

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TTI CONSUMER POWER TOOLS, INC.,
TECHTRONIC POWER TOOLS
TECHNOLOGY LIMITED, and
TECHTRONIC CORDLESS GP,

Plaintiffs,

v.

LOWE'S COMPANIES, INC.,

Defendant.

Case No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiffs, TTI Consumer Power Tools, Inc. d/b/a Techtronic Industries Power Equipment (“TTi PE”), Techtronic Power Tools Technology Limited (“TTi PTT”), and Techtronic Cordless GP (“TTi GP”) (collectively, “TTi”), hereby file this Complaint for patent infringement against Defendant Lowe’s Companies, Inc. (“Lowe’s”) and, in support thereof, allege as follows:

GENERAL ALLEGATIONS

1. This action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*, in which TTi asserts that Lowe’s infringes U.S. Patent No. 10,837,451 (“the ’451 Patent” or “Asserted Patent”). TTi files this action to stop Lowe’s willful infringement of the Asserted Patent and to obtain all appropriate relief.

2. TTi is a world-class leader in the design, manufacture, and marketing of hand tools, power tools, outdoor power equipment, and appliances. TTi and its affiliates sell products under an extensive portfolio of brand names including Ryobi® and Ridgid®. As a result of its experience

with this extensive portfolio, TTi has considerable expertise in designing and selling innovative tools and outdoor products.

3. TTi employs people in various offices throughout the United States. TTi PE, for example, employs over 2000 people at its Innovation Center located in Anderson, South Carolina. TTi's philosophy of continually reinvesting in its employees, customers, and technologies, including intellectual property, manifests in the consistent creation of its game-changing innovations.

4. TTi offers one such innovative tool product under the Ryobi brand name: the ONE+ 18V Cordless High Volume Power Inflator ("TTi Inflator"). TTi engineers designed and developed the patented TTi Inflator at its Anderson facility, and then worked with its partners to manufacture the final product. TTi sells the patented TTi Inflator at The Home Depot, a nationwide home improvement and hardware retailer. *See* The Home Depot website, <https://www.homedepot.com/p/RYOBI-ONE-18V-Cordless-High-Volume-Power-Inflator-Tool-Only-P738/300997599> (last visited February 1, 2022).

5. As discussed further herein, Lowes offers for sale and sells a knock-off version of the patented TTi Inflator, identified as the Kobalt 24V Cordless High Volume Inflator, Item #1328847, Model #K24HV ("Lowes Inflator" or "Accused Product"). *See* Lowe's website, <https://www.lowes.com/pd/Kobalt-24V-Cordless-High-Volume-Inflator-24-Volt-Lithium-Ion-Li-Ion-Air-Inflator-Power-Source-Battery/1001464244> (last visited February 1, 2022).

6. Lowes offers for sale and sells the Accused Product with the full knowledge that doing so infringes TTi's patents, including the Asserted Patent. Lowes's infringing acts have caused and, unless stopped, will continue to cause irreparable damage to TTi.

THE PARTIES

7. Plaintiff TTi PE is a Delaware Corporation with its principal place of business at 100 Innovation Way, Anderson, South Carolina, 29621.

8. Plaintiff TTi PTT is a company incorporated under the laws of the British Virgin Islands, having its registered office at Trident Chambers, P.O. Box 146, Road Town, Tortola c/o Trident Trust Company (B.V.I.).

9. Plaintiff TTi GP is a general partnership organized and existing under the laws of Nevada, having its registered office at 100 Innovation Way, Anderson, South Carolina, 29621.

