

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

JUDGE ZAGEL

MAGISTRATE JUDGE SCHENKIER

BLACK & DECKER INC. and)
BLACK & DECKER (U.S.) INC.)

Plaintiffs,)

v.)

SHANGHAI XING TE HAO)
INDUSTRIAL CO., LTD.,)
S.K. ENTERPRISES, INC. and)
QVC NETWORK, INC.,)

Defendants.)

02C 46 15

Civil Action No.

JURY TRIAL DEMANDED

DOCKETED
JUN 27 2002

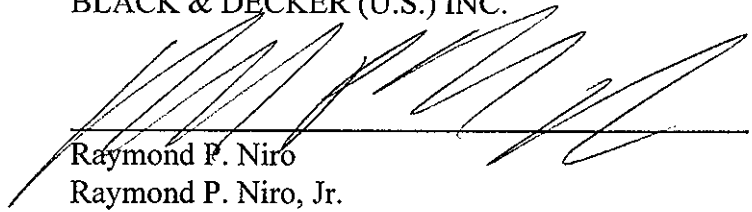
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U.S. DISTRICT COURT

LOCAL RULE 3.4 NOTICE

Pursuant to Local Rule 3.4, plaintiffs provide the following information to be used by the Clerk of the Court as required by 35 U.S.C. § 290:

1. Name and address of plaintiffs: (a) Black & Decker Inc., 1423 Kirkwood Highway, Newark, Delaware; (b) Black & Decker (U.S.) Inc., 701 East Joppa Road, Towson, Maryland.
2. Name and address of defendants: (a) Shanghai Xing Te Hao Industrial Co. Ltd., 1045 Cao Bao Road, Shanghai 200233 China; (b) S.K. Enterprises, Inc., 160 North Street, Newburgh, New York 12550; (c) QVC Network, Inc., 1200 Wilson Drive, West Chester, Pennsylvania 19380.
3. There are two U.S. Patents involved:
 - U.S. Patent No. 6,170,579, issued January 9, 2001 to Brian Wadge and assigned to Black & Decker Inc.
 - U.S. Patent No. 6,286,611, issued September 11, 2001 to Daniel Bone and assigned to Black & Decker Inc.

BLACK & DECKER INC.
BLACK & DECKER (U.S.) INC.

A large, stylized handwritten signature in black ink, appearing to read 'Raymond P. Niro', is written over a horizontal line.

Raymond P. Niro
Raymond P. Niro, Jr.
Frederick C. Laney
NIRO, SCAVONE, HALLER & NIRO
181 West Madison, Suite 4600
Chicago, Illinois 60602-4515
(312) 236-0733

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF ILLINOIS JUDGE ZAGEL

MAGISTRATE JUDGE SCHEENYER

In the Matter of

Black & Decker Inc. and Black & Decker (U.S.) Inc.

v.

Case Number:

Shanghai Xing Te Hao Industrial Co. Ltd., S.K. Enterprises, Inc.
 and QVC Network, Inc.

02C 4615

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

BLACK & DECKER INC. and BLACK & DECKER (U.S.) INC.

SIGNATURE (A)		SIGNATURE (B)	
RAYMOND P. NIRO		RAYMOND P. NIRO JR.	
NIRO, SCAVONE, HALLER & NIRO		SAME	
181 West Madison, Suite 4600		STREET ADDRESS	
Chicago, Illinois 60602		CITY/STATE/ZIP	
Phone: (312) 236-0733	Fax: (312) 236-3137	TELEPHONE NUMBER	FAX NUMBER
Email: heinz@nshn.com		E-MAIL ADDRESS	
I.D. # 2054930		I.D. # 06207468	
MEMBER OF TRIAL BAR?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
TRIAL ATTORNEY?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
		DESIGNATED AS LOCAL COUNSEL?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
SIGNATURE (C)		SIGNATURE (D)	
FREDERICK C. LANEY			
SAME			
STREET ADDRESS		STREET ADDRESS	
CITY/STATE/ZIP		CITY/STATE/ZIP	
TELEPHONE NUMBER	FAX NUMBER	TELEPHONE NUMBER	FAX NUMBER
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I.D. # 6276280			
MEMBER OF TRIAL BAR?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	MEMBER OF TRIAL BAR?	YES <input type="checkbox"/> NO <input type="checkbox"/>
TRIAL ATTORNEY?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY?	YES <input type="checkbox"/> NO <input type="checkbox"/>
DESIGNATED AS LOCAL COUNSEL?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	DESIGNATED AS LOCAL COUNSEL?	YES <input type="checkbox"/> NO <input type="checkbox"/>

