

1 JAIDEEP VENKATESAN, SBN 211386
jvenkatesan@be-law.com
2 BERGESON, LLP
111 N. Market Street, Suite 600
3 San Jose, CA 95113
Telephone: (408) 291-6200
4 Facsimile: (408) 297-6000

5 Attorneys for Plaintiff
STAHL'S INC., d/b/a GroupeSTAHL

6 *(Additional Counsel On Signature Page)*
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 STAHL'S INC., d/b/a GroupeSTAHL, a
Michigan corporation,

12 Plaintiff,

13 v.

14 MICROTEC TECHNOLOGY, a California
15 company,

16 Defendant.

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

17
18
19
20
21
22
23
24
25
26
27
28

1 Plaintiff Stahls' Inc., d/b/a GroupeSTAHL ("Stahls" or "Plaintiff") for its Complaint
2 against Defendant Microtec Technology states and alleges as follows:

3 **I. NATURE OF THE ACTION**

4 1. This is a civil action for injunctive relief, damages and attorney's fees and costs
5 arising under federal laws for patent infringement, including the commission of acts of
6 infringement by using, making, importing, offering to sell and/or selling a product and/or products
7 that infringe ("infringing products") one or more claims of United States Patent No. 9,289,960
8 ("the '960 Patent").

9 **II. THE PARTIES**

10 2. Plaintiff Stahls' Inc., d/b/a/ GroupeSTAHL ("Stahls") is a Michigan corporation
11 with a place of business at 6353 E 14 Mile Road, Sterling Heights, Michigan 48312.

12 3. On information and belief, Defendant Microtec Technology, also referred to as
13 Microtec Technology Company LTD ("Microtec"), is a California company with a place of
14 business at 400 S El Camino Real, San Mateo CA 94402. On information and belief, Microtec
15 conducts and maintains business operations at 400 S El Camino Real, San Mateo CA 94402.

16 4. On information and belief, Microtec sells, offers to sell, imports, distributes,
17 manufactures, and/or uses products throughout the United States, including in this judicial district,
18 and introduces infringing products into the stream of commerce knowing that they would be sold
19 and/or used in this judicial district and elsewhere in the United States.

20 **III. JURISDICTION AND VENUE**

21 5. This is an action for patent infringement arising under the Patent Laws of the
22 United States, Title 35 of the United States Code, specifically §§ 271 and 281-285.

23 6. Subject matter jurisdiction is proper under 28 U.S.C. §§ 1331 and 1338(a).

24 7. This Court has personal jurisdiction over Microtec at least because, upon
25 information and belief, Microtec has transacted and continues to transact business within this
26 District and elsewhere in California, including importing, advertising, distributing, offering to sell
27 and/or selling infringing products within this District and this State. Defendant offers for sale and
28 sells its products within this District and this State through its business location of 400 S El

1 Camino Real, San Mateo CA 94402, its interactive website (www.heatpress.cn) and third party e-
2 commerce businesses including eBay® (www.ebay.com) and Facebook® (www.facebook.com),
3 and ships and/or imports infringing products within this District and this State.

4 8. Further, this Court has personal jurisdiction over Microtec by virtue of, *inter alia*,
5 (i) Microtec having a business location at 400 S El Camino Real, San Mateo, CA 94402;
6 (ii) Microtec’s commission of at least a portion of the infringements alleged herein within this
7 District and this State; and (iii) Microtec has a regular and established place of business in this
8 District and this State, engages in other persistent courses of conduct and/or derives substantial
9 revenue from goods and services provided to individuals in this District and this State.

10 9. Venue in this District is proper pursuant to 28 U.S.C. § 1391 and § 1400 at least
11 because (i) Microtec conducts business operations at 400 S El Camino Real, San Mateo, CA
12 94402, and (ii) Microtec maintains a regular and established place of business in this District, and
13 has committed and continues to commit infringing acts in this District, including the commission
14 of acts of infringement that infringe one or more claims of the ‘960 Patent.