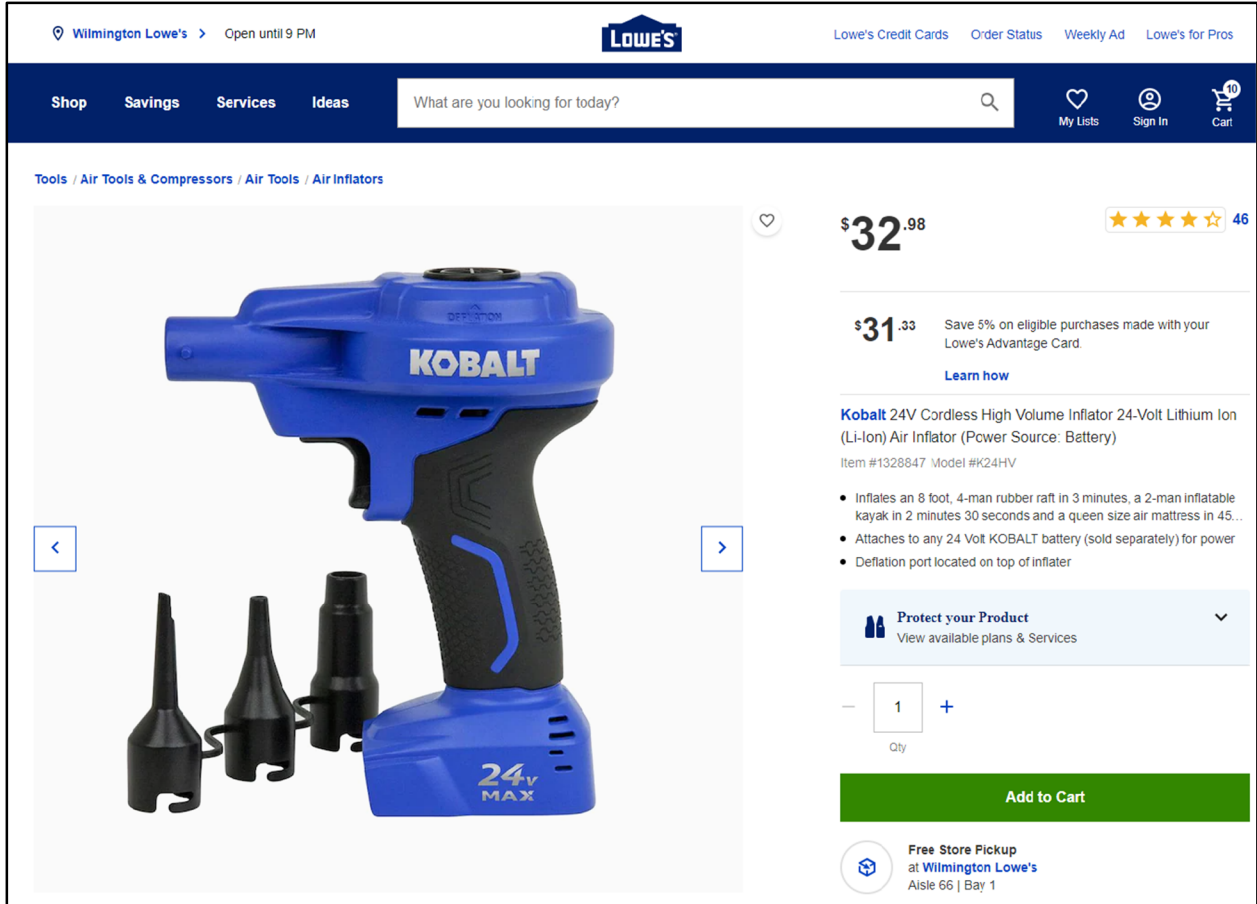
10. Defendant Lowes is a North Carolina Corporation with its principal place of business at 1000 Lowe's Boulevard, Mooresville, North Carolina, 28117.

JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction over TTi's patent infringement claims pursuant to 28 U.S.C. §§ 1331 (federal question) and 1338 (action arising under an Act of Congress relating to patents) because this action arises under the Patent Laws of the United States, Title 35 of the United States Code.

12. This Court has personal jurisdiction over Lowes because Lowes has continuous and systemic contacts with the State of Delaware and, arising from that business activity, has committed the acts of patent infringement complained herein within the District of Delaware. Lowes directs and conducts business in Delaware by operating physical facilities staffed by local employees that ship, distribute, advertise, offer for sale, and/or sell products, including Accused Products, thereby purposely availing of the benefits and protections under Delaware law. As nonlimiting examples, Lowes maintains a number of home improvement and hardware retail stores under its own "Lowe's" brand name (identified by internal "Store Number") located within this

District: 3100 Brandywine Pkwy, Wilmington, DE 19803 (“Store #0622”); 2225 Hessler Boulevard, New Castle, DE 19720 (Store #2429); 2000 Ogletown Road, Newark, DE 19711 (Store #2258); 1030 East Songsmith Drive, Bear, DE 19701 (Store #3168); 500 West Main Street, Middletown, DE 19709 (Store #1571); 1450 N. Dupont Highway, Dover, DE 19901 (Store #0587); 516 Walmart Drive, Camden, DE 19934 (Store #2537); 26688 Centerview Drive, Millsboro, DE 19966 (Store #2795); 20364 Plantations Road, Lewes, DE 19958 (Store #0658); 561 Hepburn Road, Avondale, PA 19311 (Store #2405); and 22880 Sussex Highway, Seaford, DE 19973 (Store #2248). Lowes has also directly, or through subsidiaries and intermediaries such as retailers, placed Accused Products into the stream of commerce with the intention and expectation they be purchased and used by consumers in this District. By way of nonlimiting example, Lowes offers for sale the Accused Product from one of the stores located in Wilmington, Delaware:



See Lowe's website, <https://www.lowes.com/pd/Kobalt-24V-Cordless-High-Volume-Inflator-24-Volt-Lithium-Ion-Li-Ion-Air-Inflator-Power-Source-Battery/1001464244> (last visited Feb. 1, 2022). The Court's exercise of personal jurisdiction over Lowe's is therefore appropriate under applicable law and would not offend traditional notions of fair play and substantial justice.

