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UNITED STATES DISTRICT COURT
Northern District of Indiana
South Bend Division

SHOWER ENCLOSURES AMERICA, INC.,)	
Plaintiff,)	
)	
v.)	CASE NO.: <u>3:15-cv-627</u>
)	
BBC DISTRIBUTION CORP.,)	
Defendant.)	
)	JURY TRIAL DEMAND
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Shower Enclosures America, Inc. (“SEA”), for its Complaint against Defendant, BBC Distribution, LLC (“BBC”), alleges and states:

The Parties:

1. SEA is a corporation organized under the laws of the State of California, having a principal place of business in Ontario, California.

2. BBC is a corporation organized under the laws of the State of North Carolina, and is also known and currently doing business as BBC Distribution, LLC. BBC has a principal place of business at 53320 Columbia Drive, Elkhart, Indiana 46514. BBC’s registered agent is CSC, at 251 East Ohio Street, Indianapolis, Indiana 46204. BBC has previously had its principal place of business at 426 North Main Street, Elkhart, Indiana 46516, under the management of Stephen C. Brown.

Jurisdiction and Venue:

3. This is an action for patent infringement under 35 U.S.C. §§271, *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§1331 and 1338.

4. This Court has personal jurisdiction over BBC. BBC resides in Elkhart County, Indiana, and has done substantial business in that county at least since 2001. BBC has specifically targeted the manufactured housing industry and the recreational vehicle (“RV”) industry “in the Elkhart/Goshen corridor of Northern Indiana”¹ and has advertised its intent to market a wide variety of products to customers there “to build businesses collectively, one home or RV at a time.”² In that regard, at least since 2001, BBC has marketed, sold, and shipped many different types of products to many different customers in Elkhart County. BBC has maintained a regular and established place of business in Elkhart County at least since 2001, and has numerous employees in that county. BBC has derived substantial revenue from its business operations in Elkhart County and elsewhere within this judicial district. Further, the accused infringement involves products which BBC’s customers in Elkhart County and elsewhere in this judicial district are expected to resell to other customers, dealers and end-users. Thus, BBC has subjected customers in Elkhart County and elsewhere in this judicial district to legal liability for patent infringement as well, thereby causing substantial damage within this county.

5. BBC has a warehouse in Elkhart, Indiana where it receives, stores, and ships to customers a substantial volume of the products which are accused of patent infringement herein. BBC’s office in Elkhart, Indiana is its base of operations for marketing and selling the accused products to the RV

¹ BBC’s internet web site at <http://www.bbcdistribution.com/industries.shtml>

² BBC’s internet web site at <http://www.bbcdistribution.com/partners.shtml>

industry, and specifically to Jayco, Inc., of Middlebury, Indiana. Once it has purchased or been shipped the accused products, Jayco stores them within this judicial district for inventory and as part of finished RV goods. BBC has employed several residents of Elkhart County and elsewhere in this judicial district to use and sell the accused products, including Bill Dalton, the manager of BBC in Elkhart. BBC's employees in Elkhart County are substantially responsible for changing the product line of BBC from the previous "TRI Slide shower door" to the "BBC Door" (also referred to as the "Tripass shower door"), which is accused of infringement, as described more fully herein. Thus, a substantial part of the events giving rise to the infringement claim occurred in this judicial district. Also, a substantial part of the property that is the subject of this lawsuit, the infringing shower doors, are stored in warehouses (both BBC's and Jayco's buildings) in this judicial district. Further, BBC has committed regular acts of infringement in this judicial district, and BBC has a regular and established place of business in this judicial district. Thus, venue is proper in this judicial district under 28 U.S.C. §§1391(b)(2) and 1400(b).

The Patent:

6. SEA owns all right, title, and interest in and to United States Patent No. 7,174,944, directed to a "Triple Slide Assembly for Sliding Doors," (the "Patent"). The Patent was duly and legally issued on February 13, 2007. A copy of the Patent is attached hereto as Exhibit 1.

7. In general, the Patent is directed to products, such as shower doors, which have three door panels mounted into a compact, two track header which allows the panels to slide easily between open and closed positions. The patented invention is especially well suited for use in RVs.

