

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. - Newnan
APR 10 2007

James N. Hatcher
Deputy Clerk

SOUTHWIRE COMPANY,
Plaintiff,

3

07-CV-034

JTC

v.

Civil Action No. _____

HENDRIX WIRE & CABLE, INC.
Defendant.

Jury Trial Demanded

DECLARATORY JUDGMENT COMPLAINT

Southwire Company, by and through its attorneys, Merchant & Gould P.C., hereby bring this action pursuant to the provisions of Rule 57 of the Federal Rules of Civil Procedure and 28 U.S.C. §2201 for a declaratory judgment that it does not infringe U.S. Patent No. 6,047,930 and that this patent is invalid.

Nature of this Action

1. Defendant has accused Southwire of infringing U.S. Patent No. 6,047,930 by offering for sale and selling an aerial spacer used to separate high tension electrical wires. The aerial spacer, commonly referred to as a "PLP Spacer," is used in the electric transmission industry to separate high tension electrical wires to prevent them from touching. Defendant's

allegations of infringement creates a case of actual controversy. Southwire denies Defendant's accusation of infringement and brings this action to obtain a ruling that the '930 Patent is invalid and not infringed by the PLP Spacer.

2. This action arises under the patent statutes of the United States of America, Title 35 of the United States Code.

Parties, Jurisdiction, and Venue

3. Southwire Company ("Southwire") is a Delaware corporation with a principal place of business at One Southwire Drive in Carrollton, Georgia. Southwire is authorized to conduct business in the State of Georgia.

4. Hendrix Wire & Cable, Inc. ("Defendant") is, based upon information and belief, a Delaware corporation with a principal place of business at 53 Old Wilton Road, Milford, New Hampshire, 03055. Service may be made upon Defendant through its authorized agent for service of process:

**Prentice-Hall Corporation System, Inc.
14 Centre Street
Concord, New Hampshire 03301.**

5. Defendant, upon information and belief, regularly engages in business through out the State of Georgia and within this District. As a result of Defendant's continuous and systematic contacts with this jurisdiction this Court has jurisdiction over Defendant.

6. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§1331 and 1338 (a).

7. Venue is proper in this Court pursuant to the provisions of 28 U.S.C. §§ 1391 (b) and 1400; and, LR 3.1, NDGa, since a substantial part of the events giving rise to the claim occurred here.

Patent-in-Suit

8. The United States Patent and Trademark Office issued United States Patent No. 6,047,930 ("the '930 Patent"), entitled, "Aerial Cable Retainer with Fulcrum Point," on April 11, 2000. All right, title, and interest in the '930 Patent has purportedly been assigned to Defendant. A copy of the '930 Patent is attached as Exhibit 1.

Defendant's Threats

9. For many years now Defendant has been the leading supplier of aerial spacers in the U.S. market. Defendant has obtained a series of patents, including the '930 Patent, that have effectively reduced, if not completely

eliminated, competition for aerial spacers in the U.S. market. Defendant's early patents have started expiring, thereby weakening its overall portfolio position.

10. Following the expiration of Defendant's early patents, Southwire committed to entering the electric wire spacer market. With Southwire's entry into the aerial spacer market, Southwire is in direct competition with Defendant.

11. In a deliberate attempt to intimidate Southwire and prevent it from competing, Defendant, through its legal counsel, sent a letter to Southwire in which it states, "it appears that the PLP Spacer literally and directly infringes one or more claims of the '930 patent. . . . [Defendant] is entitled to seek monetary damages in the form of lost sales or a reasonable royalty and a permanent injunction against future sales and manufacture." Defendant, in an effort to make sure its message was clearly understood, closed its letter by stating that it, "belief[s] that the PLP Spacer infringes the '930 patent and may not be used, sold, offered for sale or imported into the United States." A true and accurate copy of Defendant's March 23, 2007 letter is attached hereto as Exhibit 2 and incorporated by reference.

12. Following Defendant's March 23, 2007 letter, Defendant's counsel provided Southwire with a "Violations List" detailing on a claim by claim basis Defendant's contention that Southwire infringed the '930 Patent. A true and accurate copy of Defendant's "Violation List" regarding the '930 Patent is attached as Exhibit 3.

13. A case of actual controversy exists between Southwire and Defendant. Southwire denies Defendant's accusation of infringement and moreover seeks a ruling that the '930 Patent is invalid.

First Cause of Action
(Non-Infringement of U.S. Patent No. 6,047,930)

14. The allegations in Paragraphs 1 through 13 are incorporated by reference.

15. Defendant has alleged that the PLP Spacer infringes the '930 Patent.

16. Southwire specifically pleads non-infringement and seeks a declaration that the PLP Spacer does not infringe any validly issued claim in the '930 Patent.

Second Cause of Action
(Invalidity of U.S. Patent No. 6,047,930)

17. The allegations in Paragraphs 1 through 16 are incorporated by reference.

18. Southwire seeks a declaration that the '930 Patent is invalid due to non-compliance with the provisions of 35 U.S.C. §§102, 103, and 112.

