

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

BRIDGESTONE AMERICAS TIRE)
OPERATIONS, LLC)
(a Delaware limited liability company),)
)
Plaintiff,) Case No.
v.)
) **JURY TRIAL DEMANDED**
SPEEDWAYS TYRES LIMITED)
(a foreign corporation),)
SPEEDWAYS RUBBER CO LIMITED)
(a foreign corporation),)
SWT AMERICAS, LLC)
(a Texas limited liability company),)
SWT NORTH AMERICAN OPERATIONS LLC)
(a Texas limited liability company),)
SPEEDWAYSTYRES SWT GLOBAL SALES)
LLC)
(a Texas limited liability company), and)
ROUTE 66 TIRE AND RUBBER, LLC)
(a Texas limited liability company),)
)
Defendants.)

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Bridgestone Americas Tire Operations, LLC (“Bridgestone”) brings this action for patent infringement against Defendants Speedways Tyres Limited (“Speedways Tyres”), Speedways Rubber Co Limited (“Speedways Rubber”), SWT Americas, LLC (“SWT Americas”), SWT North American Operations LLC (“SWT North American”), Speedwaystyres SWT Global Sales LLC (“SWT Global Sales”) (collectively “SWT”), and Route 66 Tire and Rubber, LLC (“Route 66 Tire & Rubber”) (“Defendants”), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for infringement under the patent laws of the United States, Title 35 of the United States Code. SWT is trading off Bridgestone's inventive efforts by making, selling, and promoting a tire that infringes Bridgestone's patented non-directional irrigation tire technology. In addition to other requests for relief, specified in the Prayer for Relief, Bridgestone seeks judgment (a) enjoining further patent infringement, (b) awarding monetary damages for willful violations of law and Bridgestone's patent rights, and (c) awarding Bridgestone its reasonable attorneys' fees and costs of suit.

THE PARTIES

2. Bridgestone is a Delaware limited liability company with a business address at 200 4th Avenue South, Nashville, Tennessee 37201.

3. On information and belief, Speedways Tyres is a foreign corporation organized and existing under the laws of India with a business address at Suchi Pind Bye Pass, G.T. Road, Jalandhar – 144009, Jalandhar, Punjab, India.

4. On information and belief, Speedways Rubber is a foreign corporation organized and existing under the laws of India with a business address at Suchi Pind, Bye Pass, G.T. Road, Jalandhar – 144009. Jalandhar, Punjab, India.

5. On information and belief, SWT Americas is a Texas limited liability company with a business address at 649 Meadow Hill Rd., Fort Worth, Texas 76108.

6. On information and belief, SWT North American is a Texas limited liability company with a business address at 2712 Meadow Ridge Dr., Fort Worth, Texas 76113.

7. On information and belief, SWT Global Sales is a Texas limited liability company with a business address at 9900 Spectrum Dr., Austin, Texas 78717. At least one managing

member substantially conducts business on behalf of SWT Global Sales at 2712 Meadow Ridge Dr., Fort Worth, Texas 76113.

8. On information and belief, SWT Americas, SWT North American, SWT Global Sales, and Speedways Rubber are wholly-owned subsidiaries of Speedways Tyres.

9. On information and belief, Route 66 Tire & Rubber is a Texas limited liability company with a business address at Meadow Hill Rd., Fort Worth, Texas 76108.

10. On information and belief, SWT Americas and Route 66 Tire & Rubber share at least one member named Robert G. Hubbard.

JURISDICTION AND VENUE

11. Bridgestone re-alleges, and incorporates in full herein, each preceding paragraph.

12. This action arises under the Patent Laws, 35 U.S.C. § 1 et seq., and this Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).

13. This Court has personal jurisdiction over Defendants because, on information and belief, Defendants purposely avail themselves of the privilege of doing business in Texas and/or derive substantial revenue from goods and services provided to individuals in this district.

14. On information and belief, SWT Americas, SWT North American, SWT Global Sales, and Route 66 Tire & Rubber introduced the Agristorm nD2 tire (“Accused Product”) into interstate commerce and/or have marketed the Accused Product to various retailers throughout the United States and this jurisdictional district.

15. On information and belief, SWT North American sells, distributes, and provides services related to SWT tires, including the Accused Product, in North America.