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 U.S. DISTRICT COURT

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Civil Cover Sheet

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(AT)

JUDGE ZAGEL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

Civil Cover Sheet

MAGISTRATE JUDGE SCHENKIER

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

Plaintiff(s): **Black & Decker Inc. and Black & Decker (U.S.) Inc.**

Defendant(s): **Shanghai Xing Te Hao Industrial Co. Ltd., S.K. Enterprises Inc. and QVC Network Inc.**

County of Residence:

County of Residence:

Plaintiff's Atty: **Raymond P. Niro
Niro, Scavone, Haller & Niro
181 W. Madison, Suite 4600, Chicago,
IL 60602
(312) 236-0733**

Defendant's Atty:

02C 4615

II. Basis of Jurisdiction:

3. Federal Question (U.S. not a party)

III. Citizenship of Principal Parties
(Diversity Cases Only)

Plaintiff: - N/A
Defendant: - N/A

IV. Origin :

1. Original Proceeding

V. Nature of Suit:

830 Patent

VI. Cause of Action:

35 U.S.C. Sec. 1 et seq.

VII. Requested in Complaint

Class Action: No
Dollar Demand:
Jury Demand: **Yes**

VIII. This case IS NOT a refiling of a previously dismissed case.

Signature: _____

Date: 6-27-02

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, print this form, sign and date it and submit it with your new civil action. **Note: You may need to adjust the font size in your browser display to make the form print properly.** Revised: 06/28/00

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

JUDGE ZAGEL

MAGISTRATE JUDGE SCHENKIER

BLACK & DECKER INC. and
BLACK & DECKER (U.S.) INC.

Plaintiffs,

v.

SHANGHAI XING TE HAO
INDUSTRIAL CO., LTD.,
S.K. ENTERPRISES, INC. and
QVC NETWORK, INC.,

Defendants.

02C 46 15

Civil Action No.

JURY TRIAL DEMANDED

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CLERK
U.S. DISTRICT COURT

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Black & Decker Inc. and Black & Decker (U.S.) Inc. (jointly "Black & Decker") complain of defendants Shanghai Xing Te Hao Industrial Co., Ltd., S.K. Enterprises, Inc. and QVC Network, Inc. as follows:

1. This is a claim for patent infringement of U.S. Patent No. 6,170,579 (entitled "Power Tool Having Interchangeable Tool Head," issued January 9, 2001) and U.S. Patent No. 6,286,611 (entitled "Power Tool Having Interchangeable Tool Head," issued September 11, 2001) (the "patents in suit"), and arises under the patent laws of the United States, Title 35 of the United States Code.

2. The Court has exclusive jurisdiction over the subject matter of the complaint under 28 U.S.C. § 1338(a). Venue in this district is proper under 28 U.S.C. §§ 1400(b), 1391(c) and 1391(d).

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3. This Court has personal jurisdiction over the defendants by virtue of their tortious acts of patent infringement, which have been committed in Illinois, and their transaction of business in Illinois.

4. Black & Decker Inc. is a Delaware corporation having its principal place of business at 1423 Kirkwood Highway, Newark, Delaware. Black & Decker Inc. is the formal assignee and owner of the patents in suit.

5. Black & Decker (U.S.) Inc. is a Maryland corporation having its principal place of business at 701 East Joppa Road, Towson, Maryland. Black & Decker (U.S.) Inc. is a leading designer and manufacturer of power tools, and is the operating company that makes and sells the Black & Decker multi-tool products covered by the patents in suit.

6. Black & Decker Inc. and Black & Decker (U.S.) Inc. have standing to sue for infringement of the patents in suit because they collectively own all right, title and interest in and to the patents in suit and the Black & Decker products covered by those patents. Black & Decker Inc. and Black & Decker (U.S.) Inc. have each suffered injury from the defendants' acts of patent infringement.

7. Shanghai Xing Te Hao Industrial Co., Ltd. ("Xing Te Hao") is a Chinese corporation, which is in the business of, among other things, making, importing, marketing, distributing and selling power tool products throughout the United States. Xing Te Hao transacts business in this district, including the sale and offer for sale of infringing products in this judicial district and throughout Illinois and the United States.