Prayer for Relief

Plaintiff Southwire prays for:

1. Entry of judgment that the PLP Spacer does not infringe the '930 Patent;
2. Entry of judgment that the '930 Patent is invalid;
3. A finding that this is an exceptional case and an award of its attorney fees; and,
4. Such other and further relief as this Court deems necessary and appropriate.

Demand for Jury Trial

Pursuant to Rule 38 (b) of the Federal Rules of Civil Procedure,
Plaintiff Southwire Company hereby demands a trial by jury on all issues so
triable as a matter of right.

Dated: April 10, 2007.

Respectfully submitted,



Luke Anderson
Ga Bar No. 018330
Merchant & Gould P.C.
133 Peachtree Street, N.E.
Suite 4900
Atlanta, Georgia 30303-1821
Telephone: 404.954.5100
Facsimile: 404-954.5099
Email: Landerson@merchantgould.com

Counsel for Plaintiff Southwire Company

Certification of Compliance

The above signed counsel hereby certifies that this pleading was prepared in Times New Roman using 14 point font and thus complies with LR 5.1, NDGa.

EXHIBIT 1



US006047930A

United States Patent [19]

[11] **Patent Number:** **6,047,930**

Bello

[45] **Date of Patent:** **Apr. 11, 2000**

- [54] **AERIAL CABLE RETAINER WITH FULCRUM POINT**
- [75] **Inventor:** Salvatore Bello, Nashua, N.H.
- [73] **Assignee:** Hendrix Wire & Cable, Inc., Milford, N.H.
- [21] **Appl. No.:** 09/124,422
- [22] **Filed:** Jul. 29, 1998
- [51] **Int. Cl.⁷** E21F 17/02
- [52] **U.S. Cl.** 248/61; 248/74.1; 248/316.5; 24/132 R; 24/132 WL; 24/136 R
- [58] **Field of Search** 248/61, 74.1, 74.2, 248/316.5, 230.4; 24/136 R, 132 WL, 132 R

4,440,374	4/1984	Achille .	
4,480,149	10/1984	Hawkins et al. .	
4,564,163	1/1986	Barnett .	
4,566,660	1/1986	Anscher et al. .	
4,623,102	11/1986	Hough, Jr. .	
4,730,800	3/1988	Engman	248/74.1
4,852,840	8/1989	Marks	248/74.1
5,062,184	11/1991	Rowland .	
5,133,523	7/1992	Daigle et al.	248/74.1
5,161,759	11/1992	Burus et al. .	
5,271,587	12/1993	Schaty et al. .	
5,423,501	6/1995	Yu .	
5,474,269	12/1995	Kasubke	248/74.1
5,639,049	6/1997	Jennings et al. .	
5,702,082	12/1997	Evans et al.	248/230.4
5,833,195	11/1998	Haynes	248/74.1

FOREIGN PATENT DOCUMENTS

28 07 119	8/1979	Germany .
2 040 348	8/1980	United Kingdom .

[56] **References Cited**

U.S. PATENT DOCUMENTS

2,956,103	10/1960	Steel et al. .	
3,049,585	8/1962	Cochran .	
3,070,651	12/1962	Semple et al. .	
3,460,787	8/1969	Petze, Jr. .	
3,622,689	11/1971	Sparks .	
3,913,187	10/1975	Okuda .	
3,991,960	11/1976	Tanaka .	
4,011,397	3/1977	Bouche .	
4,020,277	4/1977	LaChance, Sr. et al. .	
4,082,917	4/1978	Hendrix	248/61
4,083,523	4/1978	Fisher .	
4,263,478	4/1981	Willem .	
4,369,946	1/1983	Palmer et al. .	
4,438,894	3/1984	Yaotani et al. .	

Primary Examiner—Anita M. King
Assistant Examiner—Debbie Short
Attorney, Agent, or Firm—Piper Marbury Rudnick & Wolfe

[57] **ABSTRACT**

An aerial cable spacer is provided with a cable retainer. The cable retainer includes a cable retaining arm. A mid portion of the cable retaining arm includes a fulcrum point. The fulcrum point engages and exerts a force on the cable as the cable retaining arm bends to a closed position. In the closed position, the bent arm maintains a force on the cable.