16. On information and belief, SWT Global Sales has a regular and established place of business in this jurisdictional district, by virtue of its managing members Brian K. Hubbard

and Hardeep Singh directing the operations of SWT Global Sales and the infringing acts from the address 2712 Meadow Ridge Dr., Fort Worth, Texas 76113, located in this jurisdictional district.

17. On information and belief, Speedways Rubber imports and supplies the Accused Product to at least SWT Americas and Route 66 Tire & Rubber in this district.

18. On information and belief, Speedways Tyres manufactures the Accused Product and Speedways Rubber imports it into the U.S. for sale and distribution in the U.S., including this district.

19. Additionally and alternatively, to the extent Speedways Tyres and Speedways Rubber are not subject to the jurisdiction of the courts of general jurisdiction of the State of Texas, Speedways Tyres and Speedways Rubber are likewise not subject to the jurisdiction of the courts of general jurisdiction of any state, and accordingly are amendable to service of process based on their aggregate contacts with the United States, including but not limited to the above described contacts, as authorized by Federal Rule of Civil Procedure 4(k)(2).

20. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) and (c) and/or § 1400(b) because on information and belief, Defendants have committed acts of patent infringement within this district. SWT Americas, SWT North American, SWT Global Sales, and Route 66 Tire & Rubber are incorporated in the State of Texas, and have a regular and established place of business in this jurisdictional district. Speedways Tyres and Speedways Rubber do not reside in the United States and may be sued in any judicial district.

BACKGROUND OF THE CASE

BRIDGESTONE

21. Bridgestone re-alleges and incorporates by reference all of the allegations set forth in the preceding paragraphs.

22. Bridgestone and its related affiliated companies comprise the world's largest tire and rubber company. Their products are sold in over 150 nations and territories around the world and they presently have over 30 production facilities in the Americas alone. They produce and sell over 30 million tires a year, operate nearly 2,200 directly owned and operated retail outlets in North America, and employ nearly 140,000 people.

23. Bridgestone's roots trace back to the Firestone Tire and Rubber Company, which was founded over a century ago by entrepreneur and innovator Harvey S. Firestone. By 1900, with twelve employees and a single production facility in Akron, Ohio, the Firestone Tire and Rubber Company produced its first tire. FIRESTONE tires quickly gained a reputation for quality and performance; they were chosen by Henry Ford for the first mass-produced cars in America and, shortly thereafter, drove to victory in the very first Indianapolis 500 car race.

24. Today, Bridgestone develops, manufactures, and markets tires for a wide range of land vehicles, including, tires for passenger, commercial, and off-the-road ("OTR") vehicles (for construction, agricultural, mining, and other applications).

25. Across these fields, Bridgestone has established itself as a leading pioneer of innovative tire technologies. Devoted to bringing cutting-edge designs and technology to industry and the public, Bridgestone spends significant resources investing in research and development of tire and rubber technologies in the United States. To date, the U.S. Patent and Trademark Office has issued over 5,000 patents to Bridgestone and its affiliated companies.

**BRIDGESTONE'S CHAMPION HYDRO ND TIRE
AND PATENTED TECHNOLOGY**

26. Among its OTR tires, Bridgestone makes, sells, and promotes the Champion Hydro ND Non-Directional Irrigation tire (“Champion Hydro ND tire”) since as early as 2014. The Champion Hydro ND is designed and engineered for irrigation systems that track through or double-back over muddy soils as shown below:



27. For moving irrigation systems (for example a center pivot irrigation system), the tire tread design can undesirably alter the ground as the irrigation system moves, and the tires can be substantially damaged by moving in a direction that the treads were not designed for.

28. Cognizant of these challenges, Bridgestone developed a tire that features a non-directional tread pattern for equal traction in forward and reverse directions, improved traction in wet conditions, and reduced soil disturbance and rutting conditions. Bridgestone implemented this technology in its Champion Hydro ND tire.

29. To protect its non-directional irrigation tire technology, Bridgestone obtained U.S. Patent No. 9,873,291 (“the ‘291 Patent”), attached as Exhibit A, and other issued patents. It also

has patent applications that relate to non-directional irrigation tire technology, including U.S. Patent Application Serial No. 16/249,984 (“the ‘984 application”), which published on July, 4, 2019 as U.S. Patent Application Publication No. 2019/0202243. This published application is attached as Exhibit B.