15 **IV. GENERAL ALLEGATIONS**

16 **A. PLAINTIFF’S ACTIVITIES AND PROPRIETARY RIGHTS**


17 10. The innovator and leader in pre-cut and custom athletic numbers, letters, and logos
18 since its 1932 founding in the Detroit area garage of husband-and-wife team A.C. and Ethel Stahl,
19 Stahls’ is known and respected worldwide in the sportswear, custom apparel and promotional
20 products industries for equipment, materials, and services.

21 11. Stahls’ has been and is now extensively engaged in the design, manufacture,
22 marketing and sale of heat transfer presses and related goods (“Stahls’ Goods and Services”),
23 under Stahls’ FUSION Mark, FUSION IQ Mark, and HOTRONIX Mark. Screenshots of Stahls’
24 website (www.stahls.com) showing the patented dual station shuttle press (“DUAL FUSION Heat
25 Press”) are reproduced below:

26 ///

27 ///

28 ///


[Customer Support](#)
[Community & Events](#)
[Become a Reseller](#)
[Log In or Register](#)

Due to carrier delays, you may experience longer transit times. [COVID-19 Updates](#)

What can we help you find?

[Artwork Uploader](#)

- [CAD-CUT® Direct](#)
- [Letters & Numbers](#)
- [Custom Logos](#)
- [Equipment](#)
- [Apparel](#)
- [Help & Education](#)

Home | Equipment > Heat Presses & Accessories > Heat Press Machines > Dual Air Fusion IQ



Click image to view larger



♥ Add to favorites

Dual Air Fusion IQ® Heat Press

Most features of any heat press.

- [Overview](#)
- [Details](#)

The world's most advanced heat press just got smarter. Register your Dual Air Fusion and access the Hotronix Online Portal to manage users, generate usage reports, and troubleshoot issues. Plus, a brand-new controller with a larger, higher resolution screen makes it easier than ever to modify settings and save recipes.

The upper platen moves between heat printing stations, allowing operators to prepare garments on one station while the other is being pressed.

To make sure you're getting a Hotronix®, **look for the blue!**

[Apply for Financing](#)

[View Heat Press Packages](#)

[Schedule Online Demo](#)

- [Order Now](#)
- [Tech Specs](#)

Technical Specifications

Features

- Online access to reporting, including total impressions, active/idle time, and average cycle time.
- Self-diagnostics help with troubleshooting and maintenance.
- Dual Quick Change 16" x 20" platens.
- Auto Adjust Pressure™ with four different pressure and time settings that auto-adjust pressure for all recipes.
- Die pressure cast, corrosion-free base and top assemblies.
- Center-driven rodless transmission ensures smooth, quiet operation.
- Operates in full-auto, semi-auto, or manual modes.
- Threadability™ allows easy decorating of front, back, and sides of garments.

*Requires air compressor (not included) with minimum 1 horse power and 8 gallon hold tank, 120 PSI. Uses 2.6 CFM.

Recommended table size of 24 x 36 x 28" with 30" height.

[Print these 6 Heat Press Care Tips](#) and keep them close to your heat press to help keep it in shape.

Patents

Hotronix® Dual Air Fusion IQ® Heat Press is protected by U.S. Patent No: 9,289,960

- Program and store frequently used applications.
- 120 PSI for heavy pressure application.
- No operator fatigue.
- Optional smaller **interchangeable platens**.
- Proudly made in the USA.
- Premier warranty.
- 240 v; 15 amps; 3500 w
- Must have designated circuit breaker
- Actual Weight: 260 lbs
- Shipping Weight: 410 lbs
- Dimensions: 38" x 38" x 26"
- Shipping Dimensions: 45" x 45" x 30"

Hotronix Premier Warranty

- Lifetime Warranty on Heating Element
- 5 yr on Framework
- 2 yr on Circuit board
- 1 yr parts/labor
- Free lifetime technical support

