

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

Kason Industries, Inc.	)	
	)	
	)	
Plaintiff,	)	CIVIL ACTION FILE NO.
v.	)	
	)	
Dent Design Hardware, Ltd.	)	<b><u>JURY TRIAL DEMANDED</u></b>
	)	
	)	
Defendant.	)	

**COMPLAINT**

COMES NOW Plaintiff, Kason Industries, Inc. (“Kason”), and for its Complaint against Defendant, Dent Design Hardware, Ltd. (“Dent”), states the following:

**THE PARTIES**

1. Kason is a corporation organized under the laws of the State of New York, with its principal place of business in Newnan, Georgia.
2. Upon information and belief, Defendant Dent is a corporation organized under the laws of the State of Pennsylvania, with its principal place of business in Whitehall, Pennsylvania. Defendant can be served through its registered agent at 4142 Redbud Drive W., Whitehall, Pennsylvania 18052.

## **JURISDICTION AND VENUE**

3. This is an action against Defendant Dent for patent infringement arising under the Patent Laws of the United States, specifically 35 U.S.C. § 271 and 35 U.S.C. § 281.

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 as it involves a federal question; United States Patent Laws, 28 U.S.C. §1338(a) as it involves federal patent law; and 28 U.S.C. § 1332 as the action is between citizens of different States, and the amount in controversy in this action, exclusive of interest and costs, exceeds the sum of \$75,000.00.

5. This Court has personal jurisdiction over Dent by reason of the business that Dent has transacted and continues to transact in this judicial district and division, and has sufficient minimum contacts with this judicial district and division. In particular, Dent has made and continues to make, has offered to sell and continues to offer to sell, has sold and continues to sell, has used and continues to use, and/or has imported and continues to import commercial refrigeration door hinges that infringe valid and enforceable claims of Kason's patent.

6. In addition, this Court has personal jurisdiction over Dent because it has knowingly and actively engaged in acts that have infringed, will infringe,

and/or aid and abet in the direct infringement of claims of Kason's patent in this judicial district and division.

7. Venue is proper in this district and division pursuant to 28 U.S.C. § 1391, 28 U.S.C. § 1400, and Local Rule 3.1 B.

### **THE CONTROVERSY**

8. Since the 1920's, Kason has been and continues to be engaged in the business of developing refrigeration hardware in the United States.

9. Over the years, Kason has created hundreds of innovative, reliable products and has grown in size, sophistication, and reputation to become a leading manufacturer of commercial refrigeration hardware in the United States.

10. Today, Kason is headquartered in Newnan, Georgia where its facilities include nearly 250,000 square feet of manufacturing plants and offices.

11. The commercial refrigeration hardware industry into which Kason sells its products includes at least two types of customers: original equipment manufacturers (OEM's) and replacement hardware distributors. OEMs purchase and incorporate certain hardware into the final products they manufacture, such as commercial refrigerators. Replacement parts distributors sell the hardware to commercial equipment owners who need the original hardware replaced.

12. Defendant Dent competes with Kason and sells products to the commercial refrigeration hardware industry.

13. On January 18, 2011, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,870,642 (“the ‘642 Patent”) to inventors Burl M. Finkelstein, Brett A. Mitchell, and Thomas A. Thorsen for the invention entitled “ANTI-SAG HINGE.” (See Exhibit A, Plaintiff’s U.S. Patent, Reg. No. 7,870,642.)

14. The ‘642 Patent discloses and claims, *inter alia*, a novel lateral adjuster for commercial refrigeration door hinges.

15. The ‘642 Patent is currently in full force and effect. In accordance with 35 U.S.C. § 282, the ‘642 Patent, and each and every claim thereof, is presumed to be valid.

16. All rights, title and interest in and to the ‘642 Patent have been assigned to Kason, which is the sole owner of the ‘642 Patent.

17. Defendant Dent promotes, offers to sell, provides and sells refrigeration hardware products, including, but not limited to, its D690 (Adjustable) hinge (“Accused Products”), which infringes one or more of the inventions claimed in the ‘642 Patent. (See Exhibit B, pages from Defendant’s

catalog showing some of the Accused Products. See also, Exhibit C, photograph of one of the Accused Products.)

