

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
BOWLING GREEN DIVISION**

Hennessy Industries, Inc.,

Plaintiff,

vs.

Perfect Equipment Inc.,

Defendant.

Civil Action No. 1 : 12 - CV - 76 - M

COMPLAINT

Jury Trial Requested

Parties

1. Plaintiff Hennessy Industries, Inc. is a corporation of the State of Delaware and maintains a place of business at 759 Hennessy Way, Bowling Green, KY 42101.

2. Defendant Perfect Equipment Inc. is, upon information and belief, a corporation of the State of Delaware maintaining a place of business at 1715 Joe B. Jackson Parkway, Murfreesboro, TN 37127.

Jurisdiction and Venue

3. This is a suit for infringement of United States Patent No. 8,066,335 (“the ‘335 patent”) and involves vehicle wheel balancing weights. A copy of the ‘335 patent is attached as Exhibit A hereto.

4. This action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.*, and, more particularly, 35 U.S.C. §§ 271, 281-287.

5. Subject matter jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a) and 35 U.S.C. § 281.

6. Personal jurisdiction is invoked under the provisions of one of more of KRS

454.210(2)(a)1, 2, 3 and 4.

7. Venue is proper under the provisions of 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

8. Upon information and belief, Defendant has made, used, sold, offered for sale, and/or imported steel clip-on wheel weights for use in balancing vehicle wheels (hereinafter "accused weights"), including but not limited to the steel clip-on weights identified by Defendant as the PST-Series, the AWST-Series, the MCST-Series, the LHST-Series, the IAWST-Series, the ENST-Series, the FNST-Series, and the TST-Series. A portion of Defendant's product catalog in which the accused weights are advertised is attached as Exhibit B hereto.

9. The accused weights have been made, used, and/or sold throughout the United States, including in this District.

10. The accused weights embody the invention claimed in the '335 patent.

Patent-in-Suit

11. The '335 patent, entitled "Vehicle Wheel Balance Weights," was duly and legally issued on November 29, 2011 to Ralph L. Jenkins and Ross Everhard as the inventors.

12. The inventors have assigned all right, title, and interest in and to the '335 patent to Hennessy Industries, Inc., which is the Plaintiff in this action. Plaintiff owns all right, title, and interest in and to the '335 patent.

Count I – Patent Infringement

13. The allegations of paragraphs 1-12 are incorporated by reference as if set forth verbatim herein.

14. Upon information and belief, Defendant has for a time past and continues to infringe the '335 patent by making, using, selling, offering for sale, and/or importing the accused

weights to customers in the United States, either directly or through intermediaries.

15. Upon information and belief, Defendant has for a time past and continues to induce and contribute to the infringement of the '335 patent by selling the accused weights to customers in the United States, either directly or through intermediaries, for unauthorized resale and/or use.

16. Defendant's infringement of the '335 patent will continue unless enjoined by this Court.

17. On information and belief, Defendant's acts of infringement have been and are willful, with full knowledge of the '335 patent and Plaintiff's rights in the '335 patent.

18. By virtue of Defendant's willful infringement, this is an exceptional case within the meaning of 35 U.S.C. § 285 and warrants an award of treble damages pursuant to 35 U.S.C. § 284.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for entry of judgment:

- a) Holding that Defendant has directly infringed the '335 patent;
- b) Holding that Defendant has indirectly infringed the '335 patent;
- c) Preliminarily and permanently enjoining Defendant, its officers, agents, employees, representatives, and all others acting in concert therewith, from further infringing, directly or indirectly, the '335 patent;
- d) Awarding Plaintiff damages adequate to compensate for the infringement, together with interest and costs;
- e) Pursuant to 35 U.S.C. § 284, awarding Plaintiff three times the amount of such

damages due to the willful nature of Defendant's infringement;

f) Pursuant to 35 U.S.C. § 285, awarding Plaintiff its attorneys fees in connection with this action; and

g) Affording such further and other relief as this Court may deem just and proper.

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