| Case 2 | 2:22-cv-03735-MCS-AFM | Document 1 | Filed 06/01/22 | Page 1 of 9 | Page ID #:1 | |
|---|--|--|----------------------------------|-----------------|---------------------|--|
| 1 2 3 4 5 6 7 8 9 10 | VITALE, VICKREY, N Arthur A. Gasey (pro ha gasey@vvnlaw.com Dean Niro ((pro hac vic. dniro@vvnlaw.com 311 S. Wacker Dr., Ste. Chicago, IL 60606 P: 312-236-0733 D: 312-377-3245 C: 847-363-6420 THE KNEAFSEY FIRM SEAN M. KNEAFSEY skneafsey@kneafseyfirr 707 Wilshire Blvd., Suit Los Angeles, California Phone: (213) 892-1200 Fax: (213) 892-1208 | <i>ic vice applica</i> <i>e application t</i> 2470 (SBN 180863) <u>n.com</u> e 3700 | tion to be filed) o be filed) | | | |
| 11 | Attorneys for Plaintiff PRESSURE SPECIALI | ST, INC. | | | | |
| 12 | | | | | | |
| 13 | | | | | | |
| 14 | UNITED STATES DISTRICT COURT | | | | | |
| 15 | CENTRAL DISTRICT OF CALIFORNIA | | | | | |
| 16 | PRESSURE SPECIAI | IST INC on | Case No.: | | | |
| 17 | Illinois corporation, | 2151, INC., all | Case Ino | | | |
| 18 | Plaintiff, | | COMPL | AINT FOR I | DAMAGES INGEMENT | |
| 19 | | | FURPA | IENI INFK | INGENIENI | |
| 20 | VS. | | [Demand | for Jury Tri | al] | |
| 21 | HK ARMY INC., a Ca | alifornia | | | | |
| 22 | corporation, | | | | | |
| 23 | Defendan | t. | | | | |
| 24 | | | | | | |
| 25 | | | | | | |
| 26 | Plaintiff, PRESSU | JRE SPECIAL | IST, INC., ("PS | I" or "Plaintif | f"), an Illinois | |
| 27 | Plaintiff, PRESSURE SPECIALIST, INC., ("PSI" or "Plaintiff"), an Illinois corporation, by and through its attorneys, for its Complaint against Defendant, HK | | | | | |
| 28 | Army, Inc. ("HK Army" or "Defendant"), states as follows: | | | | | |
| | COMPLAINT | | | | | |

| 1 | PARTIES, JURISDICTION AND VENUE | | | | |
|----|--|--|--|--|--|
| 2 | THE PARTIES | | | | |
| 3 | 1. This Complaint asserts a claim for patent infringement that arises under | | | | |
| 4 | the patent laws of the United States, Title 35 of the United States Code and is brought | | | | |
| 5 | to stop Defendants' infringement of Plaintiff's United States Patent No. 7,059,343, | | | | |
| 6 | entitled "Direct Acting Gas Regulator" (hereinafter, the "343 Patent"). A copy of the | | | | |
| 7 | '343 Patent is attached hereto as Exhibit A . | | | | |
| 8 | 2. Plaintiff Pressure Specialist, Inc. ("PSI") is an Illinois corporation with | | | | |
| 9 | its principal place of business at 186 Virginia Rd., Crystal Lake, IL 60014. | | | | |
| 10 | 3. PSI makes and sells products used with paintball markers, including the | | | | |
| 11 | air-pressure regulator subject of the '343 patent. | | | | |
| 12 | 4. Defendant HK Army, Inc. ("HK Army" or "Defendant) is an California | | | | |
| 13 | corporation located at 1448 W 178th St, Gardena, California, 90248. | | | | |
| 14 | JURISDICTION AND VENUE | | | | |
| 15 | 5. This Court has original subject matter jurisdiction under 28 U.S.C. §1331 | | | | |
| 16 | and 1338(a). | | | | |
| 17 | 6. HK Army manufactures and sells paintball gun parts, including air- | | | | |
| 18 | pressure regulators subject to this lawsuit, throughout the United States, in Illinois, | | | | |
| 19 | and in this judicial district. | | | | |
| 20 | 7. Venue is proper in this District under 28 U.S.C. § 1400(b) because HK | | | | |
| 21 | Army resides in this district, and also because HK Army has a regular and established | | | | |
| 22 | place of business and has committed acts of infringement in this District. | | | | |
| 23 | BACKGROUND | | | | |
| 24 | 8. Plaintiff, PSI, is principally engaged in the business of designing, | | | | |
| 25 | developing, manufacturing, distributing and selling hoses, fittings, regulators, fill | | | | |
| 26 | stations and accessories for paintball, air-gun and related industries. PSI has designed | | | | |
| 27 | and manufactured paintball products and holds 12 patents covering various paintball | | | | |
| 28 | products. PSI is a leader in the industry. | | | | |
| | - 2 - | | | | |
| | COMPLAINT | | | | |