30. Bridgestone is the owner of all right, title, and interest in and to the ‘291 Patent and to the ‘984 application.

31. Bridgestone has the full and exclusive right to bring and enforce the ‘291 Patent and to collect damages for infringement.

DEFENDANTS AND THEIR WRONGFUL ACTIVITIES

32. On information and belief, SWT and Route 66 Tire & Rubber import, offer for sale, and sell the Accused Product.

33. Since at least March 31, 2020, SWT has used the trademark AGRISTORM ND2 on or in connection with the Accused Product. SWT Americas owns a federal trademark registration for AGRISTORM ND2, U.S. Registration No. 4,935,373, in International Class 012 for tires. On information and belief, SWT Americas allows Speedways Tyres, Speedways Rubber, SWT North American, and SWT Global Sales to use the trademark AGRISTORM ND2 on or in connection with the Accused Product.

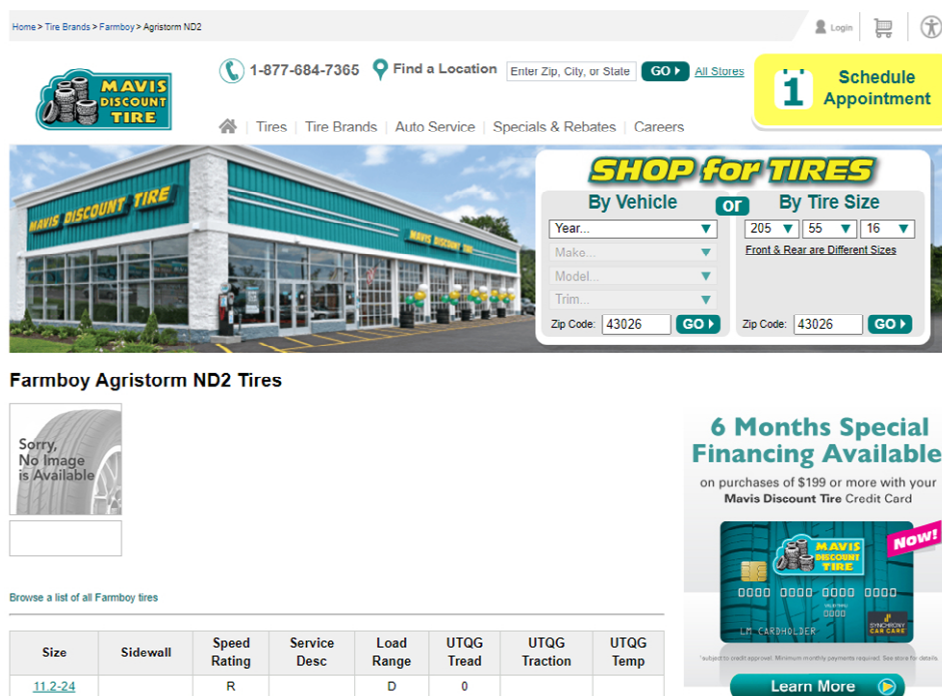
34. On information and belief, before March 31, 2020, Route 66 Tire & Rubber used the AGRISTORM ND2 mark on or in connection with the Accused Product.

35. Since at least March 31, 2020, SWT has also used the trademark FARMBOY on or in connection with the Accused Product. SWT Americas owns a federal trademark registration for FARMBOY, U.S. Registration No. 4,013,251. The FARMBOY trademark is registered in International Class 012 for “Inner tubes for vehicle tires; Land vehicle parts,

namely, wheels; Tire tubes for vehicles; Tires; Vehicle wheel rims; Vehicle wheels.” On information and belief, SWT Americas allows Speedways Tyres, Speedways Rubber, SWT North American, and SWT Global Sales to use the trademark FARMBOY on or in connection with the Accused Product.

36. On information and belief, before March 31, 2020, Route 66 Tire & Rubber used the FARMBOY mark on or in connection with the Accused Product.

37. On information and belief, Defendants use or authorize the use of the composite mark FARMBOY AGRISTORM ND2 to market and sell the Accused Product throughout the U.S., as shown below:



Farmboy Agristorm nD2 Tires, MAVIS DISCOUNT TIRE, <https://www.mavistire.com/tire-brands/farmboy/agristormnd2/> (last visited Jan. 20, 2022).

