

FILED

JUL 29 2005

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

JUDGE CASTILLO

Techtronic Industries Co., Ltd. and
Richard Pando,

Plaintiffs,

v.

Chervon Holdings Ltd.,
Nanjing Chervon Industrial Co., Ltd.,
a/k/a Chervon Industry Co., Ltd.,
Chervon Ltd., and
Chervon North America, Inc.,

Defendants.

Civil Action No.

05C 4370

Judge:

**MAGISTRATE JUDGE
GERALDINE SOAT BROWN**

COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND

Plaintiffs, Techtronic Industries Co., Ltd. ("TTi"), and Richard Pando ("Pando"), for their complaint against defendants, Chervon Holdings Ltd., Nanjing Chervon Industrial Co., Ltd. (a/k/a Chervon Industry Co., Ltd.), Chervon, Ltd., and Chervon North America, Inc. (collectively, "Chervon"), allege as follows:

1. TTi is a Hong Kong corporation with a principal place of business at 24/F., CDW Building, 388 Castle Peak Road, Tsuen Wan, New Territories, Hong Kong.
2. Pando is an individual residing at 12836 Norwood Street, Garden Grove, California 92840.
3. Upon information and belief, Chervon Holdings Ltd. is a Hong Kong corporation with a principal place of business at 9-11 Cheung Wing Road, Kwai Chung, New Territories, Hong Kong.

4. Upon information and belief, Nanjing Chervon Industrial Co., Ltd. (a/k/a Chervon Industry Co., Ltd.) is a Chinese corporation and wholly owned subsidiary of Chervon Holdings Ltd., with a principal place of business at No. 9 West Sheng-Li Road, Nanjing Jiangning Economic and Technical Development Zone, Nanjing 211100 Peoples Republic of China.

5. Upon information and belief, Chervon Ltd., is a Hong Kong corporation and wholly owned subsidiary of Chervon Holdings Ltd., with a principal place of business at Flat C, 21/Fl., Stage 1, Tung Chun Ind. Bldg., 9-11, Cheung Wing Road, Kwai Chung, New Territories, Hong Kong.

6. Upon information and belief, Chervon North America, Inc. is a Delaware corporation and wholly owned subsidiary of Chervon Holdings Ltd., with a principal place of business at 120 Ionia Street, Suite 102, Grand Rapids, Michigan 49503.

7. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

8. The Court has subject matter jurisdiction over this action based on 28 U.S.C. §§ 1331 and 1338 (a).

9. United States Patent No. 6,382,574, entitled "Self-Mounting Device to Support Articles," attached as Exhibit A, was duly and legally issued on May 7, 2002 ("the Pando patent"). Pando is, and has been since May 7, 2002, the owner of the Pando patent. TTI is an exclusive licensee of the Pando patent.

10. Upon information and belief, Chervon has infringed and is directly infringing, inducing infringement by others, and/or contributorily infringing one or more claims of the Pando patent within this District and elsewhere in the United States by, *inter alia*, making, using,

importing, offering to sell, and/or selling products that fall with the scope of the claims of the Pando patent.

11. As a direct result of said infringement, Chervon has caused plaintiffs irreparable injury and financial damage, and such injury and damage will continue unless enjoined by this Court.

12. Upon information and belief, Chervon's infringement has been and is willful, deliberate, and intentional.

REQUEST FOR RELIEF

WHEREFORE, by reason of the foregoing, plaintiffs respectfully request that the Court enter judgment against defendants and in favor of plaintiffs as follows:

- A. decreeing that Chervon has infringed the Pando patent.
- B. granting a preliminary and permanent injunction restraining and enjoining Chervon, its officers, subsidiaries, parents, agents, servants, employees, attorneys, and parent, subsidiary and affiliate corporations or other business entities, and all other persons or entities acting in active concert or participation with it, and its successors and assigns, from making, using, importing, offering to sell, selling, or inducing others to make, use, sell, or offer for sale any product infringing one or more claims of the Pando patent, or otherwise engaging in acts of infringement of the Pando patent.
- C. awarding plaintiffs damages adequate to compensate for the infringement of the Pando patent by Chervon, but in no event less than a reasonable royalty for the use made of the invention by Chervon, in an amount to be determined at trial, including interest and costs.
- D. awarding treble damages, pursuant to 35 U.S.C. § 284.

E. awarding plaintiffs their attorneys fees, costs, and expenses, pursuant to 35 U.S.C. § 285.

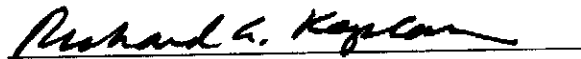
F. granting such other and further relief as the Court may deem just and proper.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, plaintiffs hereby demand a trial by jury on all issues triable of right by jury.

Dated: July 29, 2005

Respectfully submitted,



Gary M. Ropski
Richard A. Kaplan
Robert S. Mallin
Jason C. White
Trevor K. Copeland
Julie L. Leichtman
BRINKS HOFER GILSON & LIONE
NBC Tower - Suite 3600
455 North Cityfront Plaza Drive
Chicago, Illinois 60611
Telephone: (312) 321-4200
Fax: (312) 321-4299

Attorneys for Plaintiffs
Techtronic Industries Co., Ltd. and Richard Pando