15 Claims, 3 Drawing Sheets

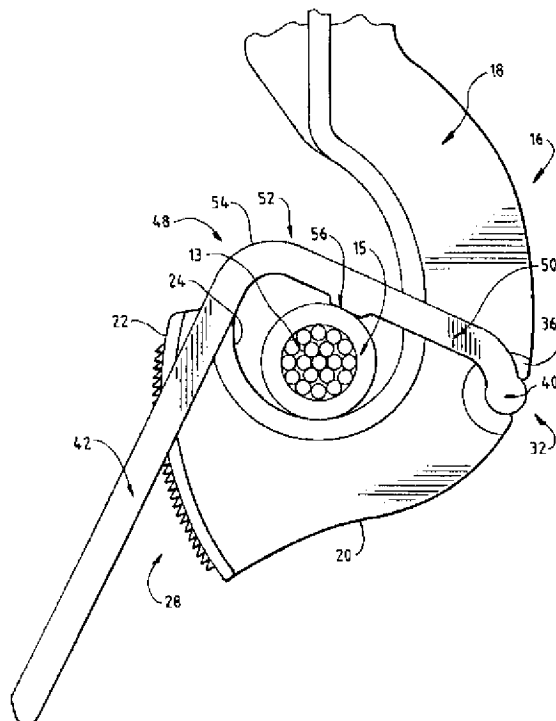


FIG. 1

PRIOR ART

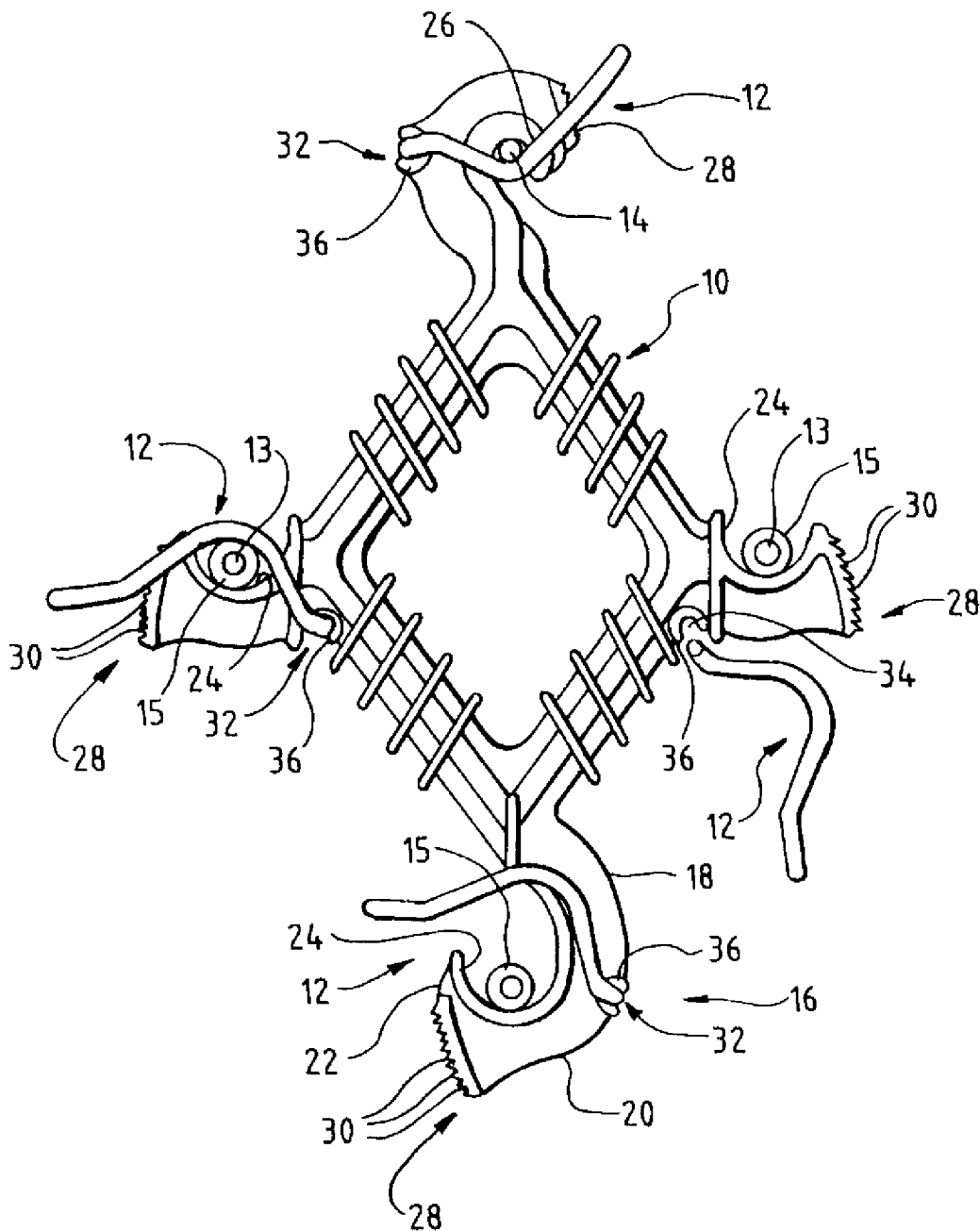


FIG. 2

PRIOR ART

