

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

**CAMPBELL HAUSFELD/SCOTT
FETZER COMPANY,
100 Production Drive
Harrison, Ohio 45030**

Plaintiff,

v.

**HARBOR FREIGHT TOOLS USA, INC.,
3491 Mission Oaks Blvd.
Camarillo, CA 93012**

and

**GLOBE TOOLS CHANGZHOU
COMPANY, LTD.,
No. 65, Xinggang Road, Bldg. 3 and 4
Changzhou, Jiangsu, China 213000**

Defendants.

Civil Action No.

COMPLAINT

**JURY DEMAND ENDORSED
HEREIN**

Plaintiff Campbell Hausfeld/Scott Fetzer Company, as and for its Complaint against Harbor Freight Tools USA, Inc. (“Harbor Freight”) and Globe Tools Changzhou Company, Ltd. (“Globe Tools”) states as follows:

THE PARTIES

1. Plaintiff Campbell Hausfeld/Scott Fetzer Company (“Campbell”) is a corporation organized and existing under the laws of the State of Delaware and having a principal place of business at 100 Production Drive, Harrison, Ohio 45030.

2. Defendant Harbor Freight, upon information and belief, is a corporation organized and existing under the laws of the State of Delaware and having a principal place of business at 3491 Mission Oaks Blvd., Camarillo, California 93012.

3. Defendant Globe Tools, upon information and belief, is a Chinese Corporation having a principal place of business at No. 65 Xinggang Road, Bldg. 3 and 4, Changzhou, Jiangsu, China 213000.

JURISDICTION AND VENUE

4. This lawsuit is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

5. This Court has personal jurisdiction over Defendant Harbor Freight because it conducts business in the State of Ohio and committed acts of patent infringement and/or contributed to or induced acts of patent infringement by others in the Northern District of Ohio and elsewhere in Ohio and in the United States.

6. This Court has personal jurisdiction over Defendant Globe Tools because it conducts business in the State of Ohio and committed acts of patent infringement and/or contributed to or induced acts of patent infringement by others in the Northern District of Ohio and elsewhere in Ohio and in the United States.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b) because, upon information and belief, Defendant Harbor Freight has committed acts of infringement and has a regular and established place of business in this judicial district.

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(d) because, upon information and belief, Defendant Globe Tools is an alien corporation.

THE PATENT IN SUIT

9. On August 13, 2002, The United States Patent and Trademark Office issued United States Letters Patent No. 6,431,839 B2 titled “Air Compressor Assembly With Shroud” (hereinafter “the ‘839 Patent”).

11. Campbell is the owner by assignment of all right, title, and interest in and to the ‘839 Patent with the full and exclusive right to bring suit to enforce its rights thereunder, including the right to recover for past infringement.

COUNT I

12. Campbell realleges and incorporates herein by reference the allegations set forth in the preceding paragraphs of this Complaint as if fully rewritten herein.

13. Upon information and belief, in violation of 35 U.S.C. 271, Defendant Harbor Freight has infringed and is continuing to infringe, literally and/or under the doctrine of equivalents, the ‘839 Patent by practicing one or more claims of the ‘839 Patent in the use, offering for sale, sale, and/or importation of air compressors incorporating the inventions disclosed and claimed in one or more of the claims of the ‘839 Patent including, without limitation, model numbers 99780, 94355 and 96496.

14. Upon information and belief, in violation of 35 U.S.C. 271, Defendant Harbor Freight has infringed and is continuing to infringe the ‘839 Patent by contributing to and/or actively inducing the infringement by others of the ‘839 Patent by the use, offering for sale, sale,

and/or importation of air compressors incorporating the inventions disclosed and claimed in one or more of the claims of the '839 Patent including, without limitation, model numbers 99780, 94355 and 96496.

15. Upon information and belief, Defendant Harbor Freight has willfully infringed the '839 Patent.

16. Upon information and belief, Defendant Harbor Freight's acts of infringement of the '839 Patent will continue after service of this Complaint unless enjoined by this Court.

17. As a result of Harbor Freight's infringement, Campbell has suffered and will suffer damages.

18. Campbell is entitled to recover from Defendant Harbor Freight the damages sustained by Campbell as a result of Defendant Harbor Freight's wrongful acts in an amount subject to proof at trial, but in no event less than a reasonable royalty.

19. Unless Defendant is enjoined by this Court from continuing its acts of infringement of the '839 Patent, Campbell will suffer additional irreparable harm and impairment of the value of its patent rights. Thus, Campbell is entitled to a preliminary and permanent injunction against further infringement.

COUNT II

20. Campbell realleges and incorporates herein by reference the allegations set forth in the paragraphs 1 through 10, inclusive, of this Complaint as if fully rewritten herein.

21. Upon information and belief, in violation of 35 U.S.C. 271, Defendant Globe Tools has infringed and is continuing to infringe, literally and/or under the doctrine of equivalents, the '839 Patent by practicing one or more claims of the '839 Patent in the use, offering for sale, sale, and/or importation of air compressors incorporating the inventions

disclosed and claimed in one or more of the claims of the '839 Patent including, without limitation, model numbers 99780, 94355 and 96496.

22. Upon information and belief, in violation of 35 U.S.C. 271, Defendant Globe Tools has infringed and is continuing to infringe the '839 Patent by contributing to and/or actively inducing the infringement by others of the '839 Patent by the use, offering for sale, sale, and/or importation of air compressors incorporating the inventions disclosed and claimed in one or more of the claims of the '839 Patent including, without limitation, model numbers 99780, 94355 and 96496.

23. Upon information and belief, Defendant Globe Tools has willfully infringed the '839 Patent.

24. Upon information and belief, Defendant Globe Tools' acts of infringement of the '839 Patent will continue after service of this Complaint unless enjoined by this Court.

25. As a result of Globe Tools' infringement, Campbell has suffered and will suffer damages.

26. Campbell is entitled to recover from Defendant Globe Tools the damages sustained by Campbell as a result of Defendant Globe Tools' wrongful acts in an amount subject to proof at trial, but in no event less than a reasonable royalty.

27. Unless Defendant is enjoined by this Court from continuing its acts of infringement of the '839 Patent, Campbell will suffer additional irreparable harm and impairment of the value of its patent rights. Thus, Campbell is entitled to a preliminary and permanent injunction against further infringement.

PRAYER FOR RELIEF

WHEREFORE, Campbell prays for the following relief:

(a) That Defendants Harbor Freight and Globe Tools be ordered to pay damages adequate to compensate Campbell for Defendants' infringement of the '839 Patent pursuant to 35 U.S.C. § 284;

(b) That Defendants Harbor Freight and Globe Tools be ordered to pay treble damages for willful infringement of each of the patents-in-suit pursuant to 35 U.S.C. § 284;

(c) That Defendants Harbor Freight and Globe Tools be ordered to pay attorneys' fees pursuant to 35 U.S.C. § 285;

(d) That Defendants Harbor Freight and Globe Tools, their officers, agents, servants, employees, and those persons acting in active concert or in participation with them be enjoined from further infringement of the '839 Patent pursuant to 35 U.S.C. § 283;

(e) That Defendants Harbor Freight and Globe Tools be ordered to pay prejudgment interest;

(f) That Defendants Harbor Freight and Globe Tools be ordered to pay all costs associated with this action; and

(g) That Campbell be granted such other and additional relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff Campbell hereby demands a trial by jury as to all issues so triable.

Dated: April 7, 2009

Respectfully submitted,

/s/ Robert L. Canala

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