8. Xing Te Hao has targeted and used Chicago as a marketing and advertising center for the United States market by, among other things, promoting, advertising, marketing, selling and

introducing its existing and new products at the annual National Hardware Show which takes place at the McCormick Center in Chicago, Illinois every August.

9. S.K. Enterprises, Inc. ("SK") is a New York corporation having a principal place of business at 160 North Street, Newburgh, New York 12550, and is in the business of, among other things, importing, marketing, distributing and selling power tool products throughout the United States. SK transacts business in this district, including the sale and offer for sale of infringing products in this judicial district and throughout Illinois and the United States.

10. QVC Network, Inc. ("QVC") is a Delaware corporation with its principal place of business at 1200 Wilson Drive, West Chester, Pennsylvania 19380-4262, and is an electronic retailer in the business of, among other things, marketing, distributing and selling a wide variety of consumer goods, including power tool products, throughout the United States. QVC transacts business in this district, including the sale and offer for sale of infringing products in this judicial district and throughout Illinois and the United States.

11. QVC has targeted and used Chicago as a marketing and advertising center by, among other things, promoting, advertising, marketing, selling and introducing products at QVC events televised live in and from Chicago.

12. Xing Te Hao has knowingly infringed one or more claims of each of the patents in suit through, among other activities, the manufacture, use, importation, sale and/or offer for sale of at least its 5-in-1 power tool ("Xing Te Hao products"). Xing Te Hao has also infringed each of the patents in suit by actively and with specific intent inducing others to infringe (including defendants SK and QVC), and by contributing to the infringement by others (including defendants SK and QVC) by the use, sale and/or offer for sale of the infringing Xing Te Hao products.

13. SK has knowingly infringed one or more claims of each of the patents in suit through, among other activities, the use, importation, sale and/or offer for sale of at least the Xing Te Hao products. SK has also infringed each of the patents in suit by actively and with specific intent inducing others to infringe (including defendant QVC), and by contributing to the infringement by others (including defendant QVC) by the use, sale and/or offer for sale of the infringing Xing Te Hao products.

14. QVC has knowingly infringed one or more claims of each of the patents in suit through, among other activities, the use, sale and/or offer for sale of at least the Xing Te Hao products. QVC also infringed each of the patents in suit by actively and with specific intent inducing others to infringe (including its customers), and by contributing to the infringement by others (including its customers) by the use, sale and/or offer for sale of the infringing Xing Te Hao products. Among the products promoted, advertised, and/or sold by QVC are QVC's Strategy 18 Volt Cordless 5-in-1 Combination Tool Kit and Qdirect 5 Star 18 Volt Cordless Power Tool.

15. Black & Decker has provided defendants with actual notice of the patents in suit and their infringement.

16. The defendants' infringement, contributory infringement and/or inducement to infringe has injured Black & Decker and Black & Decker is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

17. The defendants' infringement, contributory infringement and/or inducement to infringe has been willful and deliberate and has injured and will continue to injure Black & Decker, unless and until this Court enters an injunction prohibiting further infringement and, specifically,

enjoining further manufacture, use, importation, sale and/or offer for sale of products that come within the scope of the patents in suit.

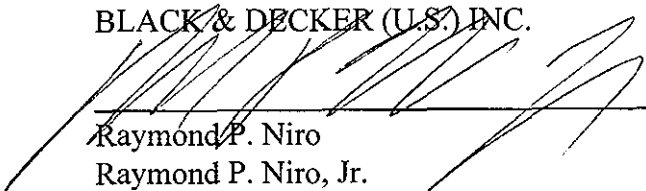
WHEREFORE, plaintiffs ask this Court to enter judgment against defendants, and against their respective subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

- a. An award of damages adequate to compensate Black & Decker for the infringement that has occurred, but in no event less than a reasonable royalty, together with prejudgment interest from the date infringement of the patents in suit began;
- b. An award to Black & Decker of all remedies available under 35 U.S.C. § 284;
- c. An award to Black & Decker of all remedies available under 35 U.S.C. § 285;
- d. A permanent injunction prohibiting further infringement of the patents in suit; and,
- e. Such other and further relief as this Court or a jury may deem proper and just.

JURY DEMAND

Black & Decker demands a trial by jury on all issues presented in this Complaint.

BLACK & DECKER INC.
BLACK & DECKER (U.S.) INC.



Raymond P. Niro

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