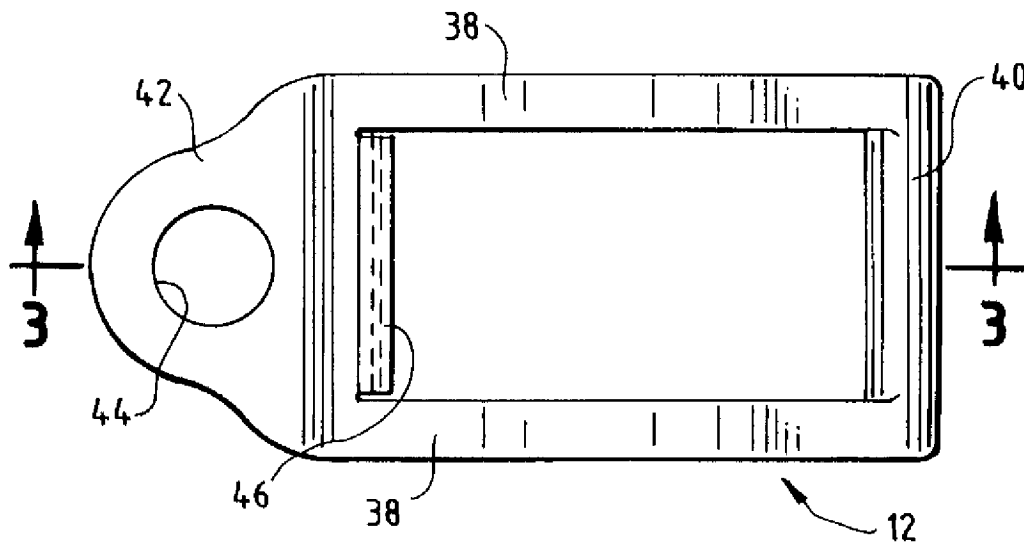


FIG. 3

PRIOR ART

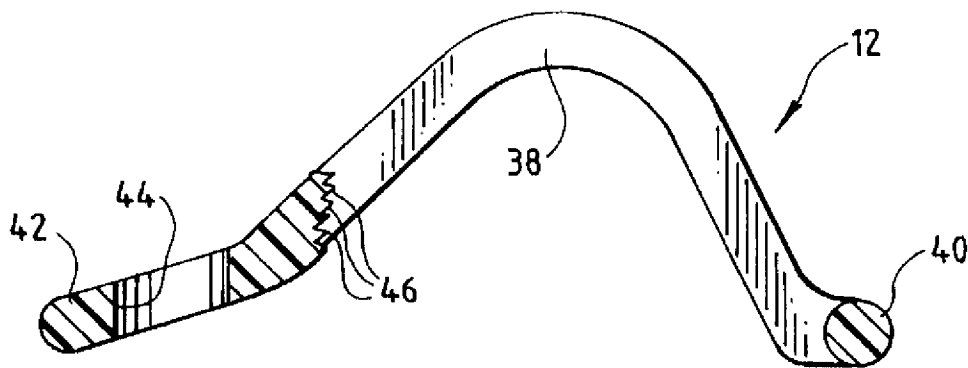
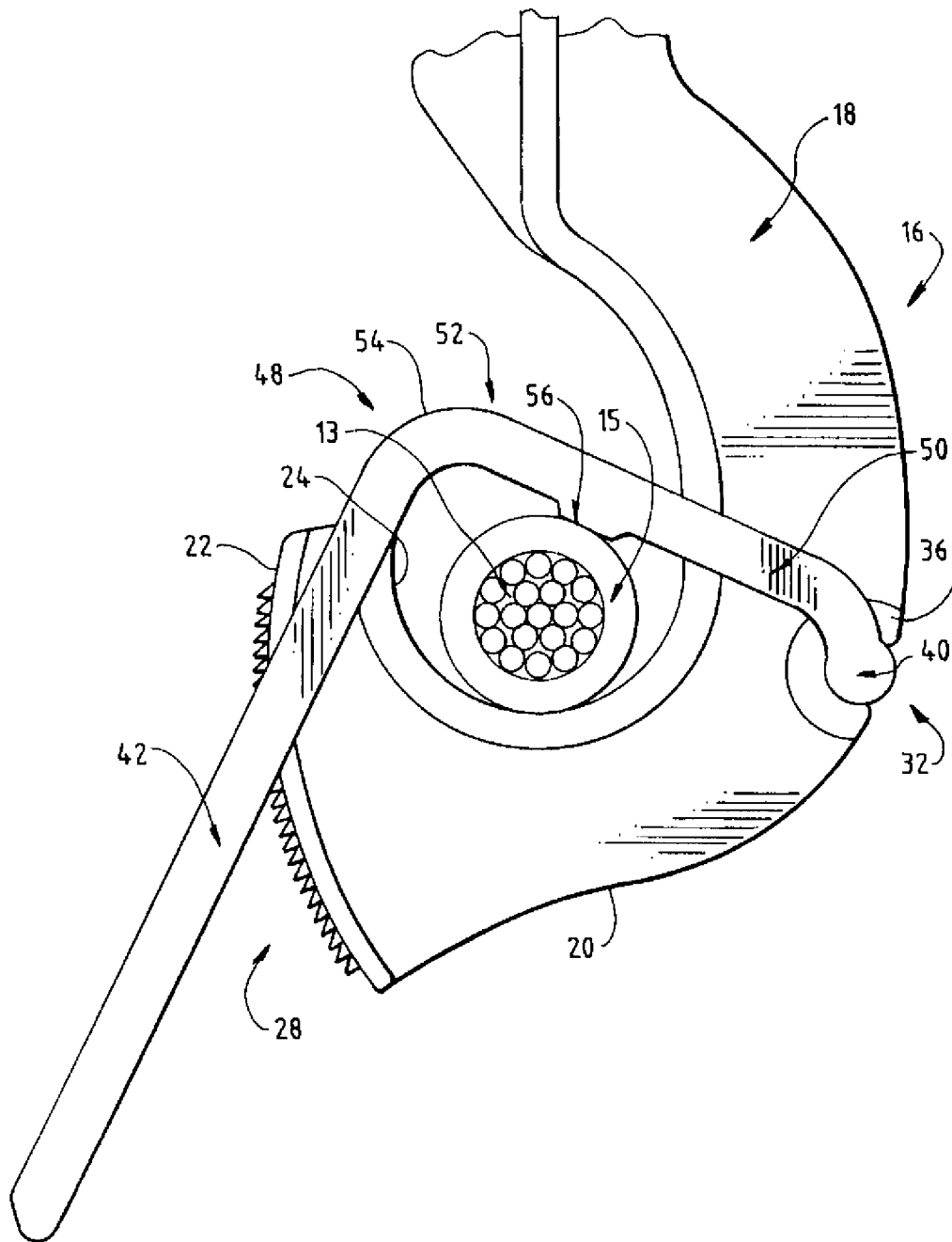


