

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

VICTAULIC COMPANY,

Plaintiff,

v.

ROMAR SUPPLY, INCORPORATED,

Defendant.

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Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff VICTAULIC COMPANY files this Complaint against Defendant ROMAR SUPPLY, INCORPORATED, alleging as follows.

THE PARTIES

1. Plaintiff Victaulic Company (“Victaulic” or “Plaintiff”) is a New Jersey corporation with a principal place of business at 4901 Kesslersville Road, Easton, Pennsylvania.

2. On information and belief, Defendant Romar Supply, Incorporated (“Romar” or “Defendant”) is a Texas corporation with a principal place of business at 2300 Carl Road, Irving, Texas. Defendant Romar may be served with process by serving its Registered Agent, Ronald T. Adair, at 2300 Carl Road, Irving, Texas.

JURISDICTION AND VENUE

3. This is an action for infringement of United States patents. Federal question jurisdiction is conferred upon this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Upon information and belief, Defendant’s principal place of business is within the Dallas Division of the Northern District of Texas, making this venue fair, reasonable, and convenient. Defendant has committed such purposeful acts and/or transactions in this District

that it reasonably should know and expect that it could be haled into this Court as a consequence of such activity. Upon information and belief, Defendant has transacted and, at the time of the filing of this Complaint, is transacting business within the Dallas Division of the Northern District of Texas. For example, Romar owns and operates a distribution center in Irving, Texas, and the infringing products have been and/or will be distributed by Romar through that distribution center.

5. For these reasons, this Court has personal jurisdiction over the Defendant, and venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

PATENT INFRINGEMENT

6. U.S. Patent No. 7,086,131 (the “’131 Patent”) was duly and legally issued by the United States Patent and Trademark Office to Victaulic on August 8, 2006. A copy of the ’131 Patent is attached as Exhibit 1.

7. U.S. Patent No. 7,712,796 (the “’796 Patent”) was duly and legally issued by the United States Patent and Trademark Office to Victaulic on May 11, 2010. A copy of the ’796 Patent is attached as Exhibit 2.

8. By way of assignment, Victaulic is the sole owner of the entire right, title and interest in and to the ’131 Patent and the ’796 Patent and has the exclusive right to sue for infringement of said patents, to recover damages, including past damages, associated therewith, and to seek other forms of relief, both legal and equitable, flowing therefrom, including injunctive relief.

9. The ’131 and ’796 Patents are collectively referred to as the Patents-in-Suit.

10. Victaulic has complied with the patent marking statute, 35 U.S.C. § 287.

THE INFRINGING PRODUCT - THE SLIDELOK COUPLING

11. The SlideLok pipe coupling comprises two coupling segments held together by two pairs of bolts and nuts, with an inner gasket. The coupling segments fit around two cylindrical pipe segments to be joined together. The segments deform when properly installed on a pipe joint, to conform with the outer surfaces of the pipe segments forming the joint.

12. The SlideLok coupling is described in more detail in the brochure attached as Exhibit 3.

COUNT ONE: INFRINGEMENT OF U.S. PATENT NO. 7,086,131

13. Victaulic incorporates and realleges paragraphs 1 to 12.

14. Romar is inducing and contributing to infringement of the '131 Patent, in violation of 35 U.S.C. § 271(b) and (c), by selling, in this district, the SlideLok coupling and by inducing third parties to use the coupling in a manner that infringes the claim of the '131 Patent. When one properly installs a SlideLok coupling, one practices the claimed method of the '131 Patent and thus directly infringes the '131 Patent. The SlideLok coupling is a material part of the claimed method of the '131 Patent, is especially made and/or adapted for use in a method that infringes the '131 Patent, and is not a staple article or commodity of commerce suitable for substantial non-infringing use.

15. Romar's infringing activities have caused, and are continuing to cause, substantial damage to Victaulic, in an amount to be proven at trial.

16. On information and belief, Romar will continue to infringe the '131 Patent unless enjoined by this Court.

17. Romar's infringement of the '131 Patent has been and is willful.

COUNT TWO: INFRINGEMENT OF U.S. PATENT NO. 7,712,796

18. Victaulic incorporates and realleges paragraphs 1 to 17.

19. Romar is inducing and contributing to infringement of the '796 Patent, in violation of 35 U.S.C. § 271(b) and (c), by selling, in this district, the SlideLok coupling and by inducing third parties to install the coupling in a manner that infringes at least claim 1 of the '796 Patent. When one properly installs a SlideLok coupling and uses a properly installed SlideLok coupling, one directly infringes claims of the '796 Patent. The SlideLok coupling is a material part of the invention defined by claims of the '796 Patent, is especially made and/or adapted for use in a manner that infringes the '796 Patent, and is not a staple article or commodity of commerce suitable for substantial non-infringing use.

20. Romar's infringing activities have caused, and are continuing to cause, substantial damage to Victaulic, in an amount to be proven at trial.

21. Based on the above, Defendant is liable to Plaintiff in an amount that adequately compensates for the infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

22. Upon information and belief, Defendant will continue its infringement of the Patents-in-Suit unless enjoined by the Court. Defendant's infringing conduct has been and is willful and has caused Plaintiff irreparable harm and will continue to cause such harm without the issuance of an injunction.

JURY DEMAND

Victaulic hereby demands a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of the Patent-in-Suit have been infringed, either literally or under the doctrine of equivalents, by Defendant and by others in situations where Defendant has induced or is inducing infringement by others and in situations where Defendant has contributed or is contributing to infringement by others;
- b. Judgment that Defendant account for and pay to Plaintiff all damages caused by Defendant's infringing activities and other conduct complained of herein;
- c. That Defendant's infringement be found to be willful from the time Defendant became aware of the infringing nature of its activities, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- c. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- d. That the Court declare this an exceptional case and award Plaintiff its reasonable attorney's fees in accordance with 35 U.S.C. § 285;
- e. That Defendant, including its officers, agents, servants, employees, attorneys, and those persons in active concert or participation with it, be preliminarily and permanently enjoined from any further activity or conduct that infringes one or more claims of the Patents-in-Suit; and

- f. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances, including all court costs that may be recoverable by a prevailing party.

Dated: July 17, 2013.

Respectfully submitted,

/s/ David A Skeels
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