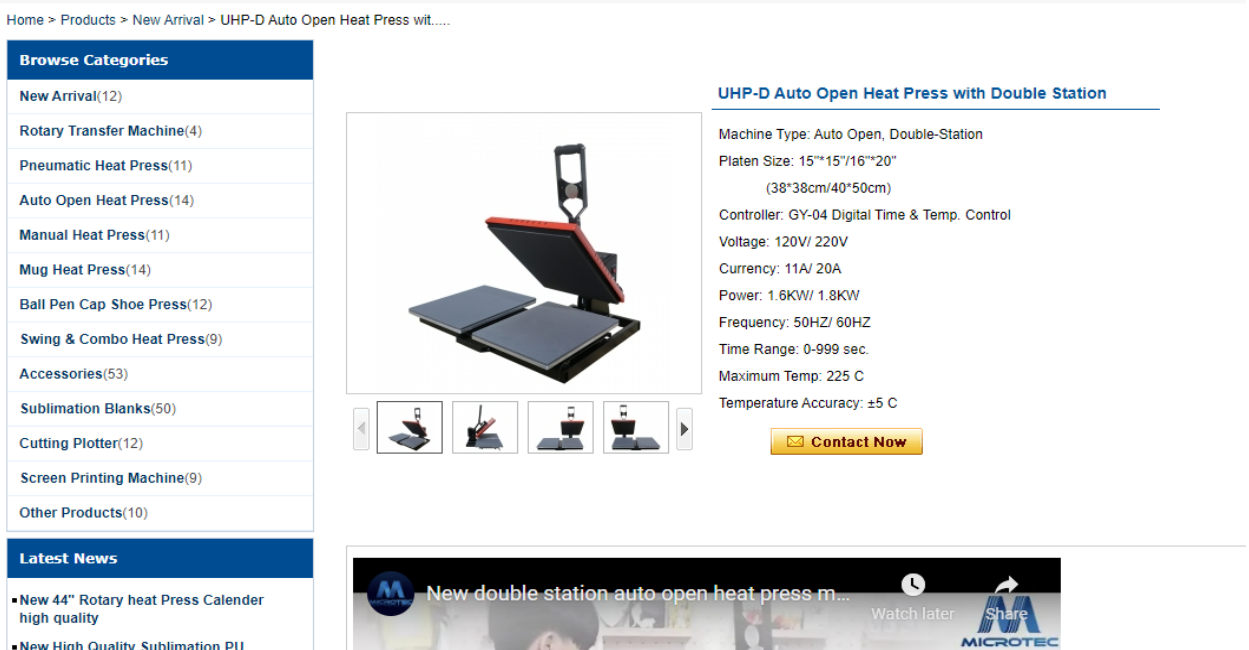
28 ///

1 12. Plaintiff Stahls' Inc. is the owner, by valid assignment, of all right, title, and
 2 interest in and to U.S. Patent No. 9,289,960 ("the '960 Patent"), including the right to seek
 3 remedies and relief for past infringement thereof. Moreover, reference to the '960 patent is
 4 marked on the DUAL FUSION Heat Press webpage as shown in the above screenshot in
 5 paragraph 11.

6 13. The '960 Patent, titled "Dual Shuttle Press," was duly and legally issued by the
 7 United States Patent and Trademark Office on March 22, 2016. A true copy of the '960 Patent is
 8 attached hereto as **Exhibit A**. The '960 patent is in force.