FIG. 4



6,047,930

1

AERIAL CABLE RETAINER WITH FULCRUM POINT

FIELD OF THE INVENTION

The invention relates to spacers for aerial cables for supporting one or more cables above the ground, and more particularly to a cable retainer for aerial cable spacers, the cable retainer having an improved clamping capability.

BACKGROUND OF THE INVENTION

Overhead conductor cables are commonly suspended from a messenger cable typically made of high strength alloys. The messenger cable is supported on poles or towers with the conductor cable spacers arranged at spaced intervals along the messenger cable to suspend one or more conductor cables. Since many power circuits require three phase electric power, it is often convenient to suspend conductor cables in groups of three. A spacer supports all three conductor cables and simultaneously maintains the conductors in spaced relation.

If the advantages of suspending conductors in this manner are to be fully availed, it is essential that the spacer be easily attached to the messenger cable and to the conductor cables. To provide ease of attaching the spacer to the cables and to reduce the number of parts required, the means for retaining the cables in their respective seats of the spacer should accommodate cables of varying cross sectional diameters without requiring bushings, sleeves, grommets or the like.

The construction of the spacer should be such that all of its parts have both high mechanical and electrical strength and are durable in use. In addition, all parts of the spacer should be economical to manufacture and to assemble.

U.S. Pat. No. 4,020,277 issued Apr. 26, 1977 to Hendrix Wire & Cable Corporation, the predecessor to the instant assignee, discloses a spacer for aerial cables. The spacer includes a body member having at least one generally arcuate cable retaining means adapted to engage a surface of the conductor cable and retain the cable in a concave seat of the spacer. One end of the cable retaining means is pivotally supported on the body member. Generally arcuate ratchet tooth means are provided adjacent the other end of the cable retaining means. Generally arcuate ratchet tooth means are also provided on the body member outwardly of the concave seat. The teeth of the retainer ratchet tooth means are engagable with the teeth of the body member ratchet tooth means when the retaining means is rotated about its pivotal support, thereby to firmly retain the conductor cable in the concave seat.

Hawkins U.S. Pat. No. 4,480,149 discloses a spacer for overhead electric lines. The cable is gripped between an inside elastomer bushing and an outside elastomer bushing. The bushing halves are compressed and held together about the conductor by a U-shaped resilient clip, which has snaps which are fitted into grooves disposed on the spacer.

However, it has been found in the prior art spacers that the force exerted on the cable is not satisfactory. Alternatively, it has been found that it is difficult to close the cable retainer with sufficient force exerted on the cable.

SUMMARY OF THE INVENTION

It is an object of the present invention to provide an aerial cable spacer which overcomes the above noted problems of the prior art.

It is a further object of the present invention is to provide an aerial cable spacer which exerts a high force on the cable.

2

It is still a further object of the present invention to provide an aerial cable spacer having a cable retainer which closes easily with a force exerted on the cable and which accommodates cables of a wide range of sizes.

It is yet a further object of the present invention to provide an aerial cable spacer having a cable retainer which closes easily with a force exerted on the cable and which can be used repeatedly without losing its effectiveness to retain the cable.

Yet a further object of the present invention is to provide an aerial cable spacer having a cable retainer which closes easily with a force exerted on the cable and which is cost effective to manufacture.

Still a further object of the present invention is to provide an aerial cable spacer having a cable retainer which closes easily with a force exerted on the cable and which is durable.

Still yet a further object of the invention is to provide a cable spacer made of the same material as the cable, thereby providing dielectric compatibility.

The present invention therefore provides, a device for supporting and spacing aerial cables, the device comprising: a main body portion, the main body portion having, a cable seat, and a first side adjacent the cable seat, a second side adjacent the cable seat and opposite from the first side; and a cable retaining arm having, a first end pivotally coupled to the second side of the main body portion, a second end, the second end having a means for releasably engaging the first side of the main body portion, and mid portion, the mid portion having a fulcrum portion, whereby the cable retaining arm is capable of closing upon a cable positioned in the cable seat with the fulcrum portion engaging and applying a force to the cable.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is an elevational view of a prior art aerial cable spacer, having a plurality of cable retainers;

FIG. 2 is a plan view of one of the prior art cable retainers of FIG. 1;

FIG. 3 is a cross-sectional view of the prior art cable retainer taken along line 3—3 of FIG. 2; and

FIG. 4 is an elevational view of a cable retainer in accordance with the present invention.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

The prior art spacer shown in FIG. 1 includes the body member 10 and four generally arcuate cable retaining means 12. The spacer secures three conductor cables 13 and is suspended by a messenger cable 14. The conductor cable 13 includes insulating sheaths 15.