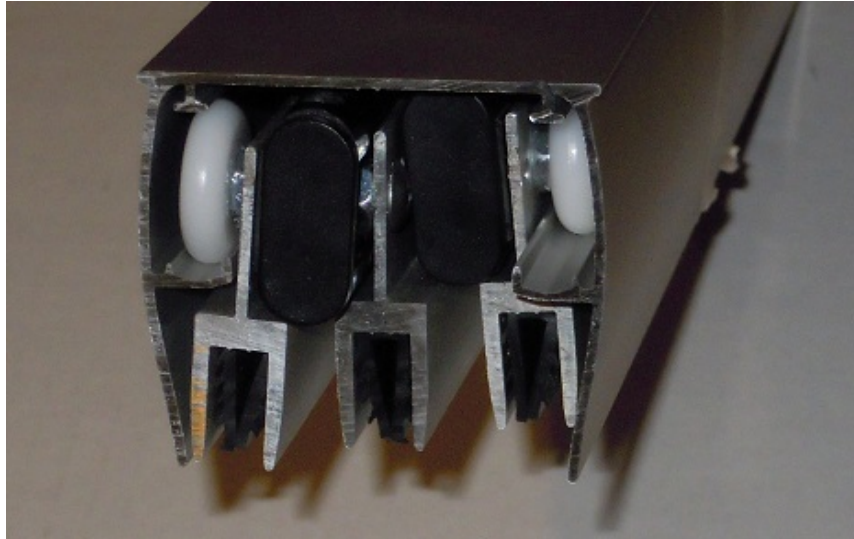
8. SEA makes, uses, and sells shower door products which incorporate the invention claimed

by the Patent to customers in the RV industry who are located within this judicial district, including to Jayco, Inc. SEA's customers of such products typically install those products into RV's which are made and thereafter sold in this judicial district.

The Infringement:

9. BBC has long been a competitor of SEA. Previously, BBC sold a type of shower door, called a "TRI Slide shower door," in competition with the SEA's shower doors made under the Patent. SEA did not consider that TRI Slide shower door to be an infringement of the Patent, at least as SEA understand that product to have previously been made. However, upon information and belief, starting after July, 2015, BBC stopped marketing the TRI Slide shower doors, and started to market a type of shower door referred to as a "BBC Door." In particular, BBC began marketing these new doors to Jayco, Inc. SEA believes that BBC obtains these new doors from a company called Coastal Shower Doors or Coastal Industries, Inc., of Jacksonville, Florida, and then resells or otherwise redistributes them to RV manufacturers in this judicial district. Inside the packaging for the new BBC Doors, as delivered to Jayco, Inc., for example, are installation instructions, such as those attached hereto as Exhibit 2. The details of the construction of the new BBC Doors which are particularly relevant to the Patent are shown on page 4 of Exhibit 2.