38. As early as 2019, Defendants offered for sale and sold the Accused Product labeled as “FarmBoy AgriStorm nD2,” as shown below.



39. As early as 2019, Defendants also offered for sale and sold the Accused Product labeled as “SWT AgriStorm nD2,” as shown below:



40. The Accused Product competes with Bridgestone's Champion Hydro ND Tire for use in irrigation systems. Similar to Bridgestone's Champion Hydro ND tire, the Accused Product features a non-directional tread pattern with longitudinal protrusions or lugs that are substantially parallel to the rotation axis of the tire. A spec sheet for the Accused Product is attached as Exhibit C.

41. SWT's Agristorm nD2 tire incorporates the invention claimed in the '291 Patent. Specifically, the Agristorm nD2 tire possess all the elements of at least claim 1, 2, 6, 7, 8, and 10 of the '291 Patent, either literally or under the doctrine of equivalents, as identified in Exhibit D.

42. By copying Bridgestone's patented technology, SWT and Route 66 Tire & Rubber have unfairly capitalized on Bridgestone's research and development investments.

CLAIMS FOR RELIEF

COUNT I **INFRINGEMENT OF THE '291 PATENT**

43. Bridgestone re-alleges and incorporates by reference all the allegations set forth in paragraphs 1 through 42.

44. The '291 Patent remains valid, enforceable, and unexpired.

45. Defendants, alone or through or in combination with its agents and/or intermediaries, directly infringe at least one claim of the '291 Patent either literally or under the doctrine of equivalents, by manufacturing, using, offering to sell, selling, and/or importing into the U.S. products that infringe the '291 Patent, including the "Accused Product" as set forth in the claims chart attached as Exhibit D. Further details regarding Defendants' infringement are known only to Defendants and will be the subject of discovery.

46. Defendants have infringed, are infringing, and will infringe at least claims 1, 2, 6, 7, 8, and 10 of the '291 Patent, either literally or under the doctrine of equivalents, and are in violation of 35 U.S.C. § 271(a).

47. As a consequence of Defendants' direct infringement, whether literal and/or under the doctrine of equivalents, of the '291 Patent, Bridgestone has been, and continues to be, damaged in an amount not yet determined and is entitled to recover damages pursuant to 35 U.S.C. § 284.

48. On information and belief, Defendants had knowledge of the '291 Patent and its infringement as early as July 15, 2020 when Bridgestone notified Speedway Tyres that the Accused Product infringed at least claim 1 of the '291 Patent.

49. On information and belief, Defendants' commercial activities relating to the making, using, offering for sale, selling, and/or importing into the United States has continued and is continuing with knowledge of the '291 Patent and its infringement. These commercial activities are, at a minimum, in reckless disregard of Bridgestone's rights under the '291 Patent. Accordingly, such acts of infringement have therefore been intentional, deliberate, and willful. Bridgestone is entitled to enhanced damages and other relief.

50. On information and belief, Defendants' infringement of the '291 Patent will continue in the future, and Bridgestone will continue to suffer damages as a consequence unless Defendants' infringing acts are enjoined by this Court pursuant to 35 U.S.C. § 283.

51. Bridgestone is entitled to the relief and remedies requested below.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays judgment in its favor against Defendants that:

a. Defendants have infringed the '291 Patent, either literally or under the doctrine of equivalents;

b. Defendants, their officers, directors, agents, servants, employees, attorneys, affiliates, divisions, branches, parents, and those persons in active concert or participation with any of them, be permanently restrained and enjoined from infringing the '291 Patent;

c. Awards damages under 35 U.S.C. § 284 sufficient to compensate Bridgestone for Defendants' past infringement of the '291 Patent (in all cases no less than a reasonable royalty), enhanced by three times for willful infringement;

d. Orders an accounting of all of Defendants infringing sales and damages including, but not limited to, those sales and damages not presented at trial;

e. Awards Bridgestone its pre-judgment and post-judgment interest and costs against, in accordance with 35 U.S.C. § 284;

f. Deems this case exceptional and directs Defendants to pay Bridgestone's reasonable attorneys' fees incurred in connection with this action, pursuant to 35 U.S.C. § 285;

g. Awards Bridgestone such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY

Bridgestone respectfully demands a trial by jury of any and all claims and issues so triable.

Date: February 25, 2022

Respectfully submitted,

/s/ Jonathan R. Mureen

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