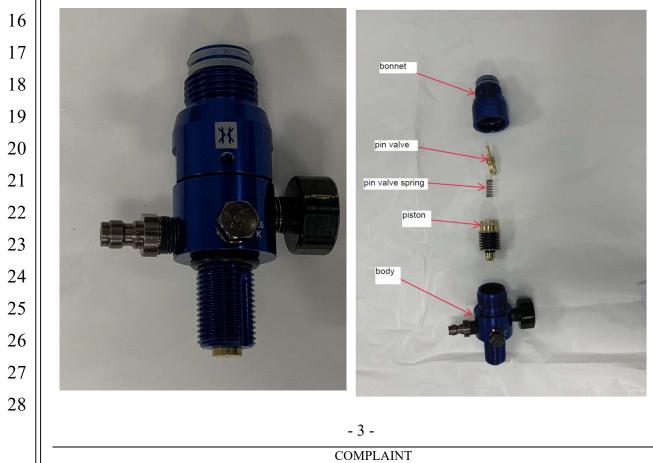
9. A paintball regulator is a device that regulates the pressure of the air entering a paintball marker by cutting off the air source when the pressure in the regulator chamber reaches a certain pressure. PSI has over 20 years of experience building regulators for numerous paintball manufacturers. PSI's regulators are ASTM compliant. ASTM is an international standards organization that develops and publishes voluntary consensus technical standards for a wide range of materials, products, systems, and services.

8 10. This action arises from Defendant's infringing importation, sale, offer
9 for sale, and inducement of use of paintball regulators referred to herein as the HK
10 Army Basic Compressed Air Tank Regulator (the HK Army regulator) The HK Army
11 regulators are imported and sold by HK Army. HK Army markets and sells its
12 infringing products through various dealers and dealer websites, including but not
13 limited to https://www.ansgear.com/.

11. As an example, pictures of the HK Army Regulator, both assembled and exploded, are set forth below:

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| 1COUNT I2(INFRINGEMENT OF U.S. PATENT NO. 7,059,343)312. PSI incorporates paragraphs 1 through 11 above as paragraph 12 herein413. This cause of action arises under the patent laws of the United States5and in particular, 35 U.S.C. § 271.614. PSI is the owner of all right, title and interest in the '343 patent, entitled7"Direct Acting Gas Regulator," including the right to exclude others and to enforce8sue and recover damages for past and future infringement.915. The '343 patent is valid, enforceable and was duly issued in ful10compliance with Title 35 of the United States Code.1116. Defendant has directly infringed and continues to directly infringe ond12or more claims of the '343 patent in this judicial district and in the United States13including at least claim 1, without the consent or authorization of PSI, by or through1417. Claim 1 of the '343 patent recites:17A direct acting pressure regulator for controlling the flow of a gas18from a high pressure source to a low pressure device, the gas being | | |
|---|--|--|
| 12. PSI incorporates paragraphs 1 through 11 above as paragraph 12 herein 13. This cause of action arises under the patent laws of the United States and in particular, 35 U.S.C. § 271. 14. PSI is the owner of all right, title and interest in the '343 patent, entitled "Direct Acting Gas Regulator," including the right to exclude others and to enforce sue and recover damages for past and future infringement. 15. The '343 patent is valid, enforceable and was duly issued in ful compliance with Title 35 of the United States Code. 16. Defendant has directly infringed and continues to directly infringe one or more claims of the '343 patent in this judicial district and in the United States including at least claim 1, without the consent or authorization of PSI, by or through its making, having made, offering for sale, selling, and/or using the HK Army regulator. 17. Claim 1 of the '343 patent recites: A direct acting pressure regulator for controlling the flow of a gas | | |
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| 17 A direct acting pressure regulator for controlling the flow of a gas | | |
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| from a high pressure source to a low pressure device, the gas being | | |
| delivered from the regulator at a predetermined outlet pressure, | | |
| comprising: | | |
| a body having a high pressure inlet and defining a seat; | | |
| 22 a bonnet engageable with the body to define a piston chamber | | |
| 23 within the body and the bonnet, the bonnet having a regulated | | |
| 24 gas outlet; | | |
| a piston disposed within the piston chamber and defining a gap | | |
| 26 between the piston and a wall defining the chamber, the piston | | |
| 27 movable between an open regulator condition and a closed | | |
| 28 regulator condition, the piston including a plug having a sealing | | |
| - 4 - COMPLAINT | | |