13. Venue is proper pursuant to 28 U.S.C. § 1400(b) because Lowe's has committed the acts of infringement, and has regular and established places of business, in the District of Delaware.

FACTUAL BACKGROUND

A. TTI's Asserted Patent and Patented Product

14. TTI PTT owns by assignment all rights, title, and interests in and to U.S. Patent No. 10,837,451, titled "Inflator" and issued November 17, 2020 ("the '451 Patent" or "Asserted

Patent”). TTI GP is the exclusive economic licensee of the '451 Patent. A true and correct copy of the '451 Patent is attached hereto as Exhibit A.

15. Prior to granting approval, the United States Patent and Trademark Office (USPTO) duly examined the patent for nearly three years, starting with its filing on January 4, 2018. The agency carefully considered whether the inventions described and claimed in the Asserted Patent were new and not obvious in view of prior patents, articles, inventions, and other references. The USPTO also rigorously assessed the language used to describe and claim the inventions set forth in the Asserted Patent. Only after this thorough examination did the USPTO determine that the claims described in the Asserted Patent were inventive and patentable. Consequently, the '451 Patent is duly issued, valid, and enforceable under Title 35 of the United States Code.

16. As a result of TTI's investment in developing the innovative design of the TTI Inflator, TTI was granted the Asserted Patent covering its features. In particular, the TTI Inflator embodies the Asserted Patent by incorporating the elements of one or more claims of the '451 Patent. For example, the '451 Patent describes and claims a power inflator, showing at least one embodiment virtually identical to the TTI Inflator:

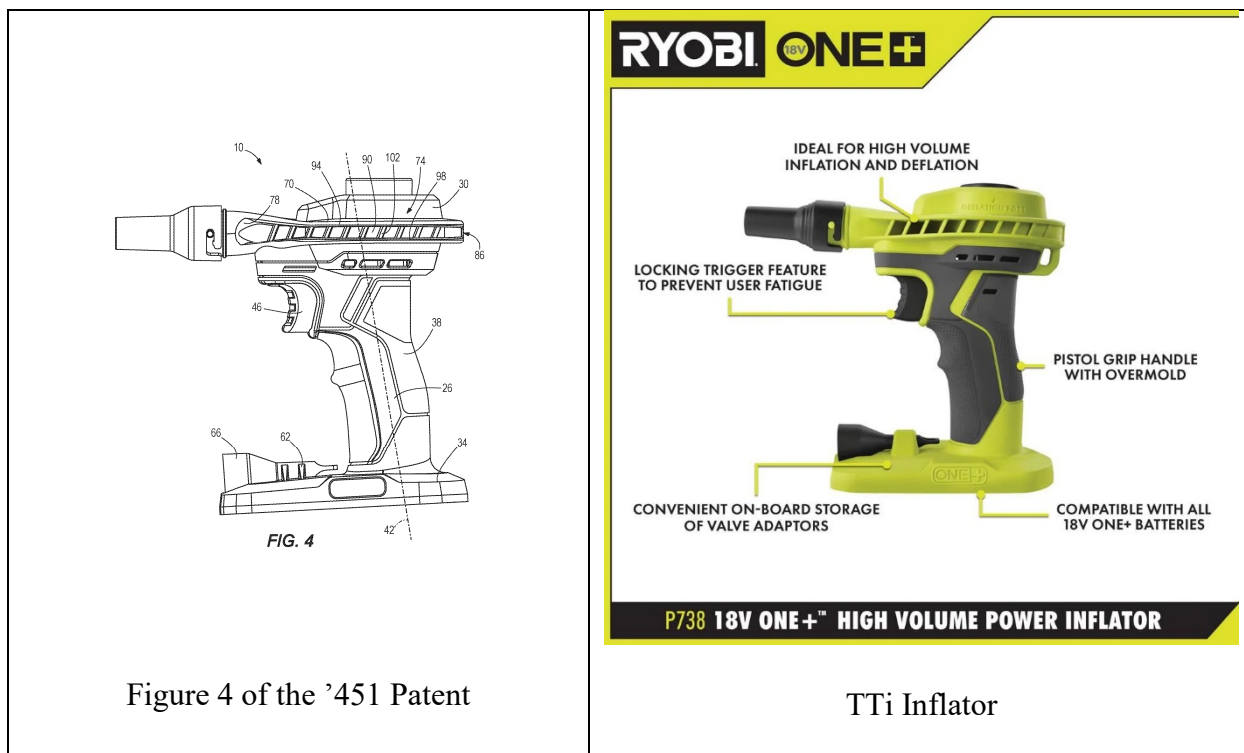


Figure 4 of the '451 Patent

TTi Inflator

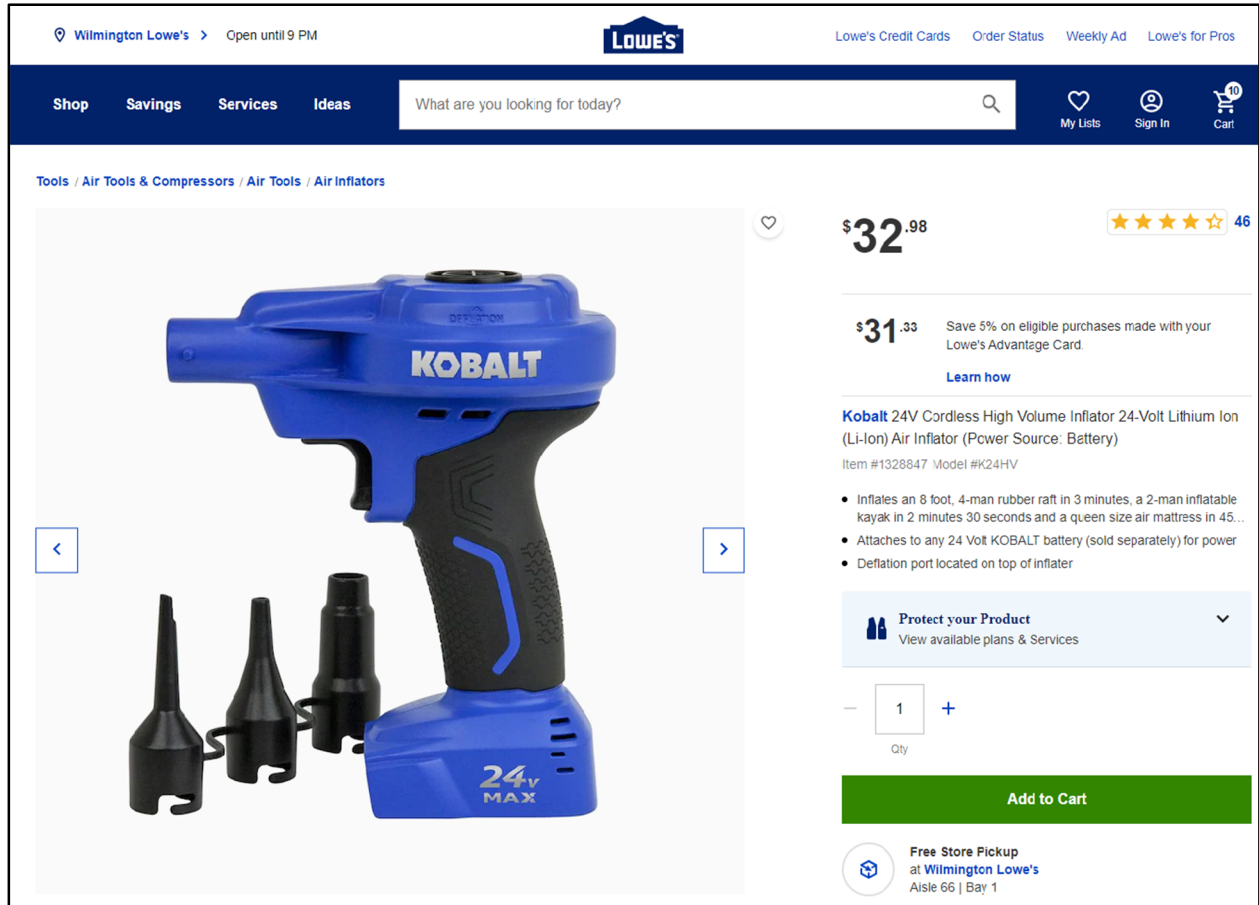
Compare Exhibit A, '451 Patent at Fig. 4 (above left), with Ryobi 18V ONE+ High Volume Power Inflator (above right), <https://www.homedepot.com/p/RYOBI-ONE-18V-Cordless-High-Volume-Power-Inflator-Tool-Only-P738/300997599> (last accessed Feb. 1, 2022).

B. Lowes and its Accused Product

17. Lowes holds itself out as a sophisticated merchant in the home improvement and hardware industry within the United States and worldwide. See Lowe's website, <http://careers.lowes.com/media/39421/loweshistory.pdf> (last visited Feb. 1, 2022) ("Founded in 1946, Lowe's has grown from a small hardware store to the 2nd largest home improvement retailer worldwide, the 8th largest retailer in the U.S. and 19th largest in the world.").


18. Lowes is a direct competitor in the same channels of trade as The Home Depot, the exclusive seller of the patented TTi Inflator, including substantial business selling tool products in the United States. Lowes' infringing inflator directly competes with the TTi Inflator in these markets.