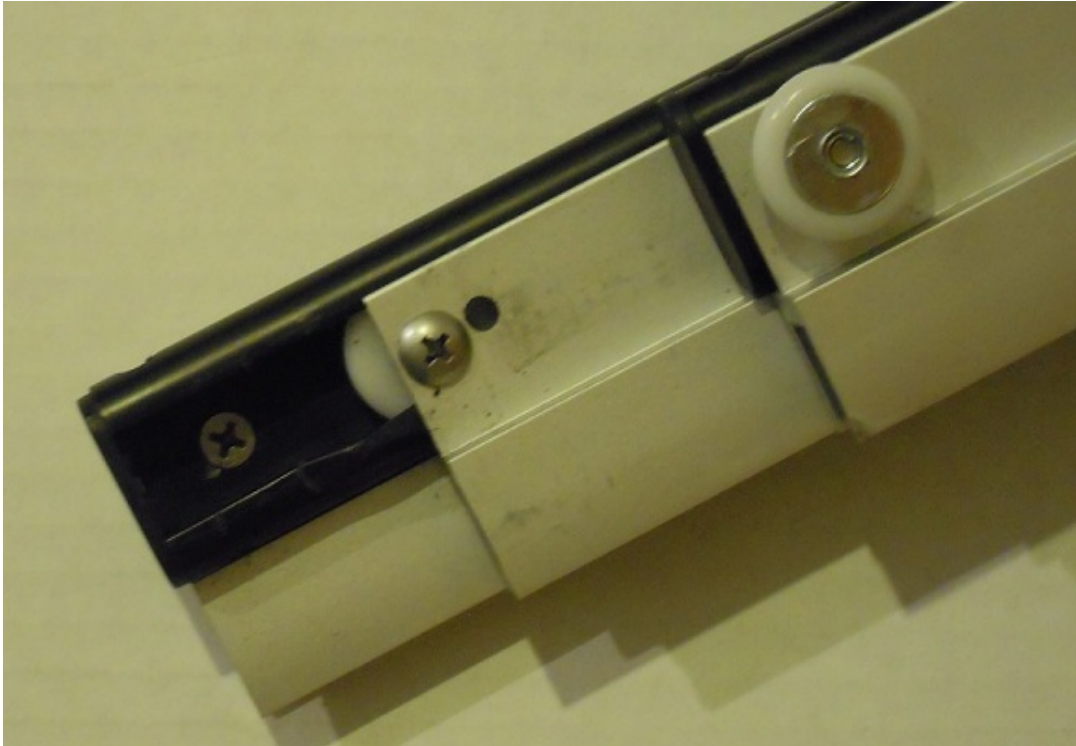
10. SEA has obtained a sample of the new BBC Doors. Following are photographs of portions of the BBC Door mechanism that are particularly relevant to the Patent. An end view of the new BBC Door header, showing the triple slide mechanism mounted in the header, is as follows:



This view corresponds generally with the schematic end view shown at the top center of page 4 of Exhibit 2. This view can be compared to the orientation shown in Figure 5 of the Patent. The following shows a right side, end perspective view of the triple slide mechanism of the BBC Door, when removed from the header:



The following shows a right side view of the triple slide mechanism of the BBC Door, with the tracks slightly moved apart, corresponding with a mirror image of the triple slide mechanism shown in Figure 1 of the Patent:



11. The new BBC Door (or “Tripass” shower door, as it is referred to in Exhibit 2) is an infringement of the Patent. More specifically, the BBC Door has each and every element of at least Claim 12 of the Patent, either literally or under the “doctrine of equivalents,” as that phrase is understood in the context of U.S. Patent Law. Since BBC is using and marketing the BBC Doors, BBC is infringing upon SEA’s rights under the Patent. By selling these products to customers who will also use and sell the BBC Door incorporated within an RV, BBC is contributing to and/or inducing infringement of the Patent by those customers as well. BBC is also liable to SEA for that

contributory and/or induced infringement.

12. SEA contacted BBC through Bill Dalton and others and attempted to bring about a cessation of this patent infringement. That effort was not successful, and BBC continues to use and market the infringing BBC Doors. Accordingly, BBC is a willful infringer of the Patent.

13. SEA has suffered and will continue to suffer substantial harm, including certain irreparable injury for which there is no adequate remedy at law, because of BBC's infringement of the Patent. For example, SEA is likely to suffer lost sales and price erosion of its future sales, as a result of the continued infringement by BBC. The infringement by BBC is likely to continue unless and until BBC is enjoined from that infringement by this Court.

The Relief Sought:

Accordingly, SEA request that this Court enter judgement in SEA's favor against BBC and Order that:

a. BBC (including all those acting in concert with it) is permanently enjoined from infringing the Patent,

b. BBC is required to pay money damages to SEA sufficient to compensate SEA for the damages it has suffered as a result of the infringement,

c. All infringing products in existence shall be recalled and/or turned over to SEA for destruction,

d. All advertisements and marketing materials describing the infringing products shall be recalled and turned over to SEA for destruction, and

e. Award SEA all such other relief as is just and appropriate, including for BBC's willful

infringement.

The Trier of Facts:

SEA requests a trial by jury on all issues so triable.

December 30, 2015

Respectfully submitted,

s/Ryan M. Fountain

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