Both the body member 10 and the retaining means 12 are made from a thermoplastic material, the preferred embodiment being a polymer which has a low dielectric constant and has both weather and track resistant qualities.

The body member 10 is provided with four hook portions 16 each having a neck portion 18, head portion 20 and end portion 22. The body member 10 is further provided with three generally concave conductor cable seats 24 and a generally concave messenger cable seat 26.

The body member 10 is provided with four generally arcuate ratchet tooth means 28. Each ratchet tooth means 28 is located adjacent to the sides of the respective seat 24 and 26. Each ratchet tooth means 28 includes a plurality of teeth 30.

6,047,930

3

The body also comprises semi-cylindrical sockets 32. The sockets 32 are located adjacent to the sides of the respective seat 24 and 26. The sockets 32 are located opposite from the respective body ratchet tooth means 28. The sockets 32 are provided with slots 34 which are formed in part by the flanges 36 which form reinforcements for the sockets 32.

Each cable retaining means 12 comprises a pair of parallel spaced generally arcuate arms 38 (FIGS. 2 and 3), connected together at one end by a generally cylindrical member 40 and at the other end by a transverse member 42. The transverse member 42 is provided with a hole or perforation 44. The transverse members 42 of the retaining means 12 are also provided with generally ratchet tooth means 46.

FIG. 4 discloses the cable retaining means 48 in accordance with the present invention. Many of the features of the prior art are identical to certain features of the cable retaining means 48 of the present invention. Where the features of the prior art are identical to the present invention, the same reference numbers are used.

FIG. 4 shows a portion of the body members 10. The concave cable seat 24 is shown with the ratchet tooth means 28 on one side and the socket 32 located on the other side. The cable retaining means 48 includes a pair of spaced generally arcuate arms 50, one of which is shown in FIG. 4. Similar to the prior art arcuate arm 38 shown in FIGS. 2 and 3, the other arcuate arm (not shown) of the retaining means 48 is a mirror image of the arcuate arm 50 shown in FIG. 4. The pair of spaced generally arcuate arms 50 are L-shaped, with a mid portion 52 having an elbow 54 and a fulcrum portion 56. In the preferred embodiment, the cable retaining means 48, including the fulcrum portion 56, are formed as a single piece by an injection mold.

To assemble the parts of the spacer, it is only necessary to snap each of the generally cylindrical members 40 through the slots 34 and into the respective socket 32.

To install the spacer, the cable retaining means 48 are rotated to open positions in which they are temporarily retained because of the snug fit between the generally cylindrical members 40 and the respective socket 32. The messenger cable seat 26 is then placed over the messenger cable 14 and the cable retaining means 48 adjacent to it is partially closed to hold the messenger cable 14 in its seat 26. Then the conductor cables 13 are positioned in the seats 24. The cable retaining means 48 are each rotated to closed positions so that the ratchet tooth means 46 engages the respective body member ratchet tooth means 28, and the fulcrum portions 56 of the generally arcuate arms 50 firmly contact the insulating sheaths 15 of the conductor cables 13. Further movement of the complete retaining means 48 will be restricted due to the engagement of the fulcrum portions 56 with the conductor cable 13. However, the pliable nature of the retaining means 48 will allow a certain degree of flexing between the fulcrum portions 56 and the transverse member 42. As a result, the retaining means 48 may be easily moved further in the closing direction with the engaging ratchet tooth means 46 and the body ratchet tooth means 28 locking the retaining means 48 in position with respect to the body member 10.

The further movement of the retaining means 48 beyond the initial contact of the fulcrum portions 56 with the cables 13, 14 introduces a spring force in the arcuate arm 50 which causes the fulcrum portions 56 to exert a respectively greater force on the cables 13, 14. Thus the conductor cables 13 are firmly held in their respective seats 24. The retaining means 48 for the messenger cable 14 is similarly rotated to a fully closed position so that the fulcrum portion 56 of its generally

4

arcuate arm 50 firmly contacts the messenger cable 14 thereby to firmly hold it in its seat 26.

The holes or perforations 44 may be used to close and open the retaining means 48 by inserting a screwdriver or other elongate tool and, using the tool as a lever, either to tighten the retaining means 48 with respect to the cable 13, 14 or to pry it open so that it may be rotated to an open position in the event it becomes necessary to repair or replace the cables 13, 14.

It will be apparent to persons skilled in the art that a spacer embodying this invention is new, economical to manufacture and assemble and durable in use. It is also free from bushings, sleeves and grommets surrounding the messenger and conductor cables 13, 14 and the spacer can accommodate a wide range of cable sizes. Furthermore, it consists of only two parts, the body 10, and four cable retaining means 48 and all of these parts are made of the same polymeric material at the same time using a single mold cut. The body 10 and the retaining means 48 are weather and track resistant. In addition, the novel cable retaining means 48 is easily closed while also providing a sufficient force on the cable 13, 14.