19. Lowes offers for sale a tool product, the Kobalt 24V Cordless High Volume Inflator, Item #1328847, Model #K24HV (“Lowes Inflator” or “Accused Product”):



See Lowe's website, <https://www.lowes.com/pd/Kobalt-24V-Cordless-High-Volume-Inflator-24-Volt-Lithium-Ion-Li-Ion-Air-Inflator-Power-Source-Battery/1001464244> (last visited Feb. 1, 2022).

20. Lowes markets the Lowes Inflator, at least by describing a list of its features and specifications, as well as providing an Operating Manual that instructs customers on how to use the Accused Product, as shown below:



Kobalt 24V Cordless High Volume Inflator 24-Volt Lithium Ion (Li-Ion) Air Inflator (Power Source: Battery)

\$32.98

[Add to Cart](#)

Overview
Specifications
Reviews
Q&A
Product Features

KOBALT 24V cordless high volume inflator is perfect for fast inflation of air mattresses, pool toys, sports balls, etc.

- Inflates an 8 foot, 4-man rubber raft in 3 minutes, a 2-man inflatable kayak in 2 minutes 30 seconds and a queen size air mattress in 45 seconds
- Attaches to any 24 Volt KOBALT battery (sold separately) for power
- Deflation port located on top of inflator
- Cleans debris from work surface
- Fast starter of charcoal briquettes
- Includes 3 tethered inflation nozzles
- On/off power trigger with locking feature
- Air speed up to 93 mph
- Air volume up to 25 CFM

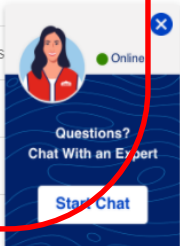
[Operating Manual](#)
PDF
 [Prop65 Warning Label](#)
PDF

CA Residents: ⚠ [Prop 65 Warning\(s\)](#)

SPECIFICATIONS

Dual Voltage	×
Pressure Relief Valve	×
Pressure Gauge	×
AC Voltage	0
Carrying Case Included	✔
Hose Length (Inches)	0
Rechargeable	✔
Battery Voltage	24-volt
Cordless	✔
Battery Type	Lithium ion (Li-ion)
Weight (lbs.)	1.6
Width (Inches)	6.625

Power Source	Battery
Depth (Inches)	4.375
Height (Inches)	8.25
Warranty	5-year limited
Color/Finish Family	Blue
Package Contents	Package contains one high volume inflator, three tethered nozzles, one user manual
CA Residents: Prop 65 Warning(s)	⚠ Prop 65 WARNING(S)
Material	Plastic
Series Name	24V Cordless
Light(s) Included	×
Inflation Tools	✔



See Lowe's website, <https://www.lowes.com/pd/Kobalt-24V-Cordless-High-Volume-Inflator-24-Volt-Lithium-Ion-Li-Ion-Air-Inflator-Power-Source-Battery/1001464244> (last visited Feb. 1,

9

2022) (red marks added).

21. The infringing Lowes Inflator appears to be a direct copy of the patented TTi Inflator. To illustrate this similarity, depicted below are product photos of the infringing Lowes Inflator and the patented TTi Inflator, taken from their respective product websites:



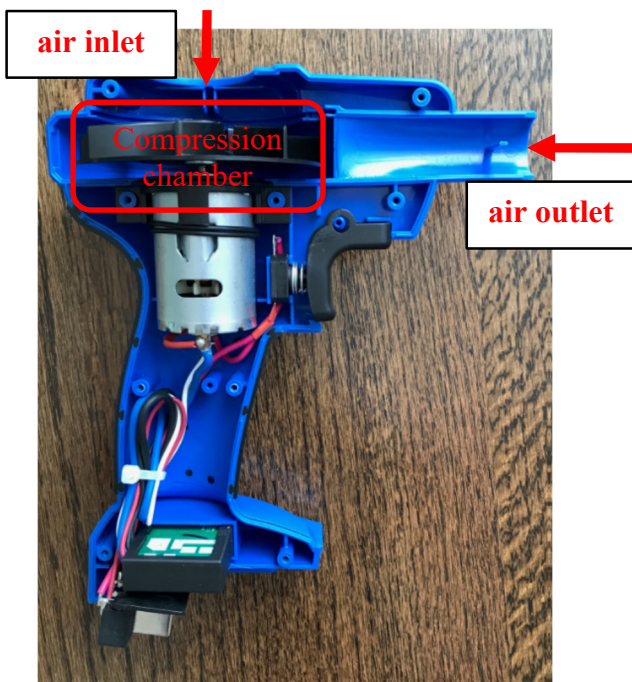
Compare Lowe’s website, <https://www.lowes.com/pd/Kobalt-24V-Cordless-High-Volume-Inflator-24-Volt-Lithium-Ion-Li-Ion-Air-Inflator-Power-Source-Battery/1001464244> (last visited Feb. 1, 2022), with The Home Depot website, <https://www.homedepot.com/p/RYOBI-ONE-18V-Cordless-High-Volume-Power-Inflator-Tool-Only-P738/300997599> (last visited Feb. 1, 2022).

