

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

PEERLESS INDUSTRIES, INC.,)	
)	
Plaintiff,)	
)	
v.)	COMPLAINT
)	AND JURY DEMAND
)	
LOCTEK VISUAL TECHNOLOGY CORP.,)	Case No. 1:12-cv-6248
)	
Defendant.)	
)	
)	
)	

COMPLAINT

Peerless Industries, Inc. (“Peerless”) for its Complaint against Loctek Visual Technology Corp. (“Loctek”) alleges:

PARTIES, JURISDICTION AND VENUE

1. This is an action for patent infringement arising out of Loctek’s manufacture and sale of television mounts.
2. Plaintiff Peerless is a company organized and existing under the laws of the state of Delaware, with its principal place of business at 2300 White Oak Circle, Aurora, Illinois 60502. Peerless is a leading manufacturer of audiovisual mounting equipment and protects its intellectual property rights through patents and contracts with its suppliers.
3. On information and belief, Loctek is a company organized and existing under the laws of the People’s Republic of China, with its principal place of business at Science & Technology Zone, Jiangshan Town, Yinzhou District, Ningbo, China 315191.
4. Loctek competes with Peerless in the television mount industry. Loctek has imported, sold, and offered for sale audiovisual mounting products and continues to import, sell,

and offer for sale such products in the United States of America, including within this Judicial District. Included with the audiovisual mounting products Loctek imports, sells, and offers for sale are manuals providing instructions to users on how to complete assembly of the audiovisual mounting products.

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) for Peerless's claim of patent infringement, which arises under the patent laws of the United States, 35 U.S.C. § 271, *et. seq.*

6. This Court has personal jurisdiction over Loctek because, as set out fully below, at all times relevant to this action, Loctek maintained contacts with the United States, and specifically with this Judicial District, by: (a) transacting business within, and (b) committing certain tortious acts, *i.e.*, infringement of intellectual property rights, with injury resulting within this district. Based on these contacts, this Court has personal jurisdiction over Loctek under the Illinois Long-Arm Statute [735 ILCS 5/2-209].

7. Venue is proper in this Court under 28 U.S.C. § 1391(b) because Loctek or its agents are subject to personal jurisdiction in this jurisdiction and because a substantial part of the events and actions giving rise to the claims occurred in this jurisdiction.

COUNT I

Infringement of U.S. Patent No. 7,866,621

8. Peerless restates and realleges paragraphs 1 through 7 of this Complaint as though fully set forth herein.

9. On January 11, 2011, United States Patent No. 7,866,621 ("621 Patent"), entitled "Pull-Out Swivel Mount," was duly and legally issued by the United States Patent and

Trademark Office. A true and correct copy of the '621 patent is attached as Exhibit A to this Complaint.

10. Peerless is the owner of all right, title, and interest in and to the inventions covered by the '621 Patent, and Peerless is entitled to receive all damages and the benefits of all other remedies for any infringement thereof.

11. Loctek has made, used, imported, sold, and/or offered to sell, continues to make, use, import, sell, and/or offer to sell, and has caused others to make, use, import, sell, and/or offer to sell products that infringe, directly or indirectly (through contributing to infringement of others and/or inducing others to infringe), at least one claim of the '621 Patent, including, without limitation, at least the Loctek television mounts bearing the identification "PSW009AT."

12. The making, using, importing, selling, offering to sell, or causing others to make, use, sell, and/or offer to sell infringing products, including the products described in paragraph 11, by Loctek has been without authority or license from Peerless and in violation of Peerless' rights.

13. Loctek has caused and will continue to cause Peerless substantial damage and irreparable injury by infringing the '621 Patent.

14. Upon information and belief, Loctek had knowledge of the '621 Patent at the time it committed its acts of infringement of the '621 Patent, and, thus, infringement was willful..

15. Peerless will suffer further irreparable injury, for which it has no adequate remedy at law, unless and until Loctek is enjoined from infringing the '621 Patent.

16. Peerless is entitled to recover from Loctek damages in an amount sufficient to compensate it for Loctek's infringement of the '621 Patent, together with prejudgment interest thereon.

COUNT II

Infringement of U.S. Patent No. 8,157,233

17. Peerless restates and realleges paragraphs 1 through 16 of this Complaint as though fully set forth herein.

18. On April 17, 2012, United States Patent No. 8,157,233 ("233 Patent"), entitled "Tilt Mounting System," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '233 patent is attached as Exhibit B to this Complaint.

