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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

BEBOTech Corporation
9025 Centre Point Drive, Suite 400
West Chester, Ohio 45069

Plaintiff,

vs.

Structure Sight LLC
9840 Haines Road
Waynesville, Ohio 45068,

Jeffrey J. Von Handorf
9840 Haines Road
Waynesville, Ohio 45068,

Defendants.

CIVIL ACTION NO.

1:11 CV 84

J. DLOTT

COMPLAINT FOR PATENT INFRINGEMENT

For its Complaint, BEBOTECH CORPORATION ("BEBOTECH") hereby alleges:

PARTIES

1. BEBOTECH is a corporation organized and existing under the laws of the State of Delaware and has a principal place of business at 9025 Centre Point Drive, Suite 400, West Chester, Ohio.

2. STRUCTURE SIGHT LLC ("STRUCTURE SIGHT") is a limited liability company organized and existing under the laws of Ohio and has a principal place of business at 9840 Haines Road, Waynesville, Ohio.

3. JEFFREY J. VON HANDORF ("VON HANDORF") is a member of STRUCTURE SIGHT and resides at 9840 Haines Road, Waynesville, Ohio.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States. The Court has original and exclusive jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. STRUCTURE SIGHT and VON HANDORF reside within this judicial district. Pursuant to 28 U.S.C. §§ 1391(c) and 1400(b), venue is proper in this District where each of STRUCTURE SIGHT and VON HANDORF are subject to personal jurisdiction.

BACKGROUND FACTS

6. By assignment in 2003, BEBOTECH became the owner of United States Patent No. 6,243,994, entitled "JOINT FOR PRE-CAST CONCRETE TWIN LEAF ARCH SECTIONS," ("the '994 patent"). A true copy of the '994 patent is attached as Exhibit A.

7. The '994 patent is presumed valid pursuant to 35 U.S.C. §282.

8. CONTECH CONSTRUCTION PRODUCTS INC. ("CONTECH") is a corporation organized and existing under the laws of the State of Ohio and has a principal place of business at 9025 Centre Point Drive, Suite 400, West Chester, Ohio.

9. CONTECH is a majority shareholder of BEBOTECH.

10. CONTECH is the exclusive sales representative for BEBOTECH in the United States.

11. CONTECH is one of the nation's leading suppliers of precast concrete bridge structures. CONTECH sells precast concrete bridge structures under the brand BEBO®, including precast concrete bridge structures formed of precast twin leaf arch sections with crown joints.

12. STRUCTURE SIGHT competes directly with CONTECH and BEBOTECH for the engineering and design of precast concrete arch structures.

13. VON HANDORF performs the engineering and design work for precast concrete arch structures on behalf of STRUCTURE SIGHT.

14. VON HANDORF was employed by Contech Arch Technologies, Inc. ("Contech Arch"), a subsidiary of CONTECH, beginning in July 2005.

15. Contech Arch changed its name to Contech Bridge Solutions Inc. ("Contech Bridge") in March 2006.

16. VON HANDORF was employed by Contech Bridge from March 2006 to May 2008.

17. As an employee of Contech Arch and Contech Bridge VON HANDORF participated in meetings and discussions regarding the various bridge products offered by the bridge group of CONTECH, including the BEBO® precast arch systems, and learned of the patent protection applicable to the BEBO® precast arch systems.

18. As an employee of Contech Arch and Contech Bridge VON HANDORF worked on bridge projects that involved BEBO® precast arch systems that utilized the crown joint that is the subject of the '994 patent.

19. As a result of VON HANDORF's participation in meetings and discussions regarding the BEBO® precast arch systems and VON HANDORF's work on projects involving

BEBO® precast arch systems that utilized the crown joint that is the subject of the '994 patent, all while employed by Contech Arch and Contech Bridge, VON HANDORF became aware of the existence and scope of the '994 patent.

20. VON HANDORF's knowledge of the existence and scope of the '994 patent is attributable to STRUCTURE SIGHT.

21. In May 2010 CONTECH submitted a proposal and quote for the Lexington One New High School Phase 1 – Early Site Development project in Lexington, South Carolina (the "Lexington Project").

22. The CONTECH proposal and quote for the Lexington Project included a BEBO® twin leaf precast concrete arch structure utilizing a crown joint protected by the '994 patent.

23. VON HANDORF and STRUCTURE SIGHT are selling, or inducing others to sell, products that directly infringe upon the '994 patent, including but not limited to products installed on the Lexington Project.

24. TINDALL CORPORATION ("TINDALL") is a corporation organized and existing under the laws of the State of South Carolina and has a principal place of business at 3076 N. Blackstock Road, Spartanburg, South Carolina.

25. TINDALL is a direct competitor of both CONTECH and BEBOTECH.

26. TINDALL submitted a proposal in connection with the Lexington Project and subsequently manufactured and sold precast concrete arch structures that were installed on the Lexington Project.

27. Photographs of TINDALL precast concrete arch structures being installed on the Lexington Project are attached hereto as Exhibit B.