element with a sealing surface engageable with the seat and 2 movable toward the seat to the closed regulator condition to close a flow path through the regulator and away from the seat 3 to the open regulator condition to open the flow path through 4 the regulator, the plug having radially disposed openings 5 6 therein for communicating gas from around the plug to a central longitudinal bore in the piston, the piston having an 7 impingement surface in flow communication with the central 8 9 bore such that gas pressure on the impingement surface exerts a force on the piston to move the piston to the closed regulator 10 11 condition; 12 a spring for urging the piston to the open regulator condition; and

a pin valve disposed within the central longitudinal bore in the piston.

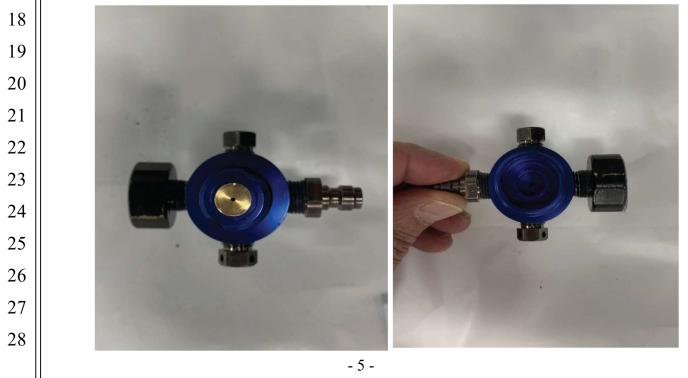
(Exh. A, col. 5, line 46-col. 6, line 8). 15

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16 18. The HK Army regulator has a body with a high pressure inlet (shown below left) and a seat in the body (shown below right): 17



COMPLAINT

1 19. The HK Army regulator has a bonnet that is threaded onto the body to
 2 define a piston chamber.

20. The bonnet of the HK Army regulator has a low pressure side outlet, as shown in the opening in the bonnet, in the picture at right, below:



21. The HK Army regulator includes a gap formed between the piston and the piston chamber wall.

16 22. The piston of the HK Army regulator moves between an open position
17 in which the piston moves away from the seat and a closed position in which the
18 piston moves towards the seat.

19 23. The end of the piston inserted in the HK Army regulator body includes
20 a plug (shown at the bottom of the picture below, at left) with a sealing element
21 (shown below, at right):





- 6 -COMPLAINT 24. The HK Army regulator sealing element engages with the seat in the
 closed position.

3 25. The HK Army regulator piston plug has openings that are transverse to
4 the plug and that open into a bore in the piston.

5 26. The HK Army regulator piston includes an impingement surface
6 opposite the plug in flow communication with the central bore.

7 27. As shown in the picture above, the HK Army regulator has a Belleville
8 spring which is positioned on the piston. The Belleville spring is positioned within
9 the piston chamber. The spring urges the plug away from the seat.

28. The HK Army regulator includes a pin valve and pin valve spring (shown below):

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29. The HK Army regulator has pin valve positioned in the piston bore.