C. Lowes’s Accused Product infringes TTi’s Asserted Patent

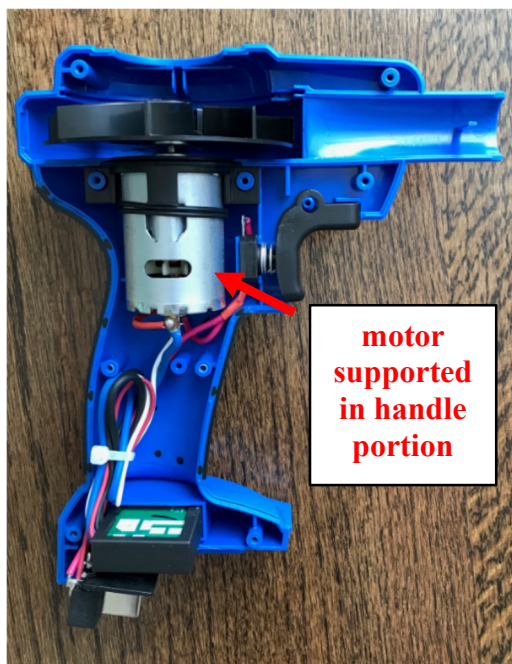
22. The Lowes Inflator infringes the ’451 Patent. As a non-limiting example and based on TTi’s current investigation, the Lowes Inflator meets all elements of independent claim 1 of the ’451 Patent:

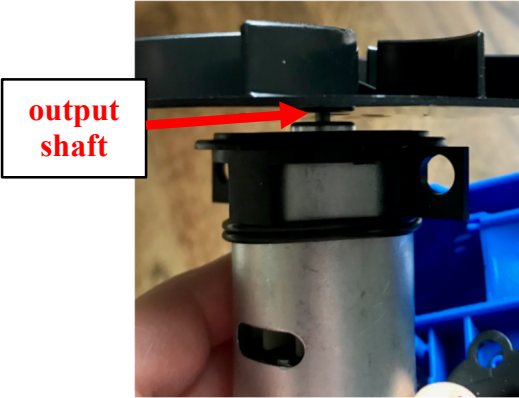
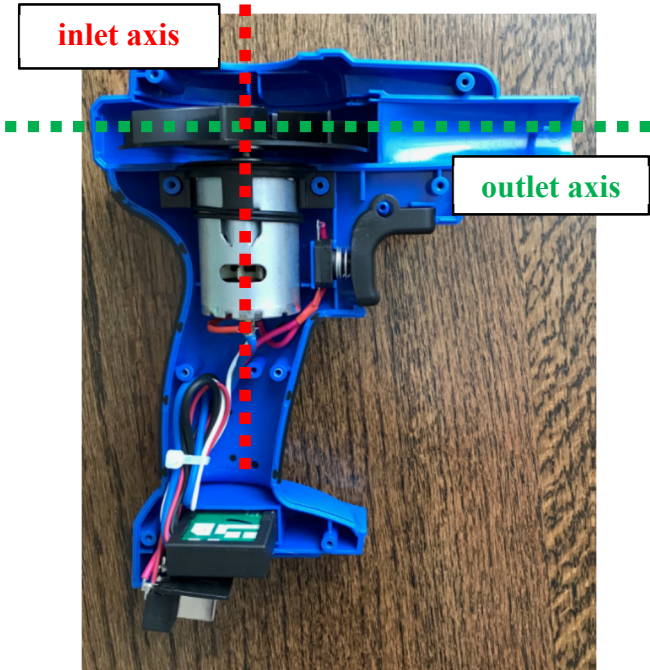
<p>Claim 1 of the '451 Patent:</p>	<p>Lowes Inflator:</p>
<p>An inflator tool, comprising:</p>	
<p>a handle portion extending between a battery receiving portion and a tool head portion,</p>	
<p>the handle portion defining a longitudinal axis,</p>	

and the tool head portion including an air inlet, a compression chamber, and an air outlet; and