While a preferred embodiment of a spacer for aerial cables embodying the invention has been shown in the drawings, it is to be understood that this disclosure is for the purpose of illustration only, and that various changes in shape, proportion and arrangement of parts as well as the substitution of equivalent elements for those shown and described herein may be made without departing from the spirit and scope of the invention as set forth in the appended claims.

What is claimed:

1. A device for supporting and spacing aerial cables, the device comprising:

a main body portion, the main body portion having, a cable seat, and a first side adjacent cable seat, and a second side adjacent the cable seat and opposite from the first side; and a flexible cable retaining arm having, a first end pivotally coupled to the second side of the main body portion, a second end, the second end having a means for releasably engaging the first side of the main body portion, and mid portion, the mid portion having a fulcrum portion, whereby the flexible cable retaining arm is capable of closing upon a cable positioned in the cable seat, and being flexible so as to create a resilient force in conjunction with the fulcrum portion, engaging and applying this force to the cable and whereby the flexible cable retaining arm, with the fulcrum portion engaging the cable, allows further closing force to be applied to the second end and the cable, as the flexible cable retaining arm bends, and the releasably engaging means, being capable of securely locking the bent flexible cable retaining arm, maintains this force on the cable.

2. A The device of claim 1, wherein the first side of the main body portion includes a plurality of teeth and the releasably engaging means includes a portion capable of releasably engaging the plurality of teeth, whereby the cable retaining arm is releasably locked in a position to retain the cable in the cable seat.

3. The device of claim 1, wherein the mid portion includes an elbow portion the fulcrum portion being located between the elbow portion and the first end of the cable retaining arm.

6,047,930

5

4. The device of claim 1, wherein the fulcrum portion includes a projection extending from the retaining arm in a direction generally towards the cable seat with the cable retaining arm in a closed position.

5. The device of claim 1, wherein the cable retaining arm and fulcrum portion are formed as a single piece by an injection mold.

6. A device for supporting and spacing aerial cables, the device comprising:

- at least one cable retainer, each of said at least one cable retainer having;
- a cable seat,
- a first adjacent cable seat,
- a second side adjacent the cable seat and opposite from the first side, and
- a flexible cable retaining arm having,
- a first end pivotally coupled to the second side,
- a second end, the second end having a means for releasably engaging the first side of the main body portion, and
- mid portion, the mid portion having a fulcrum portion,

whereby the flexible cable retaining arm is capable of closing upon a cable positioned in the cable seat and being flexible so as to create a resilient force in conjunction with the fulcrum portion engaging and applying this force to the cable and whereby the flexible cable retaining arm, with the fulcrum portion engaging the cable, allows further closing force to be applied to the second end and the cable, as the flexible cable retaining arm bends, and the releasably engaging means, being capable of securely locking the bent flexible cable retaining arm, maintains this force on the cable.

7. The device of claim 6, wherein the first side of the cable seat includes a plurality of teeth and the releasably engaging means includes a portion capable of releasably engaging the plurality of teeth, whereby the cable retaining arm is releasably locked in a position to retain the cable in the cable seat.

8. The device of claim 6, wherein the mid portion includes an elbow portion, the fulcrum portion being located between the elbow portion and the first end of the cable retaining arm.

9. The device of claim 6, wherein the fulcrum portion includes a projection extending from the retaining arm in a direction generally towards the cable seat with the cable retaining arm in a closed position.

10. The device of claim 6, wherein the cable retaining arm and fulcrum portion are formed as a single piece by an injection mold.

6

11. An aerial cable spacer comprising:
a main body portion having a messenger cable retainer and at least one conductor cable retainer, each of the messenger and cable retainers having,

- a hook portion extending in a plane and having,
- a neck portion extending from the main body portion,
- a head portion extending from the neck portion, the head portion forming a concave cable seat,
- an end portion extending from the head portion,
- a flexible cable retaining arm having,
- first and second parallel arms, each arm having a first end pivotally coupled to the hook portion adjacent the concave cable seat and opposite from the end portion, a second end and a mid portion, the mid portion having a fulcrum portion,

a cross member having a first end and a second end, each cross member end connected to a respective second end of the first and second parallel arms, and means for releasably engaging the end portion of the hook portion, the releasably engaging means extending from the cross member, whereby the flexible cable retaining arm is capable of closing upon a cable positioned in the cable seat with the fulcrum portion engaging and applying a force to the cable and whereby the flexible cable retaining arm, with the fulcrum portion engaging the cable, allows further closing force to be applied to the second end and the cable, as the flexible retaining arm bends, and the releasably engaging means, being capable of securely locking the bent flexible cable retaining arm, maintains this force on the cable.

12. The device of claim 11, wherein the end portion of the cable seat includes a plurality of teeth and the releasably engaging means includes a portion capable of releasably engaging the plurality of teeth, whereby the cable retaining arm is releasably locked in a position to retain the cable in the cable seat.

