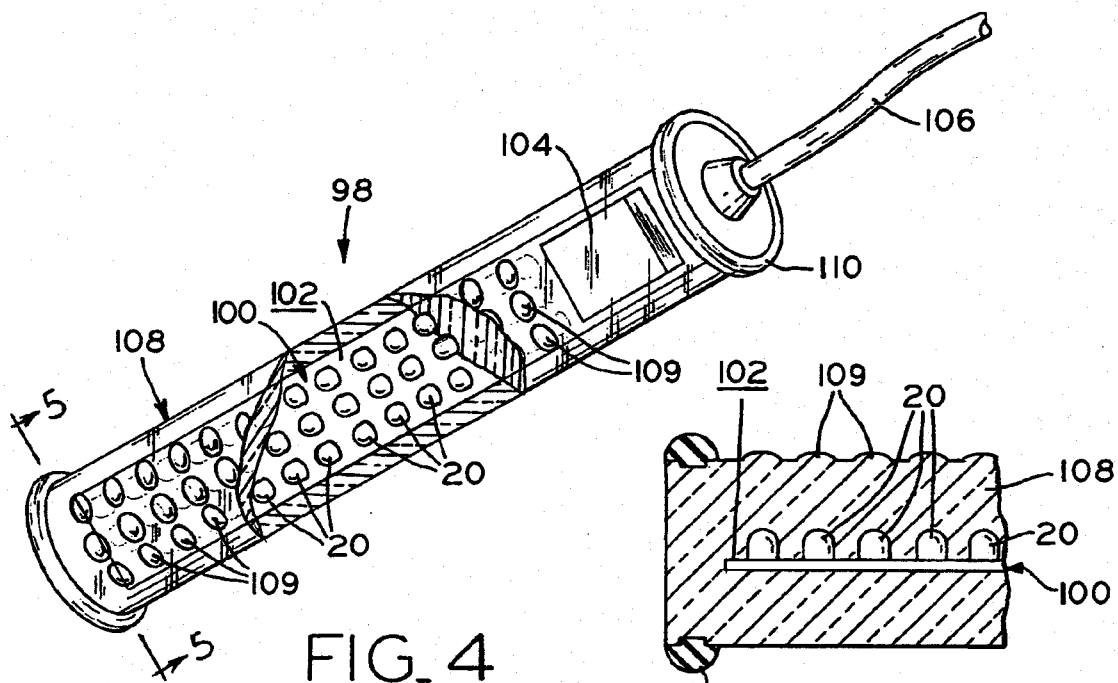


FIG. 4

FIG. 5

