

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FENTON MOBILITY PRODUCTS, INC.

Plaintiff,

v.

Civil No. _____

PARETO ALUMINUM SYSTEMS LLC

Defendant.

COMPLAINT

Plaintiff, FENTON MOBILITY PRODUCTS, INC. (“Fenton Mobility”) by and through its undersigned attorneys for its Complaint against Defendant PARETO ALUMINUM SYSTEMS LLC (“Pareto”) herein alleges the following:

THE PARTIES

1. Plaintiff Fenton Mobility is a corporation organized and existing under the laws of the state of New York, with a principal place of business at 26 Center Street, Randolph, New York 14772, which is in this judicial district. Fenton Mobility manufactures and sells aftermarket vehicle upfitting hardware and assemblies for distribution throughout the United States, including New York.

2. Upon information and belief, Defendant Pareto is a limited liability company organized and existing under the laws of the State of Michigan, with its principal place of business located at 43135 Whisper Court, Northville, Michigan 48168. Pareto manufactures and sells an aftermarket vehicle flooring system, aftermarket vehicle seat legs, and other vehicle accessories throughout the United States, including New York.

JURISDICTION AND VENUE

3. This claim arises under the patent laws of the United States, 35 U.S.C. § 101, *et seq.*, including 35 U.S.C. § 271.

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

5. This Court has personal jurisdiction over the Defendant pursuant to N.Y. C.P.L.R. § 302(a) because, among other things, Defendant transact business in New York and in this judicial district. Defendant have sold and/or offered to sell products that infringe the asserted patent, as alleged below, in New York and in this judicial district. Defendant also manages and controls a website that markets the infringing products for sale to customers, including those residing in New York and in this judicial district.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(a), as well as N.Y. C.P.L.R. § 302(a).

FACTUAL BACKGROUND

7. Fenton Mobility manufactures and sells, *inter alia*, aftermarket seat legs that allow original equipment manufacturer (OEM) seats to be removably connectable to a floor track system, referred to herein as the seat legs.

8. Fenton Mobility applied for and obtained a patent covering the seat legs, as described below.

9. Fenton Mobility is and has at all times been the owner of all right, title, and interest in the seat legs, including the patent therefore.

10. Pareto manufactures and sells aftermarket floor track systems and seat legs that allow OEM seats to be removably connectable to the floor track systems.

COUNT ONE-INFRINGEMENT OF THE '867 PATENT

11. Fenton Mobility repeats and realleges the allegations set forth in paragraphs 1-10 with the same force and effect as is more fully set forth herein.

12. This cause of action arises under 35 U.S.C. 101 *et seq.*

13. U.S. Patent Number 10,625,867, entitled “INTEGRABLE SEAT LEG” (the “‘867 Patent”), issued on April 21, 2020. A copy of the ‘867 Patent is attached as **Exhibit A**.

14. Fenton Mobility is the owner by assignment of all right, title, and interest in the ‘867 Patent.

15. Defendant has infringed and continues to infringe one or more claims of the ‘867 Patent in violation of 35 U.S.C. § 271 by making, using, selling, and/or offering for sale, in this district and elsewhere, the counterbalances and the redesigned counterbalances, including but not limited to, the FORD SINGLE SEAT LEG, FORD DOUBLE SEAT LEG, FORD TRIPLE SEAT, and FREEDMAN SINGLE SEAT QUICK RELEASE MECHANISM products.

16. Fenton Mobility informed Pareto that Pareto’s products and processes infringe the ‘867 Patent in a letter sent on October 26, 2021. With knowledge of the ‘867 Patent, and after receiving Fenton Mobility’s admonitions regarding infringement, Pareto continued to infringe the ‘867 Patent.

17. Defendant’s actions in infringing the ‘867 Patent have been, and continue to be, willful, deliberate, and/or in conscious disregard of the rights of Fenton Mobility, making this an exceptional case within the meaning of 35 U.S.C. § 285.

18. As a result of Defendant's infringing activities, Fenton Mobility has sustained damages in an amount to be proven at trial, but in no event less than a reasonable royalty.

19. Defendant will continue its infringing activities unless and until it is restrained and enjoined by this Court.

20. Defendant's infringing activities have caused, and will continue to cause, Fenton Mobility irreparable harm for which there is no adequate remedy at law.

DEMAND FOR JURY TRIAL

21. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands trial by jury in this action of all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief and demands judgment against the Defendant as follows:

1. for a judgment declaring that Defendant has infringed one or more claims of the '867 Patent;

2. for a preliminary and permanent injunction restraining Defendant, its officers, agents, servants, employees, attorneys, subsidiaries, affiliates and all other persons in active concert or participating with Defendant or with any of the foregoing from making, using, selling, and/or offering for sale any systems or products that infringe one or more claims of the '867 Patent, or otherwise directly or indirectly committing further acts of infringement of that Patent;

3. adjudging that the '867 Patent is valid and enforceable;

4. ordering an accounting for damages arising from Defendant's acts of infringement including pre-judgment and post-judgment interest and costs;
5. awarding damages, including treble damages, under 35 U.S.C. §§ 284 and 285, with interest;
6. finding that Defendant's infringement is willful, that this is an exceptional case, and awarding reasonable attorneys' fees to Plaintiff under 35 U.S.C. § 285; and,
7. awarding such further relief as this Court deems proper.

Dated: December 16, 2021
Buffalo, New York

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