19. Peerless is the owner of all right, title, and interest in and to the inventions covered by the '233 Patent, and Peerless is entitled to receive all damages and the benefits of all other remedies for any infringement thereof.

20. Loctek has made, used, imported, sold, and/or offered to sell, continues to make, use, import, sell, and/or offer to sell, and has caused others to make, use, import, sell, and/or offer to sell products that infringe, directly or indirectly (through contributing to infringement of others and/or inducing others to infringe), at least one claim of the '233 Patent, including, without limitation, at least the Loctek television mounts bearing the identifications "PSW228ST4" or "PSW574T."

21. The making, using, importing, selling, offering to sell, or causing others to make, use, sell, and/or offer to sell infringing products, including the products described in paragraph 20, by Loctek has been without authority or license from Peerless and in violation of Peerless' rights.

22. Loctek has caused and will continue to cause Peerless substantial damage and irreparable injury by infringing the '233 Patent.

23. Upon information and belief, Loctek had knowledge of the '233 Patent at the time it committed its acts of infringement of the '233 Patent, and, thus, infringement was willful.

24. Peerless will suffer further irreparable injury, for which it has no adequate remedy at law, unless and until Loctek is enjoined from infringing the '233 Patent.

25. Peerless is entitled to recover from Loctek damages in an amount sufficient to compensate it for Loctek's infringement of the '233 Patent, together with prejudgment interest thereon.

COUNT III

Infringement of U.S. Patent No. 7,753,332

26. Peerless restates and realleges paragraphs 1 through 25 of this Complaint as though fully set forth herein.

27. On July 13, 2010, United States Patent No. 7,753,332 ("332 Patent"), entitled "Tilt Mounting System," was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '332 patent is attached as Exhibit C to this Complaint.

28. Peerless is the owner of all right, title, and interest in and to the inventions covered by the '332 Patent, and Peerless is entitled to receive all damages and the benefits of all other remedies for any infringement thereof.

29. Loctek has made, used, imported, sold, and/or offered to sell, continues to make, use, import, sell, and/or offer to sell, and has caused others to make, use, import, sell, and/or offer to sell products that infringe, directly or indirectly (through contributing to infringement of others and/or inducing others to infringe), at least one claim of the '332 Patent, including,

without limitation, at least the Loctek television mounts bearing the identifications “PSW228ST4” and “PSW574T.”

30. The making, using, importing, selling, offering to sell, or causing others to make, use, sell, and/or offer to sell infringing products, including the products described in paragraph 29, by Loctek has been without authority or license from Peerless and in violation of Peerless’ rights.

31. Loctek has caused and will continue to cause Peerless substantial damage and irreparable injury by infringing the ’332 Patent.

32. Upon information and belief, Loctek had knowledge of the ’332 Patent at the time it committed its acts of infringement of the ’332 Patent, and, thus, infringement was willful.

33. Peerless will suffer further irreparable injury, for which it has no adequate remedy at law, unless and until Loctek is enjoined from infringing the ’332 Patent.

34. Peerless is entitled to recover from Loctek damages in an amount sufficient to compensate it for Loctek’s infringement of the ’332 Patent, together with prejudgment interest thereon.

COUNT IV

Infringement of U.S. Patent No. D654,065

35. Peerless restates and realleges paragraphs 1 through 34 of this Complaint as though fully set forth herein.

36. On February 14, 2012, United States Patent No. D654,065 (“’065 Patent”), entitled “Arm for Use With Mounting Systems for Mounting a Flat Panel Televisions or the Like,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’065 patent is attached as Exhibit D to this Complaint.

37. Peerless is the owner of all right, title, and interest in and to the inventions covered by the '065 Patent, and Peerless is entitled to receive all damages and the benefits of all other remedies for any infringement thereof.

38. Loctek has made, used, imported, sold, and/or offered to sell, continues to make, use, import, sell, and/or offer to sell, and has caused others to make, use, import, sell, and/or offer to sell products that infringe, directly or indirectly (through contributing to infringement of others and/or inducing others to infringe), at least one claim of the '065 Patent, including, without limitation, at least the Loctek television mounts bearing the identifications "PSW801SAT" and "PSW801MAT."

39. The making, using, importing, selling, offering to sell, or causing others to make, use, sell, and/or offer to sell infringing products, including the products described in paragraph 38, by Loctek has been without authority or license from Peerless and in violation of Peerless' rights.