18. With the '642 Patent in full force and effect, Defendant Dent has made, used, sold, offered for sale and/or imported refrigeration hardware in blatant disregard of Kason's patent rights. Indeed, Defendant's infringing acts, including the introduction, promotion, and sale of products covered by Kason's '642 patent, has occurred without any attempt made by Defendant to secure any rights or authorization from Kason to make, use, import, offer to sell, or sell the Accused Products.

19. Defendant Dent has been notified of its infringement of Kason's '642 Patent pursuant to 35 U.S.C. § 287, including by letters sent directly to Mr. Tim Dodge, Defendant's president, on November 2, 2012 and November 15, 2012.

20. Upon information and belief, Defendant Dent is distributing its refrigeration hardware throughout the United States and the State of Georgia.

### **COUNT I**

#### **PATENT INFRINGEMENT--U.S. PATENT NO. 7,870,642 B1**

21. Kason hereby incorporates and realleges paragraphs one (1) through twenty (20) as if fully set forth herein.

22. Defendant has made, used, offered for sale, distributed, sold and/or imported into the United States refrigeration hardware products, including, but not limited to the Accused Products, which infringe the '642 Patent.

23. Defendant has caused and will continue to cause Kason irreparable injury and damage by directly infringing, actively inducing others to infringe, and/or contributing to infringement of the '642 Patent. Kason will suffer further irreparable injury, for which Kason has no adequate remedy at law, unless and until Defendant Dent is enjoined from infringing the '642 Patent.

24. Defendant's infringement constitutes willful and intentional infringement making this an exceptional case and justifying the imposition of treble damages and an award of reasonable attorneys' fees to Kason within the provisions of 35 U.S.C. §§ 284-85.

25. By reason of the acts of Defendant alleged herein, Kason has suffered, is suffering and will continue to suffer irreparable damage, and unless Defendant is restrained from continuing its wrongful acts, the damage to Kason will increase.

### **JURY DEMAND**

Kason demands a trial by jury of all issues so triable.

### **PRAYER FOR RELIEF**

WHEREFORE, Kason respectfully prays for the following relief:

A. That the Court enter judgment that Defendant Dent has directly and/or indirectly (induced/contributory) infringed one or more claims of the '642 Patent in violation of 35 U.S.C. § 271;

B. That the Court issue an injunction requiring Defendant Dent, its officers, agents, servants and employees be enjoined and restrained from making, using, offering to sell, selling, or importing into the United States Defendant's Accused Products;

C. That the Court enter judgment and order as part of the injunction Defendant be directed to file with this Court and serve on Plaintiff within thirty days after issuance of the injunction, a report in writing under oath, setting forth in detail the manner and form in which Defendant has complied with the injunction;

D. That as a further part of the injunction Defendant be required to deliver up and destroy all of Defendant's infringing products;

E. That the Court enter judgment and order Defendant account for and pay to Plaintiff all damages available to Kason for Defendant's infringement of the '642 Patent, and that the Court increase the amount of damages to three times the

amount found or assessed by the Court because of the willful and deliberate nature of the infringement, in accordance with 35 U.S.C. § 284;

F. That the Court declare this an exceptional case and that Plaintiff be granted its reasonable attorneys' fees in accordance with 35 U.S.C. § 285;

G. That the Court require Defendant to notify its commercial licensees, dealers, associates, suppliers, and customers of said injunction and judgment of this Court;

H. That the Court grant Kason prejudgment interest and costs; and

I. That the Court grant such other and further relief as the Court may deem just.

Respectfully submitted this 3rd day of December, 2012.

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.

/s/ Michael J. Powell

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## **CERTIFICATE OF COMPLIANCE**

Undersigned counsel certifies the foregoing document has been prepared with one of the font and point selections (Times New Roman, 14 point) approved by the court in local rule 5.1 (C) and 7.1 (D).

This 3rd day of December, 2012.

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.

/s/ Michael J. Powell

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