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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES N. HATTEN, Clerk
By: *[Signature]* Deputy Clerk

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

Plaintiffs,

v.

KING GROUP CANADA, KING
GROUP USA and ZHEJIANG
YONGKANG HAOMAI TOOL CO.,
LTD. d/b/a HEROIC TOOLS and
HAOMAI TOOLS,

Defendants.

Civil Action No.

1 08-CV-2435

JURY TRIAL DEMANDED

BBM

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Black & Decker Inc. and Black & Decker (U.S.) Inc. (collectively "Black & Decker"), complain of Defendants, King Group Canada, King Group USA and Zhejiang Yongkang Haomai Tool Co., Ltd. d/b/a Heroic Tools and Haomai Tools, as follows:

Parties, Jurisdiction and Venue

1. This is a claim for patent infringement and arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original jurisdiction over the subject matter of this claim under 28 U.S.C. §§ 1331 and 1338(a).

2. Black & Decker Inc. is a Delaware corporation having its principal place of business at 1207 Drummond Plaza, Newark, Delaware.

3. Black & Decker (U.S.) Inc. is a Maryland corporation having its principal place of business at 701 East Joppa Road, Towson, Maryland.

4. King Group Canada is a Canadian company with a principal place of business at 3023 W. 4th Avenue, Vancouver, British Columbia. In association with King Group USA, King Group Canada manufactures and sells tools, including the drywall sander products accused of infringement in this action.

5. King Group USA is a company with a principal place of business at 115 First Street, Sumas, Washington. In association with King Group Canada, King Group USA manufactures and sells tools, including the drywall sander products accused of infringement in this action. King Group Canada and King Group USA are collectively referred to herein as "King Group."

6. Zhejiang Yongkang Haomai Tool Co., Ltd. d/b/a Heroic Tools and Haomai Tools ("Heroic Tools") is a Chinese company with a principal place of business at No. 95, Huasha Road, Hardware Scientific & Technical Industrial Park, Yongkang City, Jinhua, Zhejiang, China. Heroic Tools manufactures and sells tools, including the drywall sander products accused of infringement in this action.

7. The Court has personal jurisdiction over the King Group because, among other things, it transacts business in this District, at least by offering to sell, selling and/or advertising the infringing drywall sander products in such a way as to reach customers in Georgia and this judicial District through the Internet via its website www.kingdrywall.com and, upon information and belief, through Tool Source Warehouse, a distributor having its principal place of business at 6366 Corley Road, Norcross, Georgia 30071.

8. The Court has personal jurisdiction over Heroic Tools because, among other things, it transacts business in this District, at least by offering to sell, selling and/or advertising the infringing drywall sander products in such a way as to reach customers in Georgia and this judicial District through the Internet via its website www.heroictools.com and, upon information and belief, through other online retailers.

9. Venue is proper in this District under 28 U.S.C. §§ 1391(b)-(d) and 1400(b).

Patent Infringement

10. Black & Decker incorporates the allegations set forth in paragraphs 1-9 above.

11. Black & Decker Inc. owns United States Patent No. 5,545,080,

entitled "Motorized Sander Having a Sanding Head Mounted by a Pivotal Joint," issued on August 13, 1996 (the "'080" patent) and United States Patent No. 5,690,545, entitled "Motorized Rotary Tool Having a Head Mounted by a Pivotal Joint," issued on November 25, 1997 (the "'545 patent").

12. Black & Decker (U.S.) Inc. is the exclusive licensee under the '080 and '545 patents and has been directly injured by Defendants' infringing activities.

13. Black & Decker Inc. and Black & Decker (U.S.) Inc. have standing to sue for infringement of the '080 and '545 patents because they collectively own all right, title and interest in and to the '080 and '545 patents and the Black & Decker products covered by those patents, including the right to collect for past damages. Black & Decker Inc. and Black & Decker (U.S.) Inc. have each suffered injury from the Defendants' acts of patent infringement.

14. King Group has infringed, and is now directly infringing the '080 and '545 patents through, among other activities, the manufacture, use, sale, importation and/or offer for sale of infringing sander products, including but not limited to the Rotoblast 880 Drywall Sander (the "King Accused Products"). King Group has also infringed the '080 and '545 patents by knowingly and actively inducing others to infringe, including but not limited to, upon information and belief, its distributor Tool Source Warehouse, and by contributing to the

infringement of others by the manufacture, use, sale, importation and/or offer for sale of the King Accused Products.

15. Heroic Tools has infringed, and is now directly infringing the '080 and '545 patents through, among other activities, the manufacture, use, sale, importation and/or offer for sale of infringing sander products, including but not limited to drywall sander Model Nos. DWS2300B and DWS2300C (the "Heroic Accused Products"). Heroic Tools has also infringed the '080 and '545 patents by knowingly and actively inducing others to infringe, and by contributing to the infringement of others by the manufacture, use, sale, importation and/or offer for sale of the Heroic Accused Products.

16. 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. Defendants have been given actual notice of their infringement of the '080 and '545 patents, and Black & Decker has fully complied with the provisions of 35 U.S.C. § 287.

18. Defendants' infringement, contributory infringement and/or inducement to infringe has been willful, deliberate and objectively reckless.

19. Defendants' infringing activities have 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, sale, importation and/or offer for sale of products that come within the scope of the claims of the '080 and '545 patents.

Prayer for Relief

WHEREFORE, Black & Decker respectfully asks this Court to enter judgment against Defendants King Group Canada, King Group USA and Zhejiang Yongkang Haomai Tool Co., Ltd. d/b/a Heroic Tools and Haomai Tools, jointly and severally, and against their respective subsidiaries, successors, parents, affiliates, officers, directors, agents, servants and employees, and all persons in active concert or participation with them, granting the following relief:

- A. The entry of judgment in favor of Black & Decker and against Defendants;
- B. An award of damages adequate to compensate Black & Decker for the infringement that has occurred, together with prejudgment interest from the date the infringement began;
- C. An award to Black & Decker of all remedies available under 35 U.S.C. § 284;

- D. An award to Black & Decker of all remedies available under 35 U.S.C. § 285;
- E. A permanent injunction prohibiting further infringement, inducement and/or contributory infringement of the '080 and '545 patents; and,
- F. Such other relief to which Black & Decker is entitled under law, and any other and further relief that this Court or a jury may deem just and proper.

Jury Demand

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

Done this 29th day of July, 2008.

Respectfully submitted,

SWIFT, CURRIE, MCGHEE & HIERS
LLP



Terry O. Brantley
Georgia State Bar No. 078361
Alicia A. Timm
Georgia State Bar No. 140823
The Peachtree, Suite 300
1355 Peachtree Street, NE
Atlanta, Georgia 30309
(404) 874-8800
Fax: (404) 888-6199
terry.brantley@swiftcurrie.com
alicia.timm@swiftcurrie.com

OF COUNSEL:

Raymond P. Niro, Jr., Esq.
Robert A. Conley, Esq.
NIRO, SCAVONE, HALLER & NIRO
181 West Madison, Suite 4600
Chicago, Illinois 60602 4515
Phone: (312) 236 0733
Fax: (312) 236 3137
rnirojr@nshn.com; conley@nshn.com
Attorneys for Black & Decker Inc. and
Black & Decker (U.S.) Inc.