

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO.**

WEBER-HYDRAULIK GMBH,)	
)	
Plaintiff,)	COMPLAINT FOR PATENT INFRINGEMENT
)	
v.)	
)	
HURST JAWS OF LIFE, INC.,)	JURY TRIAL DEMANDED
IDEX CORPORATION)	
)	
Defendants.)	
)	

COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR JURY TRIAL

Plaintiff Weber-Hydraulik GmbH (“Plaintiff” or “Weber”) files this Complaint for patent infringement against Defendants Hurst Jaws of Life, Inc. (“Hurst”) and IDEX Corporation (“IDEX”), collectively the “Defendants”, and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action for infringement of United States Patent No. 11,273,547 (the “547 Patent”).

PARTIES

2. Plaintiff Weber is a corporation organized and existing under the laws of Austria, with a principal place of business at Emil Weber Platz 1, 4460 Losenstein, Austria. Weber is a family-owned company that has made machinery and parts for rescue equipment for more than 80 years.

3. Defendant Hurst is a corporation organized and existing under the laws of the state of Pennsylvania. Upon information and belief, Defendant Hurst's principal place of business is located at 711 N. Post Rd., Shelby, North Carolina 28150. Hurst makes and sells rescue equipment and parts for rescue equipment.

4. Defendant IDEX is a corporation organized and existing under the laws of the state of Delaware. Upon information and belief, Defendant IDEX's principal place of business is located at 3100 Sanders Road, Suite 301 Northbrook, IL 60062. Upon information and belief Defendant IDEX owns Defendant Hurst, which makes and sells rescue equipment and parts for rescue equipment.

JURISDICTION AND VENUE

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

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. Venue in this Court is proper based upon 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

8. Upon information and belief, Hurst resides in and has its principal place of business in Shelby, North Carolina. On information and belief, Hurst regularly conducts business in the Western District of North Carolina, where it maintains its principal place of business at 711 N. Post Rd., Shelby, NC 28150.

9. Among other things, the Defendants have made, used, offered to sell, and/or sold products that infringe the '547 Patent throughout the United States, including the Western District of North Carolina.

10. On information and belief, the Defendants purposefully direct infringing acts to this district, or have otherwise availed themselves of the privileges and protections of the laws of the State of North Carolina, such that this Court's assertion over the Defendants does not offend traditional notions of fair play and due process.

11. Upon information and belief, Defendant Idex owns Defendant Hurst, and controls and manages Hurst which regularly conducts business in the Western District of North Carolina, at the principal place of business of 711 N. Post Rd., Shelby, NC 28150.

FACTUAL ALLEGATIONS

A. WEBER'S ACTIVITIES AND PROPRIETARY RIGHTS

12. Weber is a family-owned company that is extensively engaged in the design, manufacture, marketing, and sale of, among other things, rescue equipment. For example, the following screenshots from Weber's website (<https://www.weber-rescue.com/>) show various types of rescue equipment, including products in its SMART-FORCE series and its E-FORCE series of rescue equipment, which Weber manufactures, markets, sells, and offers for sale. These screenshots are from the webpages at the URLs <https://www.weber-rescue.com/de/feuerwehr/hydraulische-rettungsgeraete/>, <https://www.weber-rescue.com/de/feuerwehr/hydraulische-rettungsgeraete/akkugeraete/smart-force.php>, and <https://www.weber-rescue.com/de/feuerwehr/hydraulische-rettungsgeraete/akkugeraete/>, respectively. A screenshot of each webpage is attached as **Exhibit A-1**, **Exhibit A-2**, and **Exhibit A-3**, respectively.



HYDRAULIC RESCUE EQUIPMENT



SMART-FORCE Cordless Tools

More speed, a powerful M18™ high-output™ Milwaukee battery, intuitive design and numerous smart features. All this packed in a robust and underwater capable housing. Just more than a rescue device ...



E-FORCE

E-FORCE Cordless Tools

Our state-of-the-art battery-powered rescue equipment offers maximum performance with complete flexibility. Hose-bound was yesterday. Let's create future!