40. Loctek has caused and will continue to cause Peerless substantial damage and irreparable injury by infringing the '065 Patent.

41. Upon information and belief, Loctek had knowledge of the '065 Patent at the time it committed its acts of infringement of the '065 Patent, and, thus, infringement was willful.

42. Peerless will suffer further irreparable injury, for which it has no adequate remedy at law, unless and until Loctek is enjoined from infringing the '065 Patent.

43. Peerless is entitled to recover from Loctek damages in an amount sufficient to compensate it for Loctek's infringement of the '065 Patent, together with prejudgment interest thereon.

COUNT V

Infringement of U.S. Patent No. D623,635

44. Peerless restates and realleges paragraphs 1 through 43 of this Complaint as though fully set forth herein.

45. On September 14, 2010, United States Patent No. D623,635 (“’635 Patent”), entitled “Arm for Mounting Unit for Audio/Visual Devices or the Like,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’635 patent is attached as Exhibit E to this Complaint.

46. Peerless is the owner of all right, title, and interest in and to the inventions covered by the ’635 Patent, and Peerless is entitled to receive all damages and the benefits of all other remedies for any infringement thereof.

47. Loctek has made, used, imported, sold, and/or offered to sell, continues to make, use, import, sell, and/or offer to sell, and has caused others to make, use, import, sell, and/or offer to sell products that infringe, directly or indirectly (through contributing to infringement of others and/or inducing others to infringe), at least one claim of the ’635 Patent, including, without limitation, at least the Loctek television mounts bearing the identifications “PSW752M,” “PSW751L” and “PSW751M-A.”

48. The making, using, importing, selling, offering to sell, or causing others to make, use, sell, and/or offer to sell infringing products, including the products described in paragraph 47, by Loctek has been without authority or license from Peerless and in violation of Peerless’ rights.

49. Loctek has caused and will continue to cause Peerless substantial damage and irreparable injury by infringing the ’635 Patent.

50. Upon information and belief, Loctek had knowledge of the '635 Patent at the time it committed its acts of infringement of the '635 Patent, and, thus, infringement was willful.

51. Peerless will suffer further irreparable injury, for which it has no adequate remedy at law, unless and until Loctek is enjoined from infringing the '635 Patent.

52. Peerless is entitled to recover from Loctek damages in an amount sufficient to compensate it for Loctek's infringement of the '635 Patent, together with prejudgment interest thereon.

Prayer for Relief

WHEREFORE, Plaintiff respectfully requests judgment against Defendant as follows:

A. For a judgment that Loctek has infringed the '621 Patent, the '233 Patent, the '322 Patent, the '065 Patent, and the '635 Patent;

B. For an order preliminarily and permanently enjoining Loctek and its officers, agents, employees, parents, subsidiaries, affiliates, divisions, successors, and all persons in privity or active concert or participation with them from infringing the '621 Patent, the '233 Patent, the '322 Patent, the '065 Patent, and the '635 Patent;

C. For an order directing Loctek to file with the Court and serve on counsel for Peerless, within 30 days after service of any injunction in this case (or within such extended period as the Court may direct), a report in writing under oath setting forth in detail the manner and form by which it has complied with the injunction requested in Paragraph B above;

D. For an award of compensatory damages in an amount subject to proof at trial, together with pre- and post-judgment interest thereon;

E. For a declaration that Loctek's infringement is willful and an award, pursuant to 35 U.S.C. § 284, of increased damages up to three times the actual damages;

F. For an order finding that this case is exceptional under 35 U.S.C. § 285 and awarding Peerless its reasonable attorneys' fees, expenses and costs incurred in this action; and

G. For an award of such other and further relief as this Court deems just and proper.

Jury Demand

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury as to all issues so triable in this action.

Dated: August 8, 2012

Respectfully submitted,

By: /s/ James D. Dasso
James D. Dasso (IL Bar No. 6193545)
Aaron J. Weinzierl (IL Bar No. 6294055)
FOLEY & LARDNER LLP
321 North Clark Street, Suite 2800
Chicago, IL 60654-5313
Telephone: 312.832.4500
Facsimile: 312.832.4700
Email: jdasso@foley.com;
aweinzierl@foley.com

Attorneys for Plaintiff

PEERLESS INDUSTRIES INC.