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

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

**INVISAFLOW, LLC**

Plaintiff,

v.

**EURAMAX INTERNATIONAL, INC.  
and EURAMAX HOLDINGS, INC.**

Defendants.

SCJ

Civil Action No.  
**1:12-CV-2971**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Invisaflow, LLC (“Plaintiff” or “Invisaflow”), by its attorneys, files this Complaint for Patent Infringement against Defendants Euramax International, Inc. (“Euramax”), including its division Amerimax Home Products, and Euramax Holdings Inc. (“Euramax Holdings”) (also referred to collectively as “the Defendants”), based upon actual knowledge as to itself and its own actions, and upon information and belief as to all other persons and events, as follows:

### **Nature of the Action**

1. This is an action for patent infringement under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

### **The Parties**

2. Plaintiff Invisaflow is a limited liability company organized and existing under the laws of the State of Georgia, with its principal place of business at 1350 Bluegrass Lakes Parkway, Alpharetta, Georgia 30004.

3. Upon information and belief, Defendant Euramax is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 5445 Triangle Parkway, Suite 350, Norcross, Georgia 30092.

4. Upon information and belief, until about 2012, Amerimax Home Products, Inc. was a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 5445 Triangle Parkway, Suite 350, Norcross, Georgia 30092. Upon information and belief, by about 2012, Amerimax Home Products, Inc. merged with and integrated into Defendant Euramax. Upon information and belief, since the merger and integration, Amerimax Home Products now operates as a division of Defendant Euramax.

5. Upon information and belief, Defendant Euramax Holdings is a company organized and existing under the laws of Delaware, having a principal place of business at 5445 Triangle Parkway, Suite 350, Norcross, Georgia 30092.

6. Upon information and belief, Defendant Euramax is a wholly owned subsidiary of Defendant Euramax Holdings.

### **Jurisdiction and Venue**

7. This claim arises under the United States patent laws, 35 U.S.C. § 1, *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. Defendant Euramax is subject to personal jurisdiction in Georgia because, among other things, it has, directly or through intermediaries, committed acts within Georgia giving rise to this action and/or regularly does business, derives substantial revenues, and has established minimum contacts with Georgia such that the exercise of jurisdiction would not offend traditional notions of fair play and justice.

9. Defendant Euramax Holdings is subject to personal jurisdiction in Georgia because, among other things, it has, directly or through intermediaries, committed acts within Georgia giving rise to this action and/or regularly does business, derives substantial revenues, and has established minimum contacts with

Georgia such that the exercise of jurisdiction would not offend traditional notions of fair play and justice.

10. Venue is proper in this District and Division pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). Upon information and belief, the Defendants each have maintained a regular and established place of business and are doing business in this judicial district, and have committed acts of infringement arising out of their contacts in and are causing injury to Plaintiff Invisaflo in this judicial district.

#### **Factual Background**

11. Plaintiff Invisaflo has been in business since 2008 manufacturing and selling innovative products in the drainage industry, including low-profile water emitting attachments.

12. On August 28, 2012, United States Patent No. 8,251,302 (“the ‘302 Patent”), entitled “Low Profile Attachment for Emitting Water with Connector for Corrugated Pipe,” was duly and legally issued to inventor Sloan Haynes, Jr. The ‘302 Patent has been duly and legally assigned to Plaintiff Invisaflo. A true and correct copy of the ‘302 Patent is attached hereto as Exhibit 1.

13. Plaintiff Invisaflo is the owner by assignment of the ‘302 Patent, and has the full and exclusive right to bring suit to enforce the ‘302 Patent, and recover for any and all infringement thereof.

14. Upon information and belief, the Defendants have infringed the '302 Patent by making, offering for sale, selling, importing, and/or using products in the United States that embody the patented inventions described and claimed in the '302 Patent. Upon information and belief, these infringing products include, but are not limited to, the "Extend-A-Spout Low Profile Drainage System" product as marketed in various stores and online at [www.extendaspout.com](http://www.extendaspout.com), wherein such infringement is shown in Exhibit 2 attached hereto.

15. As a result of the infringement of the '302 Patent, Plaintiff Invisaflo has been damaged, will be further damaged, and is entitled to be compensated for such damages, pursuant to 35 U.S.C. § 284, in an amount to be determined at trial, but no less than a reasonable royalty.