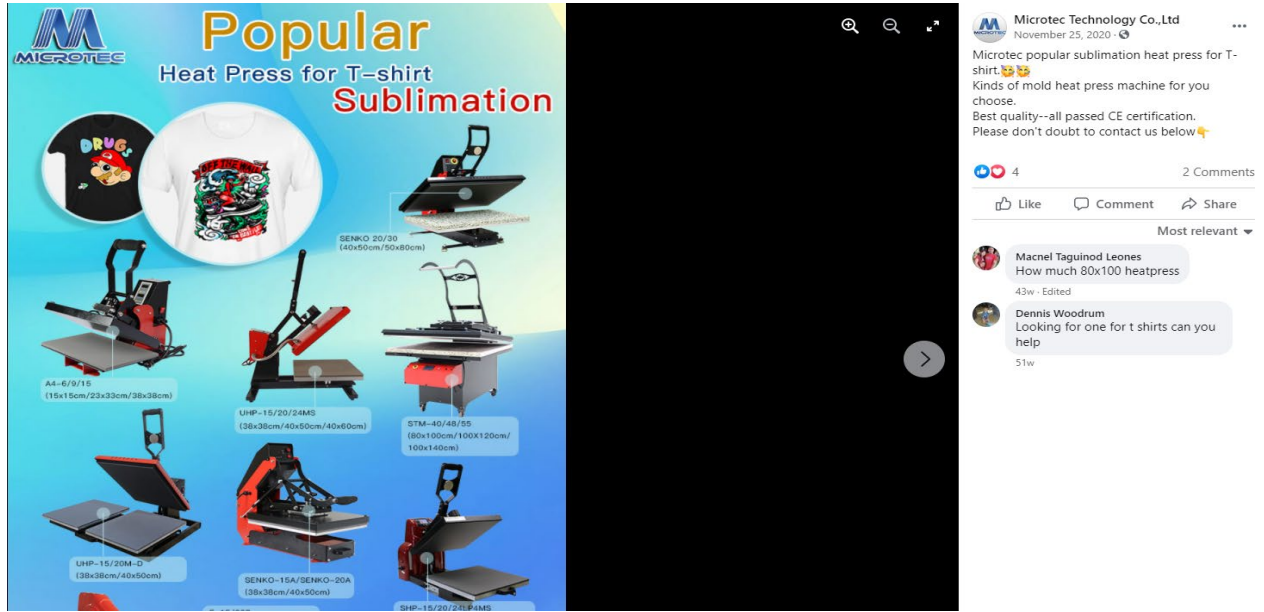
9 **B. MICROTEC'S WRONGFUL ACTS**

10 14. Microtec has in the past and currently produces, markets, imports, uses, sells and/or
 11 offers to sell heat transfer presses and related goods under such model numbers as UHP-20M-D
 12 and UHP-15M-D, collectively Microtec's Heat Presses. For example, the following information
 13 from Microtec for item number UHP-D (including both UHP-20M-D and UHP-15M-D) is
 14 provided at the URL [https://www.heatpress.cn/products/Auto-Open-Heat-Press-with-Shuttle-](https://www.heatpress.cn/products/Auto-Open-Heat-Press-with-Shuttle-Double-Stations-UHP-D.html)
 15 [Double-Stations-UHP-D.html](https://www.heatpress.cn/products/Auto-Open-Heat-Press-with-Shuttle-Double-Stations-UHP-D.html), accessed November 30, 2021, with the full page screenshot thereof
 16 attached as **Exhibit B**:



28 ///

1 15. As another example, the following information from Facebook at the Microtec
 2 products page for item number UHP-15M-D and UHP-20M-D is provided at the URL
 3 <https://www.facebook.com/heatpressmachines/photos>, accessed November 30, 2021, with the full
 4 page screenshot attached as **Exhibit C**:



15 16. On information and belief, Microtec has in the past produced, marketed, imported,
 16 distributed, sold and/or offered to sell, and currently produces, markets, imports, distributes, uses,
 17 sells and/or offers to sell within the United States, including the Northern District of California,
 18 heat transfer presses, including Microtec’s Heat Presses, which infringe one or more of the claims
 19 of the ‘960 Patent. Microtec is importing, manufacturing, offering to sell and/or selling infringing
 20 heat presses in the United States to compete with Stahls’ DUAL FUSION Heat Press.

COUNT I

Infringement of U.S. Patent No. 9,289,960

23 17. Stahls’ incorporates by reference all allegations of Paragraphs 1-16 as if fully set
 24 forth herein.