28. As demonstrated in the photographs of Exhibit B, the TINDALL precast concrete arch structures are in the nature of twin leaf precast concrete arch structures having a crown joint in accordance with the teachings of the '994 patent (the "Tindall Twin Leaf Arch Structure").

29. The Tindall Twin Leaf Arch Structure manufactured and sold by TINDALL and installed on the Lexington Project incorporates each and every limitation of one or more claims of the '994 patent, either literally or by equivalents, including at least claim 23 of the '994 patent.

30. The Tindall Twin Leaf Arch Structure manufactured and sold by TINDALL and installed on the Lexington Project directly infringes, either literally or by equivalents, one or more claims of the '994 patent, including at least claim 23 of the '994.

31. A copy of engineering drawings for the Tindall Twin Leaf Arch Structure are attached hereto as Exhibit C.

32. The engineering drawings for the Tindall Twin Leaf Arch Structure identify the designer as "JJV."

33. JJV is VON HANDORF.

34. VON HANDORF and STRUCTURE SIGHT designed the Tindall Twin Leaf Arch Structure with the intent to enable the manufacture, sale and installation of the Tindall Twin Leaf Arch Structure.

35. VON HANDORF and STRUCTURE SIGHT designed the Tindall Twin Leaf Arch Structure with full and actual knowledge that the manufacture, sale and installation of the Tindall Twin Leaf Arch Structure would directly infringe the '994 patent.

36. VON HANDORF knew or should have known that the manufacture, sale and installation of the Tindall Twin Leaf Arch Structure would directly infringe the '994 patent.

37. STRUCTURE SIGHT knew or should have known that the manufacture, sale and installation of the Tindall Twin Leaf Arch Structure would directly infringe the '994 patent.

CLAIM I: PATENT INFRINGEMENT BY VON HANDORF

OF THE '994 PATENT (35 U.S.C. §271)

38. BEBOTECH repeats and reasserts the allegations of paragraphs 1 through 37 as if set forth at length herein.

39. VON HANDORF actively caused TINDALL to directly infringe one or more claims of the '994 patent under 35 U.S.C. §271, including at least claim 23 of the '994 patent.

40. VON HANDORF infringed upon the '994 patent by actively inducing Tindall's direct infringement in violation of 35 U.S.C. §271(b).

41. VON HANDORF, alone or in concert with others, is designing and offering to sell precast concrete arch structures that directly infringe one or more claims of the '994 patent under 35 U.S.C. §271, including at least claim 23.

42. The infringement of the '994 patent by VON HANDORF is willful.

43. The infringement of the '994 patent by VON HANDORF caused BEBOTECH to suffer economic damages including lost sales.

44. The infringement of the '994 patent by VON HANDORF, as described above, is causing irreparable damage to BEBOTECH and will continue to cause irreparable damage to BEBOTECH unless VON HANDORF is enjoined by this Court.

CLAIM II: PATENT INFRINGEMENT BY STRUCTURE SIGHT

OF THE '994 PATENT (35 U.S.C. §271)

45. BEBOTECH repeats and reasserts the allegations of paragraphs 1 through 37 as if set forth at length herein.

46. STRUCTURE SIGHT actively caused TINDALL to directly infringe one or more claims of the '994 patent under 35 U.S.C. §271, including at least claim 23 of the '994 patent.

47. STRUCTURE SIGHT infringed upon the '994 patent by actively inducing Tindall's direct infringement in violation of 35 U.S.C. §271(b).

48. STRUCTURE SIGHT, alone or in concert with others, is designing and offering to sell precast concrete arch structures that directly infringe one or more claims of the '994 patent under 35 U.S.C. §271, including at least claim 23.

49. The infringement of the '994 patent by STRUCTURE SIGHT is willful.

50. The infringement of the '994 patent by STRUCTURE SIGHT caused BEBOTECH to suffer economic damages including lost sales.

51. The infringement of the '994 patent by STRUCTURE SIGHT, as described above, is causing irreparable damage to BEBOTECH and will continue to cause irreparable damage to BEBOTECH unless STRUCTURE SIGHT is enjoined by this Court.

WHEREFORE, PLAINTIFF prays for judgment against STRUCTURE SIGHT and VON HANDORF as follows:

(1) Issuance of preliminary and permanent injunctions pursuant to 35 U.S.C. §283 enjoining further acts of infringement of the '994 patent.

(2) An award of damages adequate to compensate for infringement, together with interest and costs in accordance with 35 U.S.C. §284 and 35 U.S.C. §287.

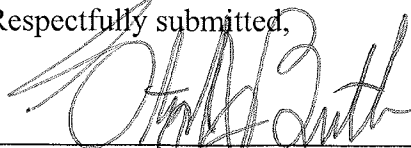
(4) An award of triple damages pursuant to 35 U.S.C. §284 for any willful infringement of the '994 patent.

(5) An award of pre-judgment and post-judgment interest.

(6) An award of attorney fees pursuant to 35 U.S.C. §285.

(7) An award of such other and further relief as the Court may deem just and proper.

Respectfully submitted,



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Dated:

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