

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MOJACK DISTRIBUTORS, LLC)	
)	
Plaintiff,)	
)	
v.)	Case No. _____
)	
TUXEDO DISTRIBUTORS, LLC)	JURY TRIAL DEMANDED
)	
Defendant.)	COMPLAINT FOR PATENT
)	INFRINGEMENT
)	

COMPLAINT

Plaintiff MoJack Distributors, LLC (“MoJack”), for its complaint against Defendant Tuxedo Distributors, LLC (“Tuxedo Distributors”), states as follows:

The Parties

1. MoJack is a limited liability company organized and existing under the laws of the state of Kansas, with a principal place of business at 3535 North Rock Road, Suite 300, Wichita, Kansas 67226. All of the members of MoJack are residents of the State of Kansas.

2. Tuxedo Distributors, LLC is a limited liability company organized and existing under the laws of the state of Massachusetts, with its principal office at 10 Park Place, Lee, Massachusetts, 01238. None of the members of Tuxedo Distributors is a citizen or resident of the State of Kansas.

Jurisdiction

3. This action arises under the patent laws of the United States, Title 35 of the United States Code, 35 U.S.C. § 1 *et seq.*, including §§ 271 and 281. This court has jurisdiction over the subject matter of this complaint under 28 U.S.C. §§ 1331 and 1338.

4. According to the most recent filings with the Texas Secretary of State, Tuxedo Distributors is foreign limited liability company registered to do business in the state of Texas, with a place of business located at 1905 N. Main Street, Suite C, Cleburne, Texas 76033.

5. On information and belief, Tuxedo Distributors conducts business in this judicial district.

6. On information and belief, Tuxedo Distributors offers products for sale in this judicial district.

7. On information and belief, Tuxedo Distributors offers the Lift Product for sale in this judicial district.

8. On information and belief, Tuxedo Distributors sells products in this judicial district.

9. On information and belief, Tuxedo Distributors sells the Lift Product in this judicial district.

10. On information and belief, Tuxedo Distributors imports products into the United States, including this judicial district.

11. On information and belief, Tuxedo Distributors imports the Lift Product into the United States, including this judicial district.

12. Tuxedo Distributors is subject to this court's personal jurisdiction by virtue of their registration to do business in the state of Texas and this district, and its transaction of business in the State of Texas and this district.

13. Tuxedo Distributors is also subject to this court's general jurisdiction as a result of regularly doing or soliciting business, engaging in persistent courses of conduct, and/or deriving substantial revenue from goods sold and provided to persons or entities residing in this judicial district.

Venue

14. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400.

Factual Background

15. MoJack manufactures and sells vehicle lifts ("MoJack Lifts") capable of elevating two wheels of a multi-wheeled vehicle thereby allowing maintenance to be performed on the vehicle.

16. The MoJack Lifts include features claimed in pending U.S. patent applications, as well as features claimed in the Patent-In-Suit.

The Patent-In-Suit

17. Plaintiff MoJack is the owner by assignment of all right, title, and interest in and to United States Patent No. 8,448,920 (the "'920 patent"), titled "Methods and Apparatuses for a Small Vehicle Jack Apparatus," which was duly and legally issued by the United States Patent and Trademark Office in the name of Norman Krug on May 28, 2013. A true and correct copy of the '920 patent is attached to this complaint as Exhibit A.

18. The '920 patent is valid and enforceable.

Tuxedo Distributors

19. Tuxedo Distributors has made, used, offered to sell, and/or sold in the United States, and/or imported into the United States, a product called the "MJ-400 Lawn Mower Service Lift" (the "Lift Product"). An image of the Lift Product is attached as Exhibit B.

20. Tuxedo Distributors continues to make, use, offer to sell, and/or sell in the United States, and/or import into the United States, the Lift Product.

21. On information and belief, within this judicial district, Tuxedo Distributors has made, used, offered to sell, and/or sold, and or imported the Lift Product, and continues to make, use, offers to sell, and/or sell, and or/import the Lift Product.

22. Tuxedo Distributors' making, using, offering to sell, selling, and/or importing of the Lift Product in the United States is without the permission of MoJack.

23. Tuxedo Distributors' making, using, offer to sell, selling, and/or importing of the Lift Product in the United States infringes one or more claims of the '920 patent.

Count I

Infringement of U.S. Patent No. 8,448,920

24. MoJack realleges and incorporates by reference the allegations set forth in paragraphs 1 – 23 above.

25. Tuxedo Distributors has directly infringed, actively induced infringement, and/or contributorily infringed one or more claims of the '920 patent by making, using, offering for sale, selling, and/or importing the Lift Product in the United States without MoJack's permission.

26. Tuxedo Distributors' infringement of the '920 patent will continue unless enjoined by this court.

27. As a direct and proximate consequence of Tuxedo Distributors' infringement of the '920 patent, MoJack has suffered and will continue to suffer irreparable injury and damages, in an amount to be determined at trial, for which MoJack is entitled to relief.

Prayer for Relief

WHEREFORE, MoJack requests this court enter judgment against Tuxedo Distributors, and grant MoJack the following relief:

- A. Enter judgment that MoJack's asserted patent is valid and enforceable;
- B. Enter judgment that Tuxedo Distributors infringed one or more claims of MoJack's asserted patent;
- C. Enter judgment that Tuxedo Distributors has induced infringement of MoJack's asserted patent;
- D. Enter judgment that Tuxedo Distributors has contributorily infringed one or more claims of MoJack's asserted patent;
- E. Enter a permanent injunction restraining and enjoining Tuxedo Distributors, and its officers, agents, servants, employees, attorneys, and those persons in active concert or participation with Tuxedo Distributors who receive actual notice of the order by personal service or otherwise, from any further making, using, offering for sale, or selling the Lift Product that infringes MoJack's asserted patent, whether direct or indirect;
- F. An award of a reasonable royalty under 35 U.S.C. § 154 adequate to compensate MoJack for Tuxedo Distributors' infringement of MoJack's provisional rights in MoJack's asserted patent;
- G. An award of damages under 35 U.S.C. § 284 adequate to compensate MoJack for Tuxedo Distributors' infringement of MoJack's asserted patent, in an amount not less than a reasonable royalty, together with interest and costs;
- H. A finding that this case is exceptional under 35 U.S.C. § 285;
- I. An award to MoJack of its reasonable attorney fees under 35 U.S.C. § 285; and
- J. Such other further relief as this court or a jury may deem just and/or proper.

Demand for Jury Trial

MoJack respectfully demands a trial by jury on all claims and issues so triable.

Respectfully Submitted
May 29, 2013

/s/ J. Sean Lemoine

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