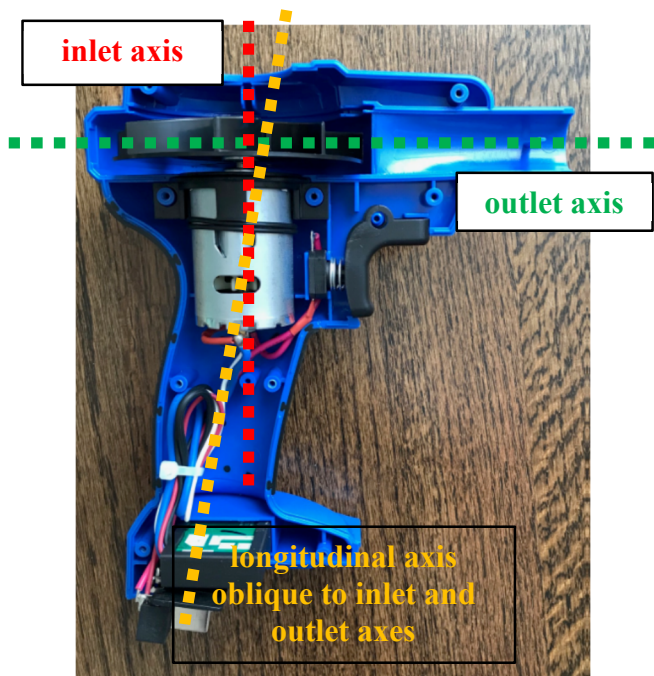


a motor at least partially supported within the handle portion and including an output shaft,

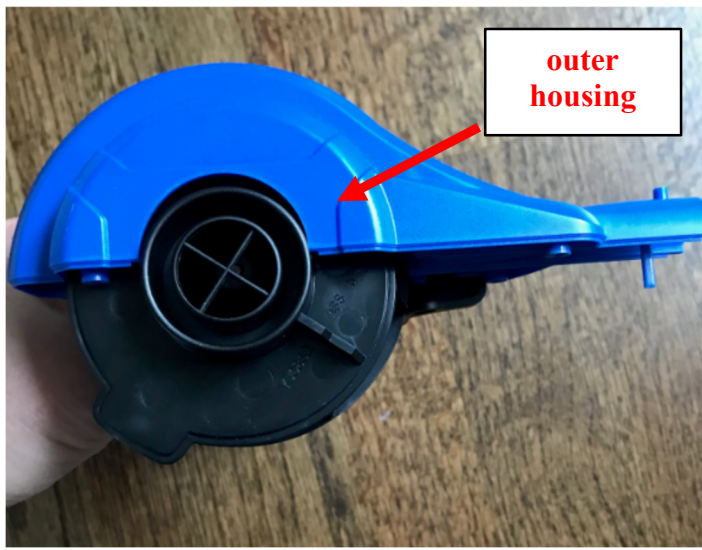


	 <p>A close-up photograph of a motor's output shaft. A red arrow points from a white box labeled "output shaft" to the shaft. The shaft is a silver metal rod protruding from a black plastic housing.</p>
<p>wherein the air inlet defines an inlet axis, and the air outlet defines an outlet axis,</p>	 <p>A photograph of a blue handheld device, possibly a blower or fan, lying on a wooden surface. A red dashed vertical line is drawn through the center of the device, labeled "inlet axis" in a white box. A green dashed horizontal line is drawn across the top of the device, labeled "outlet axis" in a white box. The device has a motor and various internal components visible.</p>

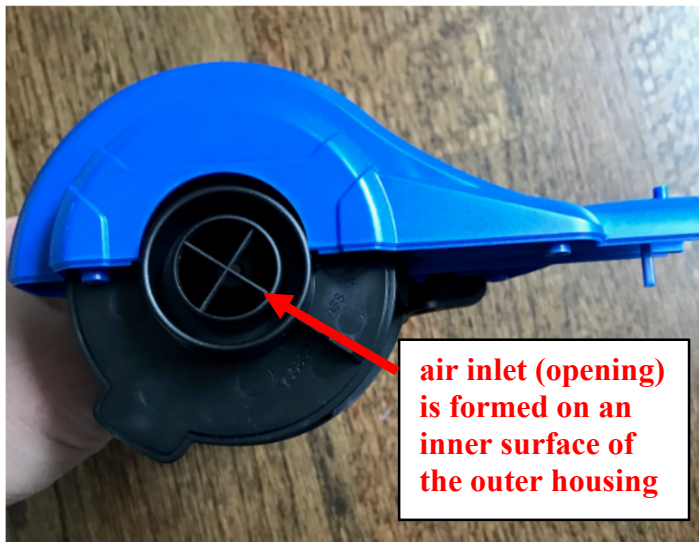
wherein the longitudinal axis is disposed at an oblique angle relative to each of the inlet axis and the outlet axis,



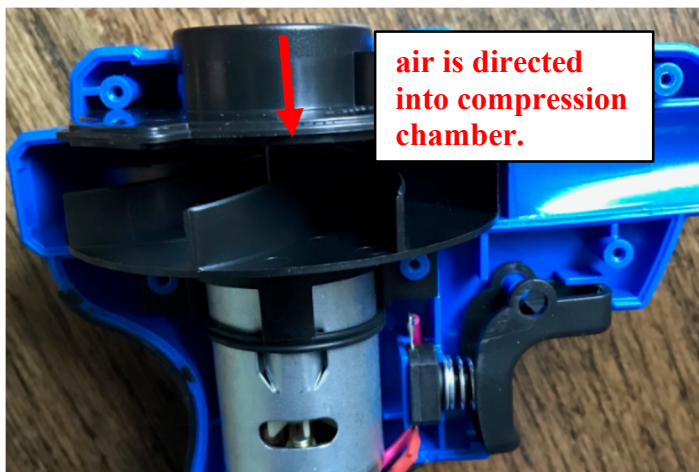
wherein the tool includes an outer housing forming at least the tool head portion,



wherein the air inlet is formed on a surface of the outer housing, and



wherein the air inlet is configured to receive air from a surrounding environment, and all of the air received through the air inlet is configured to directly enter the compression chamber.



