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**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF INDIANA
Hammond Division**

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STOPINC AKTIENGESELLSCHAFT,	:
a corporation of Switzerland	:
	:
Plaintiff,	:
	:
-against-	:
	:
	:
J. W. HICKS INC.,	:
a corporation of Indiana	:
	:
Defendant.	:
-----X	

Civil Action No.: 2:14-cv-238

COMPLAINT

Plaintiff for its Complaint against the Defendant, respectfully alleges as follows:

The Parties

1. Plaintiff, Stopinc Aktiengesellschaft (hereinafter “Stopinc AG”) is organized and existing under the laws of Switzerland with its principal place of business at Bösch 83a, CH-6331 Hünenberg, Switzerland.

2. Defendant J. W. Hicks Inc. is a corporation of the State of Indiana doing business within this judicial district at 8955 Louisiana Street, Merrillville, Indiana 46410.

Jurisdiction and Venue

3. The claim herein is for infringement by J. W. Hicks Inc. of patent rights of Stopinc AG under the Patent Laws of the United States, 35 U.S.C. § 271, and jurisdiction is conferred by virtue of 28 U.S.C. §§ 1331(a) and 1338(a.)

4. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b)

Count I: Patent Infringement

5. Stopinc AG hereby charges J. W. Hicks Inc. with patent infringement under the Patent Laws of the United States, 35 U.S.C. § 271, and hereby realleges the allegations of paragraphs 1 through 4 above.

6. Plaintiff Stopinc AG is, from the grant of the patent to the present day, the owner by assignment of United States Patent no. 6,422,435 duly issued by the United States Patent and Trademark Office on July 23, 2002 for a *Slide Gate for a Container Containing Molten Metal* (the “ ‘435 patent.”) A true and correct copy of the ‘435 patent is attached hereto as Exhibit A.

7. Plaintiff Stopinc AG is informed and believes, and therefore avers that subsequent to the issuance of the ‘435 patent, the Defendant J. W. Hicks Inc. has infringed upon the patent by, *inter alia*, importing into the United States, selling, and causing to be sold, and offering for sale from this judicial district, a refractory product known as the OMEGA Slidegate Systems and also known as the TITAN- Slidegate that infringe the ‘435

patent, including at least claims 1, 8, 11 and 12 of the '435 patent, without the permission or authorization of Stopinc AG.

8. As a result of such actions, J. W. Hicks Inc. has also induced and contributed to the infringement of the Stopinc AG '435 patent by others using in the United States a OMEGA Slidegate Systems and also known as the TITAN- Slidegate acquired from J. W. Hicks Inc.

9. Upon information and belief, J. W. Hicks Inc. continues to infringe the '435 patent and will continue to do so unless enjoined by this court.

10. Defendant J. W. Hicks Inc. has been notified of the '435 patent and has continued to commit its acts of infringement with knowledge of the '435 patent. Such continued infringement and inducement to infringe are, therefore, wilful, knowing and deliberate.

WHEREFORE, Plaintiff prays:

A. That Defendant J. W. Hicks Inc. and its agents, servants, employees and attorneys and those persons in active concert or participation with the Defendant J. W. Hicks Inc. be permanently enjoined and restrained from marketing, importing, offering for sale, selling, advertising or promoting or distributing in the United States any products infringing Stopinc AG's United States Patent No. 6,422,435.

B. Further, that defendant J. W. Hicks Inc. be ordered:

(i) to deliver up for destruction all products infringing United States United States Patent No. 6,422,435, as well as all means for producing, advertising or promoting such infringing products;

(ii) to make diligent efforts to recall all of the infringing products set forth in paragraph (A) already distributed; and

(iii) to file with this court and serve on Plaintiff Stopinc AG thirty (30) days after the date of the injunction a report in writing and under oath setting forth in detail the matter or form in which J. W. Hicks Inc. has complied fully with the injunction;

C. That an accounting and judgment be rendered against the Defendant J. W. Hicks Inc. for:

(i) All profits received by the Defendant J. W. Hicks Inc. from the importation or sale of products infringing the patent of the plaintiff as provided by 35 U.S.C. §284; as well as lost profits of Stopinc AG for sales it would have made but for the infringing activity of J. W. Hicks Inc.;

(ii) that the Defendant J. W. Hicks Inc. account for and compensate Stopinc AG fully for all sales of products of Stopinc AG that have been diverted or reduced as a result of the infringement by J. W. Hicks Inc.;

D. That Stopinc AG have and receive its costs in this action, including an award of its reasonable attorney's fees with interest from the date of the filing of this complaint pursuant to 35 U.S.C. §285;

E. That Stopinc AG receive interest on its damages awards from the date of injury;

F. That the damages to Stopinc AG resulting from the patent infringement by J. W. Hicks Inc. be trebled pursuant to 35 U.S.C. §284; and

G. That the Plaintiff be granted such other and further relief as the Court deems just and appropriate.

Dated: July 10, 2014

Respectfully submitted,

/s/ Michael J. Hays

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