13. The aerial cable spacer of claim 11, wherein the mid portion includes an elbow portion, each fulcrum portion being located between the respective elbow portion and the respective first end of the parallel arms.

14. The aerial cable spacer of claim 11, wherein each of the fulcrum portions includes a projection extending from the retaining arm in a direction generally towards the cable seat with the cable retaining arm in a closed position.

15. The aerial cable spacer of claim 11, wherein each cable retaining arm and fulcrum portion are molded as a single piece.

* * * * *

EXHIBIT 2



DLA Piper US LLP
203 North LaSalle Street, Suite 1900
Chicago, Illinois 60601-1263
www.dlapiper.com

Thomas W. Ryan
thomas.ryan@dlapiper.com
T 312.368.4058
F 312.630.7388

March 23, 2007
VIA UPS

OUR FILE NO. 231303-001001

Southwire Company
Attention: Legal Department
One Southwire Drive
Carrollton, Georgia 30119

Re: **Hendrix Wire & Cable Co.**
U.S. Patent No. 6,047,930

To Whom it May Concern:

We represent Hendrix Wire & Cable Co. of Milford, New Hampshire ("Hendrix") in the acquisition and protection of the company's valuable intellectual property rights. Hendrix is the owner of U.S. Patent Number 6,047,930 (the " '930 patent") covering an aerial cable retainer; a copy of the '930 patent is enclosed for your reference.

Hendrix recently came into possession of an aerial spacer, depicted in the enclosed photographs, that was apparently manufactured by PLP-Brazil (the "PLP Spacer") for your company. It is Hendrix's understanding that the PLP Spacer has been shown at trade shows within the United States and may be sold as part of a "kit." In conjunction with Hendrix, we have reviewed the PLP Spacer and based on our review, it appears that the PLP Spacer literally and directly infringes one or more claims of the '930 patent.

Pursuant to Section 271 of Title 35 of the United States Code (37 U.S.C. §271) "whoever without authority makes, uses, *offers to sell or sells* any patented invention within the United States or import into the United States any patented invention during the term of the patent therefore, infringes the patent" (emphasis added). Under United States law, Hendrix is entitled to seek monetary damages in the form of lost sales or a reasonable royalty and a permanent injunction against future sales and manufacture. To the extent that any sales have taken place subsequent to you learning of Hendrix's patent, whether through this letter or prior knowledge, Hendrix is entitled to seek treble damages for willful infringement.

At this point in time, Hendrix would prefer Southwire to withdraw the PLP Spacer from its product offering or seek a prompt commercial resolution to this issue. If you prefer a commercial resolution, please contact the following on or before **April 10, 2007** to begin such discussions:

Eric Snitgen
Vice President and General Manager—Hendrix Aerial Cable and Systems
53 Old Wilton Road, Milford NH 03055-3119
603-249-1261
esnitgen@hendrix-wc.com



Southwire Company
March 23, 2007
Page 2

Please be clear: Although Hendrix currently desires to handle this matter by way of business-to-business discussions, such position in no way diminishes Hendrix's belief that the PLP Spacer infringes the '930 patent and may not be used, sold, offered for sale or imported into the United States. Further, if Southwire unable to provide a timely and satisfactory commercial resolution, Hendrix will have no choice but to otherwise consider all legal and equitable remedies to protect its valuable intellectual property rights.

For your information, please note that Hendrix has two additional U.S. Patents, U.S. Patent Nos. 6,170,783 and 6,303,856, also directed toward aerial spacers. Copies of these two patents are also enclosed

We look forward to your prompt reply and full compliance.

Sincerely,

DLA Piper US LLP

A handwritten signature in black ink, appearing to read 'Thomas W. Ryan', with a long, sweeping underline.

Thomas W. Ryan

TWR:kw
Enclosures

cc: Eric Snitgen
R. Blake Johnston, Esq.

EXHIBIT 3

Violations List

Patent – 6,047,930

Claim #1 – Support of Cable
Cable seat, first and second adjacent cable seat
Flexible cable retaining arm

Claim #2 – Hook Description
Teeth used to retain cable

Claim #3 – Fulcrum Description
Location of fulcrum

Claim #4 – Fulcrum Portion
Extended projection

Claim #5 – Retaining Arm
Injection molded

Claim#6 - Support of Cable (similar to Claim #1)
Cable seat, first and second adjacent cable seat
Flexible cable retaining arm

Claim #7 - Hook Description
Teeth used to retain cable (similar to Claim #2)

Claim #8 – Fulcrum Description (similar to Claim #3)
Location of fulcrum

Claim #9 – Fulcrum Portion (similar to Claim #4)
Extended projection

Claim #10 – Retaining Arm (similar to Claim #5)
Injection molded

Claim #11 – Support of Cable (similar to Claim #1 and #6)
Cable seat, first and second adjacent cable seat
Flexible cable retaining arm

Claim #12 – Hook Description (similar to Claim #2 and #7)
Teeth used to retain cable

Claim #13 – Fulcrum Description (similar to Claim #3 and #8)
Location of fulcrum

Claim #14 – Fulcrum Portion (similar to Claim #4 and #9)
Extended projection

Claim #15 – Retaining Arm (similar to Claim #5 and #10)
Injection molded