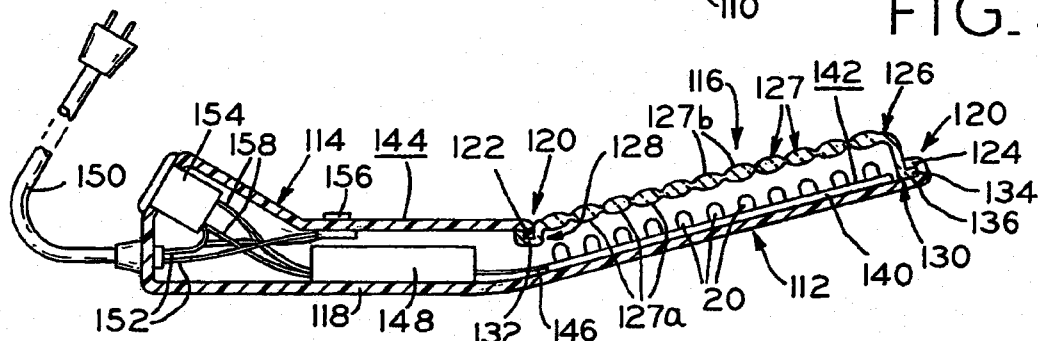


FIG. 6

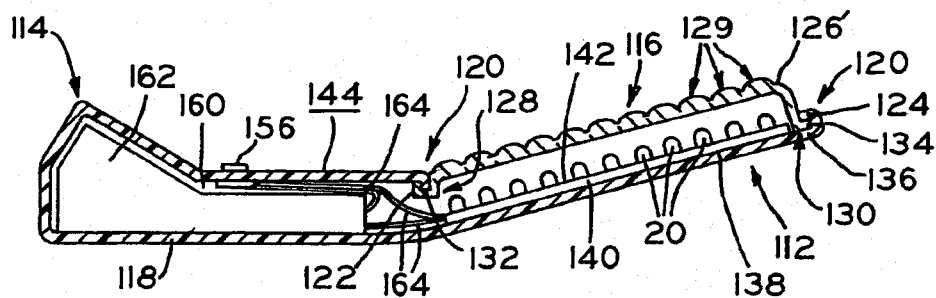