16. Plaintiff Invisaflo contacted the Defendants by letter on July 20, 2012 informing them of the expected issuance of the '302 Patent and requested that the Defendants cease and desist from all manufacturing, marketing, distribution, uses, offers for sale, and sales of the "Extend-A-Spout" product. The Defendants have continued to manufacture, market, distribute, use, offer for sale, import, and/or sell the "Extend-A-Spout" product. Accordingly, the Defendants' wrongful activities will continue unless enjoined by the Court.

17. Upon information and belief, Defendants purposefully continued manufacturing, marketing, distribution, use, offers for sale, imports, and/or sales of the “Extend-A-Spout” product despite knowledge of the ‘302 Patent and despite an objectively high likelihood that their actions constituted infringement of one or more valid claims of the ‘302 Patent (as Defendants knew or should have known), warranting an award of increased damages, a finding of willful infringement, and a finding that this case is “exceptional” pursuant to 35 U.S.C. §§ 284 and 285.

**Count I – Defendants’ Infringement of U.S. Patent No. 8,251,302**

18. Plaintiff Invisaflo repeats and re-alleges the allegations of paragraphs 1 –17 above as if fully set forth herein.

19. Upon information and belief, the Defendants have infringed and are continuing to infringe the ‘302 Patent, willfully and deliberately, by engaging in acts including making, selling, offering to sell, importing, and/or using products that embody the patented inventions described and claimed in the ‘302 Patent. Upon information and belief, these infringing products include, but are not limited to, the Extend-A-Spout Low Profile Drainage System product.

20. Upon information and belief, the Defendants will continue to infringe the ‘302 Patent unless and until enjoined by this Court. As a result of the Defendants’ infringing conduct, Plaintiff Invisaflo has suffered, and will continue



to suffer, irreparable harm for which there is no adequate remedy at law. Plaintiff Invisaflo is entitled to preliminary and permanent injunctive relief against such infringement, under 35 U.S.C. § 283.

21. Plaintiff Invisaflo gave Defendants notice of their infringement of the '302 Patent on July 20, 2012, but the Defendants have continued their infringement, in willful disregard of the '302 Patent and Plaintiff Invisaflo's rights created thereunder. This is an exceptional case because of the Defendants' willful infringement.

22. Attached hereto as Exhibit 2 is a claim chart depicting that Defendants are infringing at least two claims of the '302 Patent.

23. As a result of the infringement of the '302 Patent, Plaintiff Invisaflo has been damaged, will be further damaged, and is entitled to be compensated for such damages, pursuant to 35 U.S.C. § 284, in an amount to be determined at trial.

24. The Defendants' acts of infringement have been without an express or implied license by Plaintiff Invisaflo, and are in violation of the rights owned by Plaintiff Invisaflo.

### **Demand for Jury Trial**

25. Plaintiff Invisaflo demands a trial by jury on all appropriate issues.

**Prayer for Relief**

WHEREFORE, upon final hearing or trial, Plaintiff Invisaflo w prays for the following relief:

(a) A judgment that the Defendants have infringed one or more claims of the '302 Patent;

(b) A judgment and order permanently restraining and enjoining the Defendants, their directors, officers, employees, servants, agents, affiliates, subsidiaries, others controlled by them, and all persons in active concert or participation with them, from further infringing the '302 Patent;

(c) A judgment and order requiring the Defendants to pay damages to Plaintiff Invisaflo w adequate to compensate it for the Defendants' wrongful infringing acts, in accordance with 35 U.S.C. § 284;

(d) A judgment and order that Defendants' infringement of the '302 Patent has been deliberate and willful;

(e) A judgment and order requiring the Defendants to pay to Plaintiff Invisaflo w enhanced damages for Defendants' willful infringement of the '302 Patent, up to three times the amount of compensatory damages against Defendants, and pre-judgment interest under 35 U.S.C. § 284, and post-judgment interest under 28 U.S.C. § 1961, on all damages awarded;



(f) A finding in favor of Plaintiff InvisafLOW that this is an exceptional case, under 35 U.S.C. § 285, and an award to Plaintiff InvisafLOW of its costs, including its reasonable attorney fees and other expenses incurred in connection with this action; and

(g) Such other costs and further relief as this Court may deem just and proper.

This 28th day of August, 2012.

By: \_\_\_\_\_



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