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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

| | | |
|------------------------------|---|----------------------|
| VEHICLE SERVICES GROUP, LLC, |) | Case No. 4:13-cv-195 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| MOHAWK RESOURCES, LTD |) | |
| |) | |
| Defendant. |) | |
| |) | |

COMPLAINT AND JURY DEMAND

Plaintiff Vehicle Service Group, LLC (“VSG”), by its counsel, brings this action against Defendant Mohawk Resources, Ltd. (“Mohawk”) and alleges as follows:

1. VSG, headquartered in Madison, Indiana, is a leading designer and manufacturer of vehicle lifts, such as those you might see lifting a car in an auto mechanic’s shop. Many of the technologies incorporated in those vehicle lifts were invented by VSG, and thus are embodied in certain patents held by VSG. This case involves one such patent, referred to below as the ‘196 patent.

2. Mohawk also makes vehicle lifts, and it is a direct competitor of VSG in the marketplace. Mohawk’s lifts that are at issue in this case include at least model numbers MP-18, MP-24, and MP-30 Mobile Column Lifts. Those particular lifts incorporate the technology covered by VSG’s ‘196 patent, and thus infringe that patent.

3. VSG is filing this lawsuit to protect its patented technology.

PARTIES

4. VSG is incorporated as a Delaware limited liability company, with a place of business at 2700 Lanier Drive, Madison, IN 47250, where it has been headquartered since 1955.

5. On information and belief, Mohawk has its headquarters in Amsterdam, NY. As noted above, Mohawk makes, has made, uses, offers for sale, and/or sells, among other things, mobile column lifts with electronic controls, specifically at least model numbers MP-18, MP-24, and MP-30 Mobile Column Lifts, web pages showing pictures of these models are attached hereto as Exhibit A, B, and C (“the Accused Lifts”).

6. On information and belief, as stated on its website, Mohawk has many distributors throughout the U.S. and so has sold and/or offered for sale the Accused Lifts in this judicial district. See Exhibit D, Mohawk web page, “About Mohawk Lifts.”

JURISDICTION AND VENUE

7. This action arises under the patent laws of the United States, codified at 35 U.S.C. § 1, *et seq.*

8. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

9. This Court has personal jurisdiction over Mohawk because Mohawk has transacted business in Indiana and, on information and belief, has committed acts of infringement, and is continuing to commit acts of infringement, in this district. Among other things, on information and belief, Mohawk sells and offers for sale products, including the Accused Lifts, within this district.

10. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (d) and 1400(b).

THE ‘196 PATENT AND THE ACCUSED LIFTS

11. VSG is the owner of all right, title, and interest in and to United States Patent No. 6,983,196, entitled “Electronically Controlled Vehicle Lift and Vehicle Service System,” which

was duly and legally issued on Jan. 3, 2006 (“the ‘196 patent”). A copy of this patent is attached hereto as Exhibit E.

12. The ‘196 patent relates to a vehicle lift that has an electronic control which is functional to control the raising and lowering of the lift and to enable the display of a variety of information.

13. The ‘196 patent has 19 independent claims.

14. For example, claim 1 of the ‘196 patent requires a vehicle lift comprising a moveable lift engagement structure and a control comprising a first computer processor configured to selectively control raising and lowering said moveable lift engagement structure in response to user input and a second computer processor configured to enable display of lift data.

15. The Accused Lifts are each a vehicle lift with a moveable lift engagement structure. They each have a control that includes a processor for selectively raising and lowering the moveable lift engagement structure in response to user input and a display unit for display of lift data. Exhibits A-C.

16. The Accused Lifts each infringe one or more of the claims of the ‘196 patent.

17. Through the pictures on its website, www.mohawklifts.com, Mohawk is actively and knowingly inducing infringement of at least claim 145 of the ‘196 patent in this judicial district, and elsewhere in the United States, by instructing third parties, such as customers, to network together Accused Lifts.

18. On information and belief, Mohawk is knowingly contributing to the infringement by others of the ‘196 patent in this judicial district, and elsewhere in the United States, by making, using, offering for sale, and selling the Accused Lifts, which are a material part of practicing the invention claimed in at least claim 146 of the ‘196 patent. The Accused Lifts are

specially made or adapted to be networked together as part of the system as claimed in claim 145 of the '196 patent and are not a staple article or commodity of commerce suitable for substantial non-infringing use.