30. PSI has been damaged as a result of Defendant's infringing conduct
described in this Count. Defendant is liable to PSI in an amount that adequately
compensates it for Defendant's 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.

31. Defendant has committed direct infringement as alleged in Count I at
least through importing, advertising and offering to sell, and/or selling the infringing
Regulator.

COMPLAINT

32. Defendant's actions complained of herein will continue unless
 Defendant is enjoined by this Court.

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33. Plaintiff is complying with the notice requirements of 35 U.S.C. § 287.

Defendant's infringement of the '343 patent has been such that merits an 4 34. 5 award of enhanced damages under 35 U.S.C. § 284. Defendant has engaged in 6 copying of PSI's patented technology. Defendant also has had actual notice of the '343 patent since at least the filing of the 2018 Lawsuit against another of its suppliers, 7 8 Next Gen Manufacturing, Inc. ("Next Gen") in a case styled Pressure Specialist, Inc. 9 v Next Gen Mfg., Inc., civil action 18 cv 7013 (N.D. Ill., November 5, 2018). PSI obtained a preliminary injunction against Next Gen for infringement of the '343 10 11 patent, including specifically another regulator sold by HK Army. A copy of that 12 preliminary injunction is attached as Exhibit B, and the subsequent order of final judgment and permanent injunction is attached as Exhibit C. Defendant has continued 13 to infringe the '343 patent despite an objectively high likelihood that its actions 14 constitute infringement of the '343 patent and a subjective knowledge or obviousness 15 of such risk. 16

17 18 35. This case is exceptional pursuant to the provisions of 35 U.S.C. § 285.

PRAYER FOR RELIEF

Wherefore, Plaintiff, Pressure Specialist, Inc., requests that this Court find in
its favor and against Defendant, HK Army, Inc. and grant Plaintiff the following
relief:

- 22 23
- A. A Judgment that HK Army has infringed the '343 patent, literally or under the doctrine of equivalents;
- B. In accordance with 35 U.S.C. § 283, an injunction providing that
 HK Army and all affiliates, employees, agents, officers, directors,
 attorneys, successors, and assigns and all those acting on behalf of
 or in active concert or participation with any of them, are
 preliminarily and permanently enjoined from (1) infringing the
 - 8 -

| 1 | | '343 patent and (2) making, importing, using, selling, and offering | | | |
|----------|--|---|--|--|--|
| 2 | | for sale the Regulator; | | | |
| 3 | C. | An award of damages, sufficient to compensate Plaintiff for HK | | | |
| 4 | | Army's infringement under 35 U.S.C. § 284, including an award | | | |
| 5 | | of enhanced damages up to three times the amount found or | | | |
| 6 | | assessed; | | | |
| 7 | D. | That the case be found exceptional under 35 U.S.C. § 285 and that | | | |
| 8 | | Plaintiff be awarded its attorneys' fees; | | | |
| 9 | E. | Costs and expenses in this action; | | | |
| 10 | F. | An award of prejudgment and post-judgment interest; and | | | |
| 11 | G. | Such other and further relief as the Court may deem just and | | | |
| 12 | proper. | | | | |
| 13 | | May 31, 2022 THE KNEAFSEY FIRM, INC. | | | |
| 14 | | May 51, 2022 IIIE KICH SET TIKW, INC. | | | |
| 15 | | By alm | | | |
| 16 | | Sean M. Kneafsey Attorneys for Plaintiff PRESSURE | | | |
| 17 | | SPECIALIST, JNC. | | | |
| 18 | | | | | |
| 19 20 | | JURY TRIAL DEMAND | | | |
| 20 | Plaintiff hereby demands a trial by jury of any issue triable by right of a jury | | | | |
| 22 | pursuant to Rule 38 of the Federal Rules of Civil Procedure. | | | | |
| 23 | | | | | |
| 24 | DATED: | May 31, 2022 THE KNEAFSEY FIRM. INC. | | | |
| 25 | | Dulata | | | |
| 26 | | By Sean M. Kneafsey | | | |
| 27 | | Attorneys for Plaintiff PRESSURE SPECIALIST, INC. | | | |
| 28 | | | | | |
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| | | COMPLAINT | | | |
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