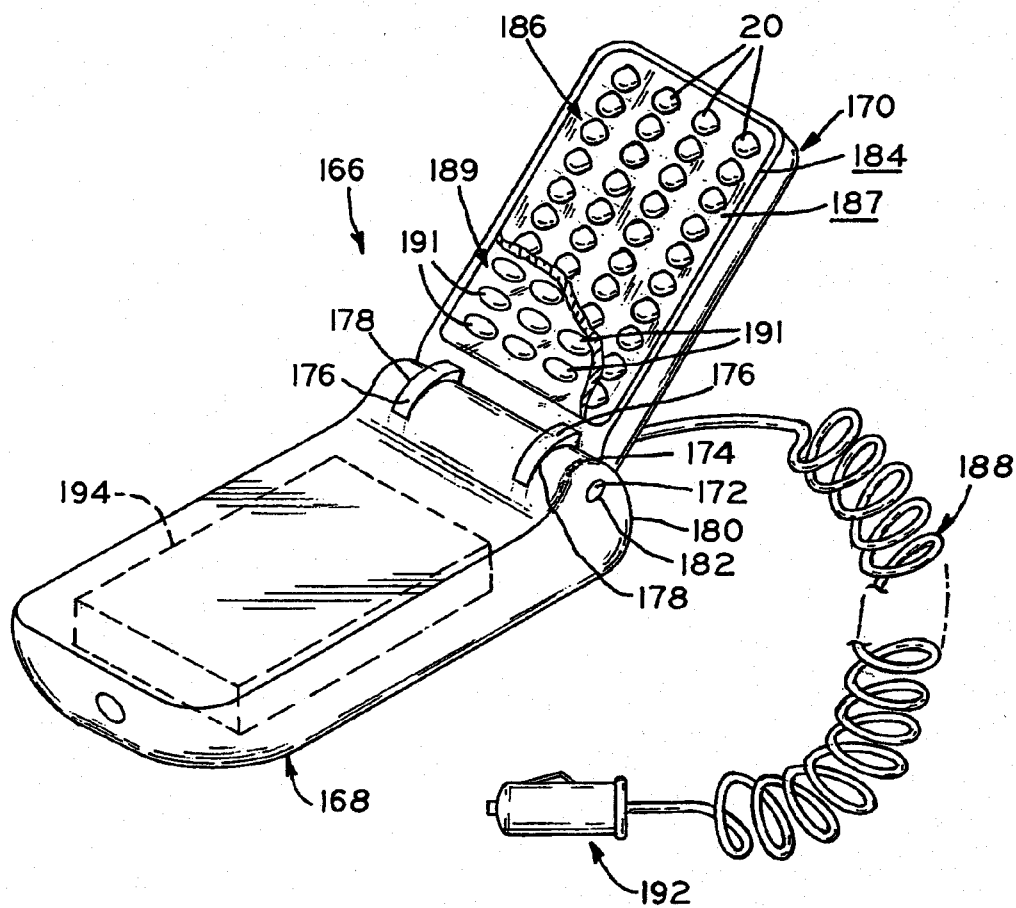
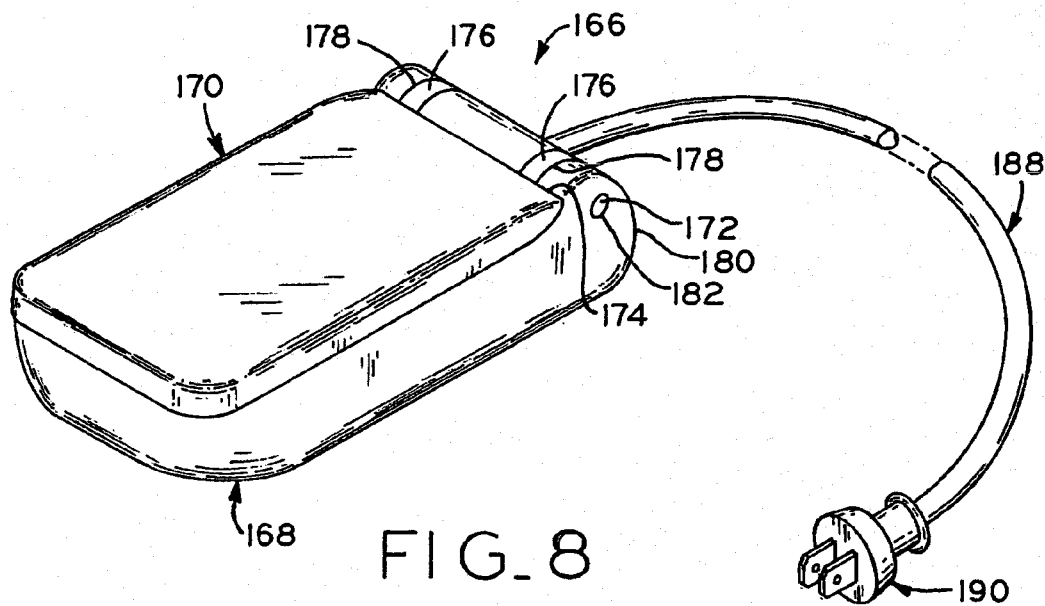
