



3. Upon information and belief, Defendant Jordan Equipment Supply Company, which operates under the trade name ESCO (hereinafter "ESCO"), is a for-profit corporation organized and existing under the laws of the State of Florida. Upon further information and belief, ESCO is in the business of selling products in interstate commerce, including sales in the State of Missouri and this District.

#### **JURISDICTION AND VENUE**

4. The Court may exercise subject matter jurisdiction over the claims set forth in this complaint pursuant to 28 U.S.C. § 1338.

5. The Court may exercise personal jurisdiction over Defendant ESCO in this action on the grounds that: (a) ESCO has committed acts of patent infringement in the State of Missouri; (b) upon information and belief, ESCO does business in the State of Missouri directly and through authorized distributors and dealers; and (c) ESCO has a website, namely www.ESCO.net, in which Missouri residents can obtain information about ESCO's products, including the products that infringe the patent-in-suit.

6. Service of process on Defendant in this action will be effected pursuant to Fed. R. Civ. P. 4(h).

7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b).

#### **FIRST CLAIM FOR RELIEF** **(Patent Infringement)**

8. On August 30, 1994, United States Letters Patent No. 5,341,723 was duly and legally issued to Michael Hung for the invention "Reciprocating Pneumatic Motor For Hydraulics" (hereinafter "the '723 Patent"). (A true and correct copy of the '723 Patent is attached hereto as Exhibit 1.) Mr. Michael Hung has assigned all rights, title, and interest in the

'723 Patent to SFA. By virtue of the assignment, SFA is the owner of the '723 Patent and has the right to recover damages for past and future infringement thereof.

9. SFC is the manufacturer and supplier of products manufactured for the U.S. under the '723 Patent.

10. Defendant has infringed and continues to infringe the '723 Patent by making, using, selling, and/or importing products embodying the patented invention, inducing others to make, use, sell, and/or import products embodying the patented invention, and/or by contributing to the manufacture, use, sale, and/or importation of products embodying the patented invention.

11. Defendant's infringement of the '723 Patent has caused Plaintiffs monetary harm in an amount to be proved at trial. In addition, unless restrained, Defendant's continued infringement of the '723 Patent will cause Plaintiffs irreparable harm for which there is no adequate remedy at law.

12. Plaintiffs' products embodying the patented invention have properly been marked with references to the '723 Patent.

13. Upon information and belief, Defendant has known of the '723 Patent, but has continued to infringe the '723 Patent and thus has knowingly and willfully infringed the '723 Patent in disregard of Plaintiffs' rights.

**Prayer for Relief for First Claim**

WHEREFORE, Plaintiffs pray for (a) an order finding that Defendant has infringed the '723 Patent; (b) an accounting for and an award of damages, including lost profits, resulting from Defendant's infringement, and/or reasonable royalties for such infringement pursuant to 35 U.S.C. § 284; (c) a trebling of Plaintiffs' damages because of the knowing, willful, and wanton nature of Defendant's conduct; (d) an assessment of interest, both prejudgment and post

judgment, on the damages awarded; (e) a finding of this case to be exceptional and an award of attorneys' fees incurred by Plaintiffs in this action pursuant to 35 U.S.C. § 285; (f) a preliminary and permanent injunction against Defendant's continued infringement of the '723 Patent; (g) an order directing that all goods in the possession, custody, or control of Defendants that infringe the '723 Patent be delivered up and destroyed within 30 days of entry of judgment; (h) an award of Plaintiffs' costs in bringing and prosecuting this action; and (i) such other and further relief as the Court deems just and proper.

**SECOND CLAIM FOR RELIEF**  
**(Copyright Infringement)**

19. SFA owns the copyrights in a nondramatic, literary work entitled "Air Actuated Hydraulic Hand Jacks, Operating Instructions and Parts Manual" (hereinafter "Manual").

20. SFA has applied to the U.S. Copyright Office for registration of six separate versions of the Manual dated from 1993 to 2001. A copy of the Form TX applications for the six versions are attached hereto as Exhibit 2.

21. Defendant has infringed and continues to infringe SFA's copyrights in the Manual
- a. directly by reproducing and distributing copyrighted work of SFA without the authority or consent of SFA and/or by preparing derivative works based on the copyrighted work of SFA without the authority or consent of SFA;
  - b. vicariously by possessing the right to supervise the infringing conduct and by having a direct financial interest in the infringing conduct; or
  - c. contributorily by inducing, causing, or materially contributing to the infringing conduct of another with knowledge of the infringing activity.

22. Defendant will continue to infringe directly, vicariously, or contributorily SFA's copyrights in the Manual unless restrained from doing so.

23. Defendant has knowingly and willfully committed acts of infringement.

**Prayer for Relief for Second Claim**

WHEREFORE, SFA prays for (a) an order finding that ESCO has infringed SFA's copyrights in the Manual; (b) a preliminary and permanent injunction against ESCO's continued infringement of SFA's copyrights as permitted under 17 U.S.C. § 502; (c) an order requiring that all infringing materials in the possession, custody, or control of ESCO be delivered up and destroyed within 30 days of entry of judgment as permitted under 17 U.S.C. § 503; (d) an award of damages comprising SFA's actual damages and the profits obtained by ESCO as provided in 17 U.S.C. § 504(b), or statutory damages as provided in 17 U.S.C. § 504(c); (e) costs and attorneys' fees as permitted under 17 U.S.C. § 505; and (f) such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38(b), Plaintiffs demand a jury trial on all issues triable by jury.

Respectfully submitted,

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