D. Lowes sells its Accused Product despite awareness of TTi's Asserted Patent

23. Lowes had actual notice of its infringing activities no later than September 28, 2021, when TTi sent Lowes a letter asserting that the Lowes Inflator appears to be a near copy of the patented TTi Inflator and infringes the '451 Patent. A true and correct copy of the letter is attached as Exhibit B.

24. Despite having received actual notice of its infringing activities, Lowes continues to offer for sale and sell the infringing Lowes Inflator in the United States.

25. Because Lowes continues to offer for sale and sell the Accused Product despite awareness that its activities infringe the Asserted Patent, TTi now brings this suit to stop Lowes's infringing acts and obtain all other appropriate relief.

COUNT I

Infringement of U.S. Patent No. 10,837,451

26. TTi incorporates by reference, as if fully set forth herein, the allegations in Paragraphs 1–25 of the Complaint.

27. On information and belief, Lowes has offered for sale and sold in the United States, and continues to do so, the Lowes Inflator in a manner that infringes the '451 Patent, including for at least the reasons discussed above.

28. On information and belief, Lowes has also induced and/or is inducing the infringement of the '451 Patent by offering for sale and selling the infringing Lowes Inflator. The Accused Product, as provided by Lowes to others, and used as intended and instructed by Lowes, infringes the '451 Patent. Lowes evinced the specific intent for others to infringe the '451 Patent and actively induced their infringing acts through its provision of marketing, product information, and instructional materials that encourage, demonstrate, and otherwise direct such infringement.

29. Lowes also had knowledge of the '451 Patent and that the Accused Product infringes the '451 Patent at least as of September 28, 2021, when Lowes received TTi's letter. *See* Exhibit B. Lowes gained further knowledge of its infringement by way of this Complaint's filing and/or this Complaint's service upon Lowes.

30. The acts of Lowes alleged herein constitute infringement of the '451 Patent under one or more subsections of 35 U.S.C. § 271.

31. As a direct and proximate result of Lowes's infringement of the '451 Patent, TTi has suffered and will continue to suffer injury and damages. Therefore, TTi is entitled to recover from Lowes the damages adequate to compensate for such infringement in an amount to be determined at trial.

32. Further, Lowes's acts of infringement of the '451 Patent alleged herein have been committed and are being committed with full knowledge of TTi's rights in the '451 Patent. On information and belief, Lowes has acted and is continuing to act despite an objectively high likelihood that its actions constituted direct and/or indirect infringement of a valid patent, and Lowes knew or should have known of that objectively high risk—at the very latest, upon receiving notice from TTi's letter on September 28, 2021. Lowes's acts thus constitute willful and deliberate infringement, entitling TTi to enhanced damages under 35 U.S.C. § 284 and reasonable attorney's fees and costs.

33. Lowes's acts of infringement of the '451 Patent have caused and will continue to cause irreparable harm to TTi, for which there is no adequate remedy at law, entitling TTi to injunctive relief.

DEMAND FOR JURY TRIAL

TTi demands a trial by jury for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, TTi prays that this Court enter judgment in its favor and against Lowes as follows:

- 1) Enter judgment that Lowes's offer to sell and sale of the Accused Product infringes one or more claims of the Asserted Patent under 35 U.S.C. § 271;
- 2) Enter judgment that Lowes has willfully infringed, and is willfully infringing, the Asserted Patent;
- 3) Enter judgment that the Asserted Patent is valid and enforceable;
- 4) Enter a preliminary and permanent injunction under 35 U.S.C. § 283 to enjoin Lowes, its officers, partners, employees, agents, parents, subsidiaries, attorneys, and anyone acting or participating with them, from making, importing, offering for sale, selling, or using a product that infringes the Asserted Patent;
- 5) Award damages, including lost profits, together with interest and costs, and all other damages permitted by 35 U.S.C. § 284, including enhanced damages up to three times the amount of damages found or measured, but in any event no less than a reasonable royalty, to TTi for Lowes's infringement of the Asserted Patent;
- 6) Enter judgment for an accounting of any infringing sales not presented at trial and an award by the Court of additional damages for any such infringing sales;
- 7) Find that this is an exceptional case under 35 U.S.C. § 285 and award TTi reasonable attorney's fees; and
- 8) Award to TTi such other and further legal or equitable relief as the Court may deem just and proper.

Dated: May 23, 2022

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