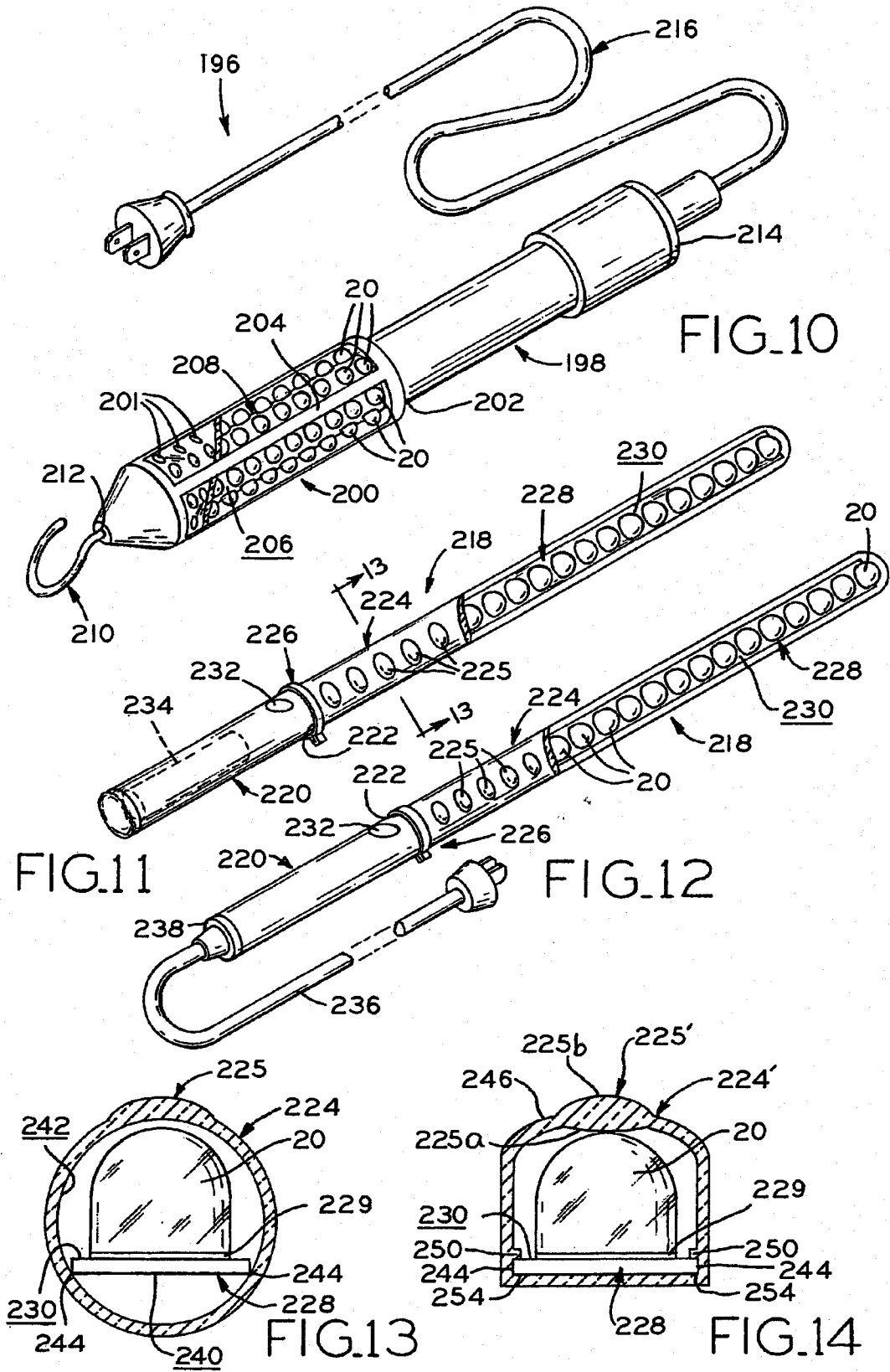
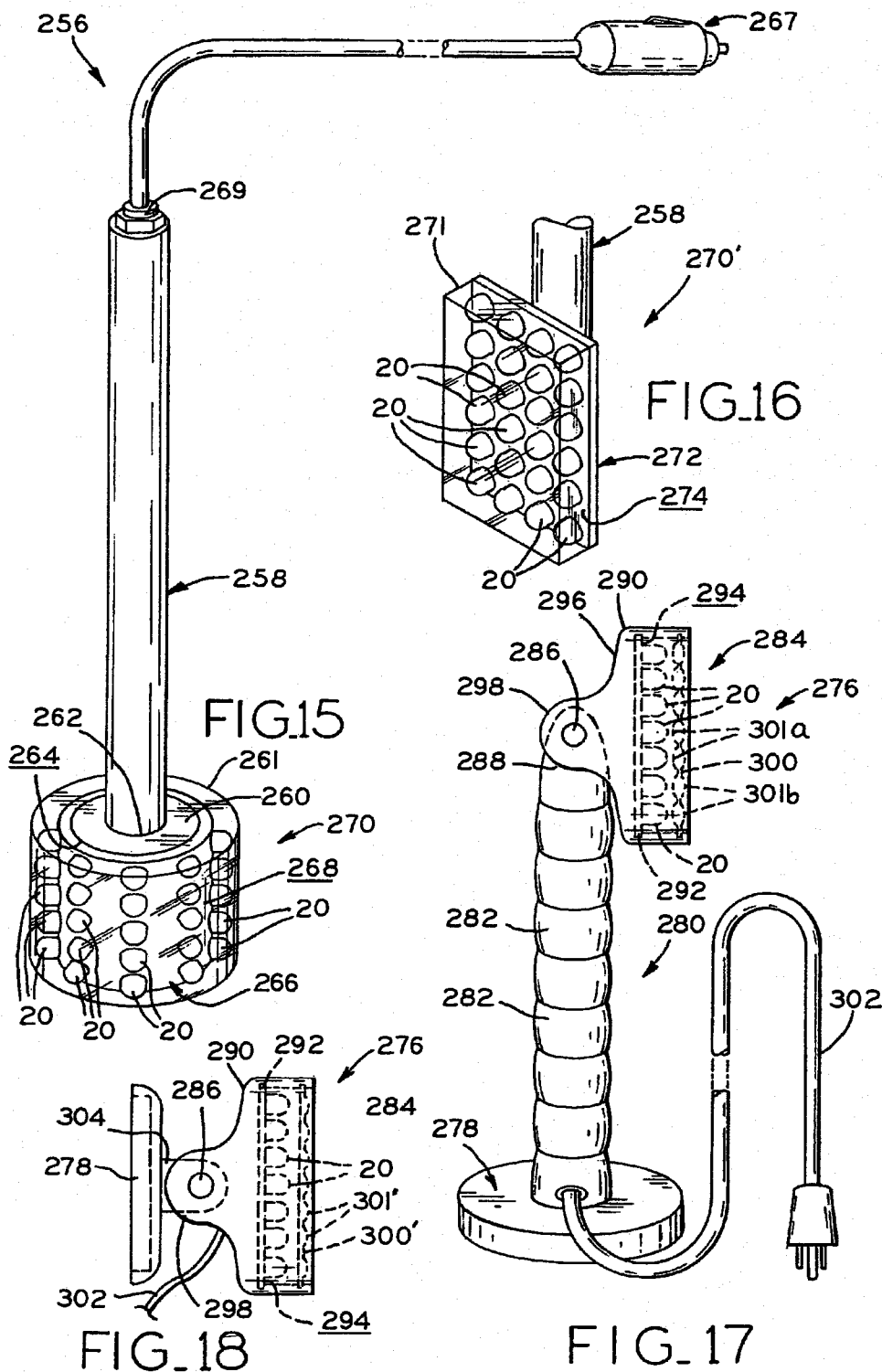