COUNT I
Patent Infringement

19. Paragraph Nos. 1 through 18 are incorporated herein by reference.

20. Mohawk has infringed and, on information and belief, is continuing to infringe, the '196 patent by making, having made, offering for sale, selling, using, importing into the United States, and/or actively inducing others to use or sell Accused Lifts in direct infringement of the '196 patent under 35 U.S.C. §271(a).

21. Mohawk's acts of infringement of the '196 patent have caused and will continue to cause VSG substantial and irreparable injury, for which VSG is entitled to receive injunctive relief and damages adequate to compensate it for such infringement, including in an amount equal to VSG's lost profits attributable to Mohawk's infringement, but in no event less than a reasonable royalty for the use made of the invention of the '196 patent by Mohawk.

22. On information and belief, Mohawk's infringing activities have been willful, entitling VSG to increased damages.

23. Mohawk's infringement warrants a finding that this is an exceptional case, entitling VSG to recover its attorneys' fees and expenses.

COUNT II
Inducing Infringement

24. Paragraph Nos. 1 through 23 are incorporated herein by reference.

25. Mohawk is actively and knowingly inducing infringement of at least one claim of the '196 patent by at least its distributors or customers. Mohawk's acts of inducement have

resulted in actual direct infringement of the '196 patent by others. Accordingly, Mohawk has induced infringement of the '196 patent under 35 U.S.C. §271(b).

26. Mohawk's acts of infringement of the '196 patent have caused and will continue to cause VSG substantial and irreparable injury, for which VSG is entitled to receive injunctive relief and damages adequate to compensate it for such infringement, including in an amount equal to VSG's lost profits attributable to Mohawk's infringement, but in no event less than a reasonable royalty for the use made of the invention of the '196 patent by Mohawk.

27. On information and belief, Mohawk's infringing activities have been willful, entitling VSG to increased damages.

28. Mohawk's infringement warrants a finding that this is an exceptional case, entitling VSG to recover its attorneys' fees and expenses.

COUNT III
Contributory Infringement

29. Paragraph Nos. 1 through 28 are incorporated herein by reference.

30. Mohawk is knowingly contributing to the infringement of the '196 patent by making, using, offering for sale, and selling the Accused Lifts, which are a material part of practicing the invention claimed in at least one claim of the '196 patent. The Accused Lifts are specially made or adapted to be networked together as part of the system as claimed in at least one claim of the '196 patent and are not a staple article or commodity of commerce suitable for substantial non-infringing use. Mohawk's acts have resulted in direct infringement of the '196 patent by others. Accordingly, Mohawk has contributorily infringed the '196 patent under 35 U.S.C. §271(c).

31. Mohawk's acts of infringement of the '196 patent have caused and will continue to cause VSG substantial and irreparable injury, for which VSG is entitled to receive injunctive

relief and damages adequate to compensate it for such infringement, including in an amount equal to VSG's lost profits attributable to Mohawk's infringement, but in no event less than a reasonable royalty for the use made of the invention of the '196 patent by Mohawk.

32. On information and belief, Mohawk's infringing activities have been willful, entitling VSG to increased damages.

33. Mohawk's infringement warrants a finding that this is an exceptional case, entitling VSG to recover its attorneys' fees and expenses.

Demand for Relief

WHEREFORE, VSG demands judgment as follows:

- A. That Mohawk be found to infringe the '196 patent;
- B. That Mohawk, its officers, agents, servants, employees and attorneys, and all persons in active concert with them, or any of them, be preliminarily and permanently enjoined from infringing the '196 patent;
- C. That VSG be awarded damages adequate to compensate for Mohawk's infringement of the '196 patent;
- D. That the Court deem this case to be exceptional;
- E. That VSG be awarded its attorneys' fees, expenses, and costs of this action; and
- F. That VSG have such other and further relief as this Court may deem just and proper.

JURY DEMAND

VSG hereby demands trial by jury for all issues in this action triable of right by jury.

Respectfully Submitted,

FROST BROWN TODD LLC

Date: December 6, 2013

By: /s/ James Dimos

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