25 18. Microtec has infringed, and continues to infringe, directly, contributorily, and/or
 26 has actively induced infringement of the ‘960 Patent in violation of 35 U.S.C. § 271 by making,
 27 using, distributing, manufacturing, offering to sell, selling and/or importing heat transfer presses,
 28 including the Microtec’s Heat Presses, which at least claim 1 of the ‘960 Patent covers, without

1 authority to do so.

2 19. Microtec has infringed, and continues to infringe, at least claim 1 of the '960 Patent
3 literally, or under the doctrine of equivalents, by making, using, distributing, manufacturing,
4 offering to sell, selling and/or importing the Microtec's Heat Presses. An infringement claim chart
5 has been prepared detailing representative infringement of claim 1 of the '960 Patent that can be
6 provided to the Court upon request.

7 20. Stahls' has substantial lost sales and profits, which shall be shared in due course
8 under the protection of a protective order due to the confidential nature thereof, but for the
9 infringement it would have made the sales and profits that Microtec made.

10 21. Stahls' has been and will continue to be pecuniarily and irreparably damaged by
11 Defendant's infringement, including diversion of customers, lost sales, and lost profits, unless this
12 Court enjoins Microtec from continuing its infringement pursuant to 35 U.S.C § 283.

13 22. Because Microtec's actions, on information and belief, were carried out
14 intentionally, willfully and/or deliberately in violation of Stahls' rights, this is an "exceptional
15 case" pursuant to 35 U.S.C § 285 and Stahls' is entitled to attorney's fees and costs.

16 23. Because Microtec's actions, on information and belief, were carried out
17 intentionally, willfully and/or deliberately in violation of Stahls' rights, Stahls' is entitled to an
18 award of treble damages under 35 U.S.C § 284.

19 **REQUESTED RELIEF**

20 WHEREFORE, Plaintiff Stahls' Inc., d/b/a GroupeSTAHL, prays for entry of judgment
21 from this Court that:

- 22 a. United States Patent No. 9,289,960 was duly and legally issued, and is valid and
23 enforceable;
- 24 b. Microtec has directly and/or contributorily infringed United States Patent No.
25 9,289,960, and/or actively induced infringement of United States Patent No.
26 9,289,960 by others;
- 27 c. Microtec , and those acting in active concert, be preliminarily and permanently
28 enjoined from engaging in any further acts of infringement of United States Patent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

No. 9,289,960;

- d. Stahls' be awarded damages adequate to compensate for the patent infringement by Microtec pursuant to 35 U.S.C. § 284, including Microtec's past infringement and any continuing or future infringement of the patent-in-suit, up until the date such judgement is entered, together with prejudgment interest and costs;
- e. Microtec's patent infringement has been willful, thereby entitling Stahls' to recover treble damages, pursuant to 35 U.S.C. § 284;
- f. The patent infringement by Microtec has been such as to render this action exceptional, and Stahls' be awarded reasonable attorney's fees, pursuant to 35 U.S.C. § 285;
- g. Microtec be required to pay Stahls' such damages, statutory or otherwise, together with prejudgment interest thereon, that Stahls' has sustained as a consequence of Microtec's wrongful acts, and to account for and return to Stahls' monies, profits and advantages wrongfully gained by Microtec;
- h. All damages sustained by Stahls' be trebled;
- i. Microtec be required to pay to Stahls' punitive and exemplary damages;
- j. Microtec be required to pay to Stahls' all attorney's fees, expenses and costs incurred in this action;
- k. Stahls' be awarded damages in an amount sufficient to compensate Stahls' for the substantial loss of sales and profits arising from Microtec's infringement, the amount of which shall be shared in due course under the protection of a protective order;
- l. Stahls' be awarded post-judgement interest pursuant to 28 U.S.C. § 1961;
- m. Microtec shall immediately cease and desist from ordering, advertising, or selling the UHP-20M-D and UHP-15M-D (hereafter, "Infringing Products"), and Microtec hereafter shall not infringe, either directly, by contribution, or by inducement, Plaintiff's '960 patent by importing, offering for sale, making, using, or selling within the United States;