FIG. 7







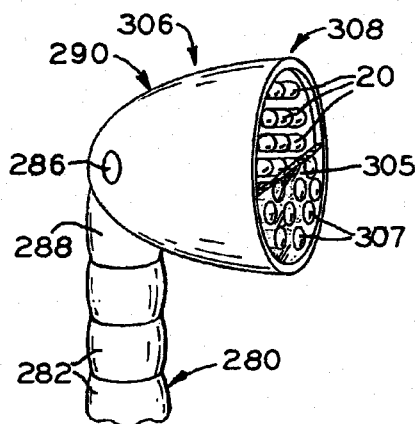


FIG. 19

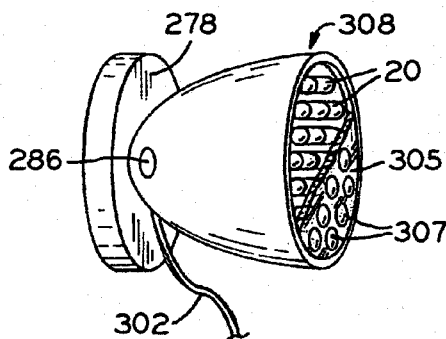


FIG. 20

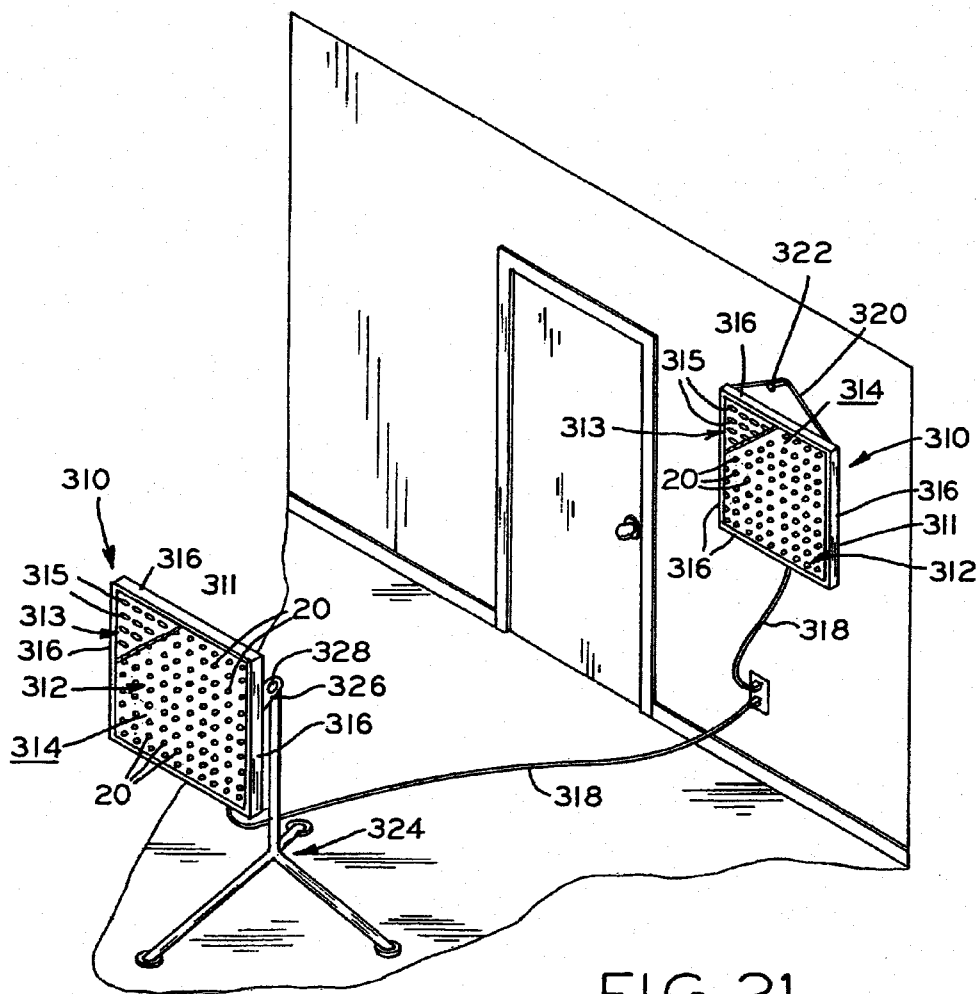
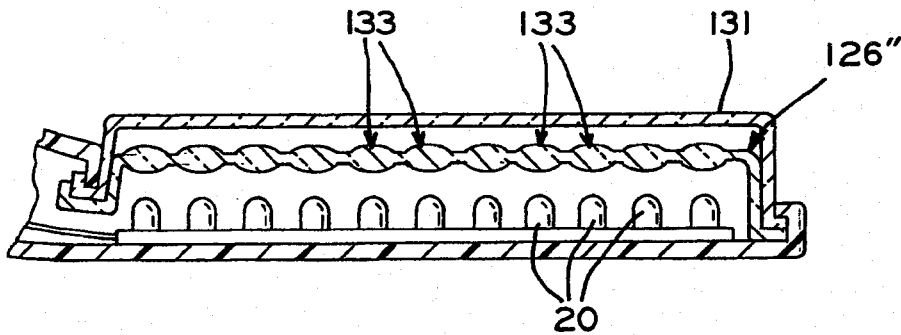
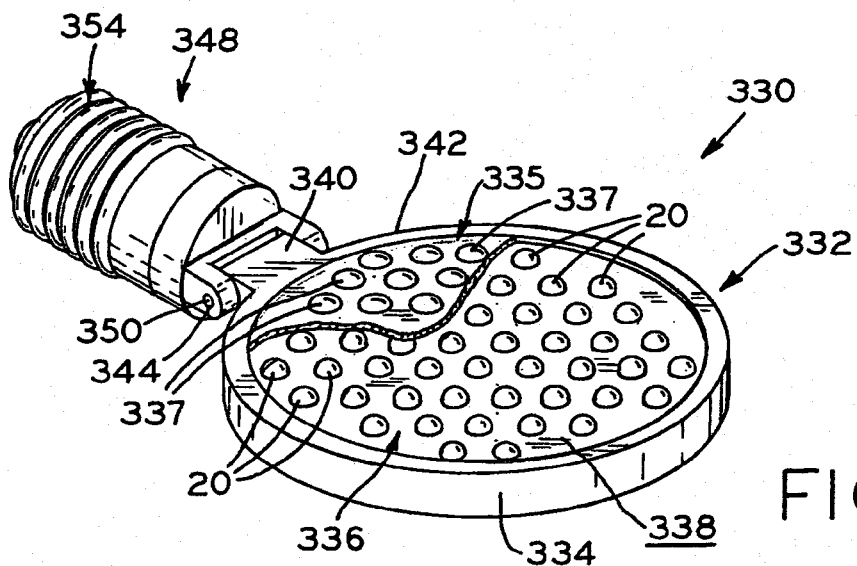
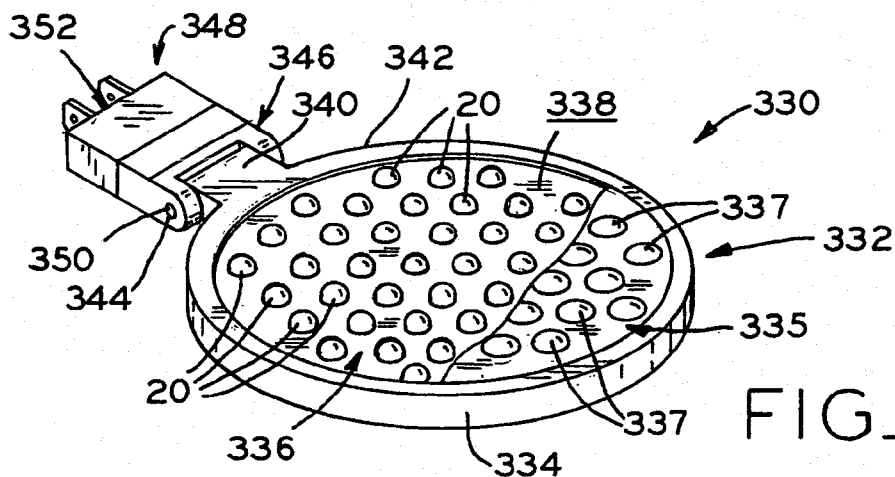


FIG. 21





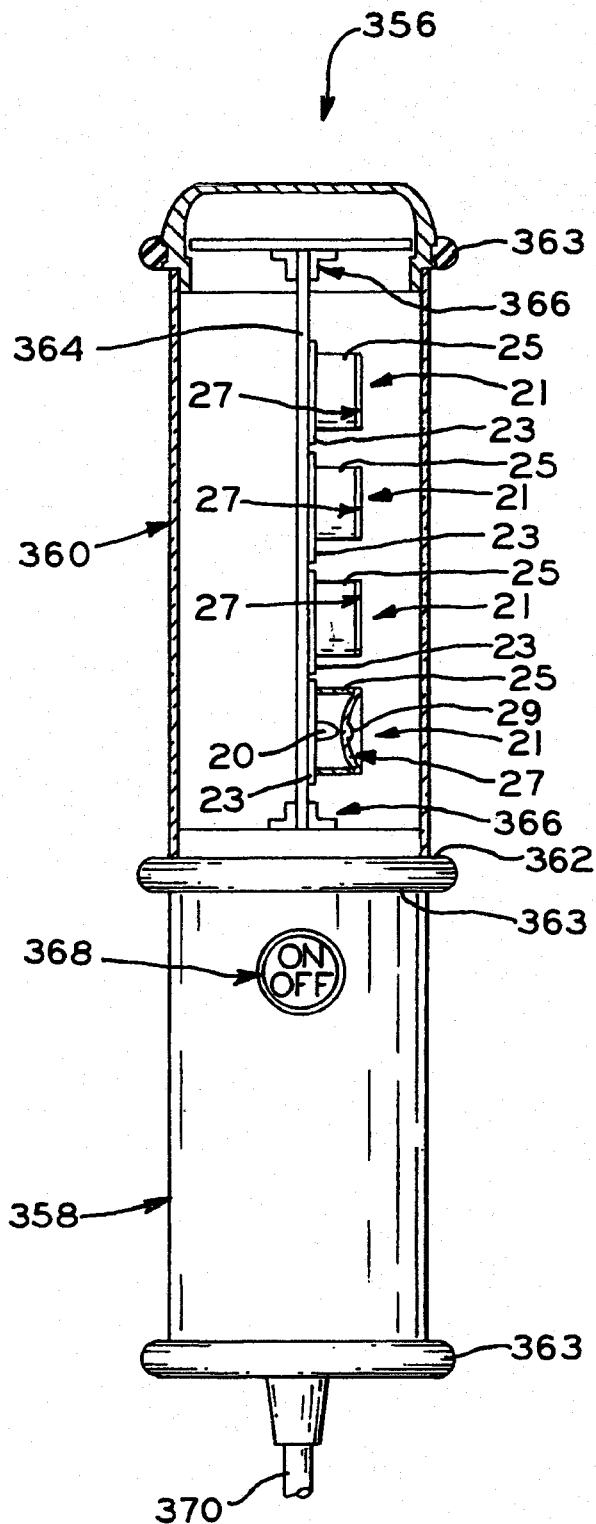


FIG. 25