CUTTERS



SPREADER



COMBI UNITS



RAMS



SPECIAL EQUIPMENT



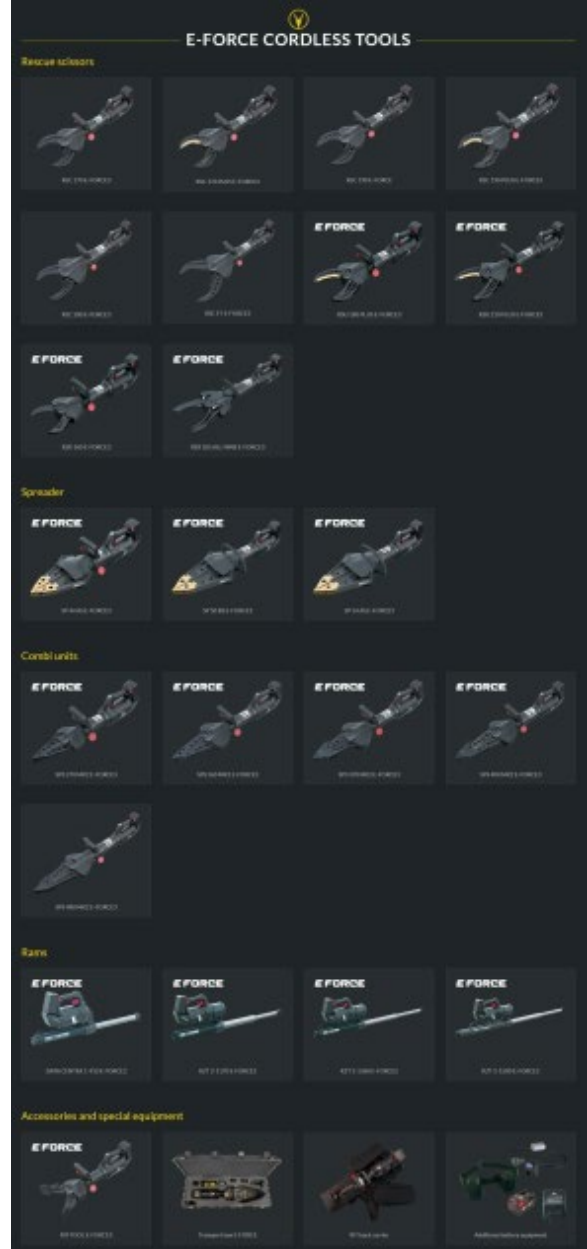
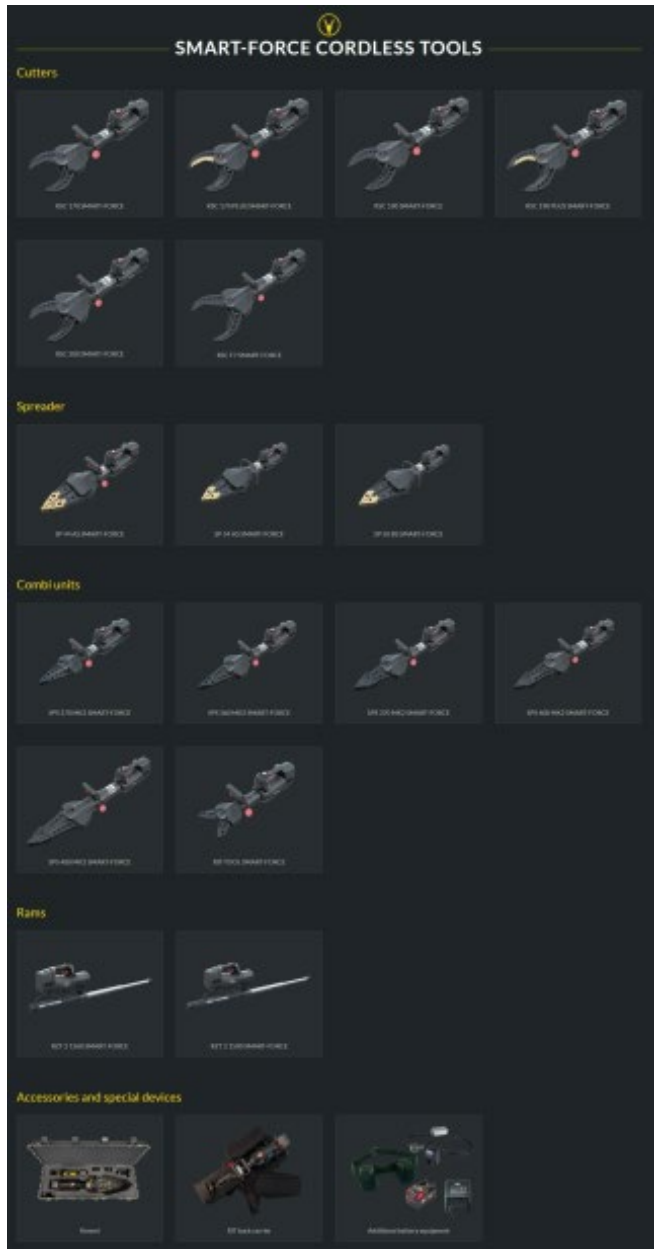
AGGREGATES



REELS & HOSES

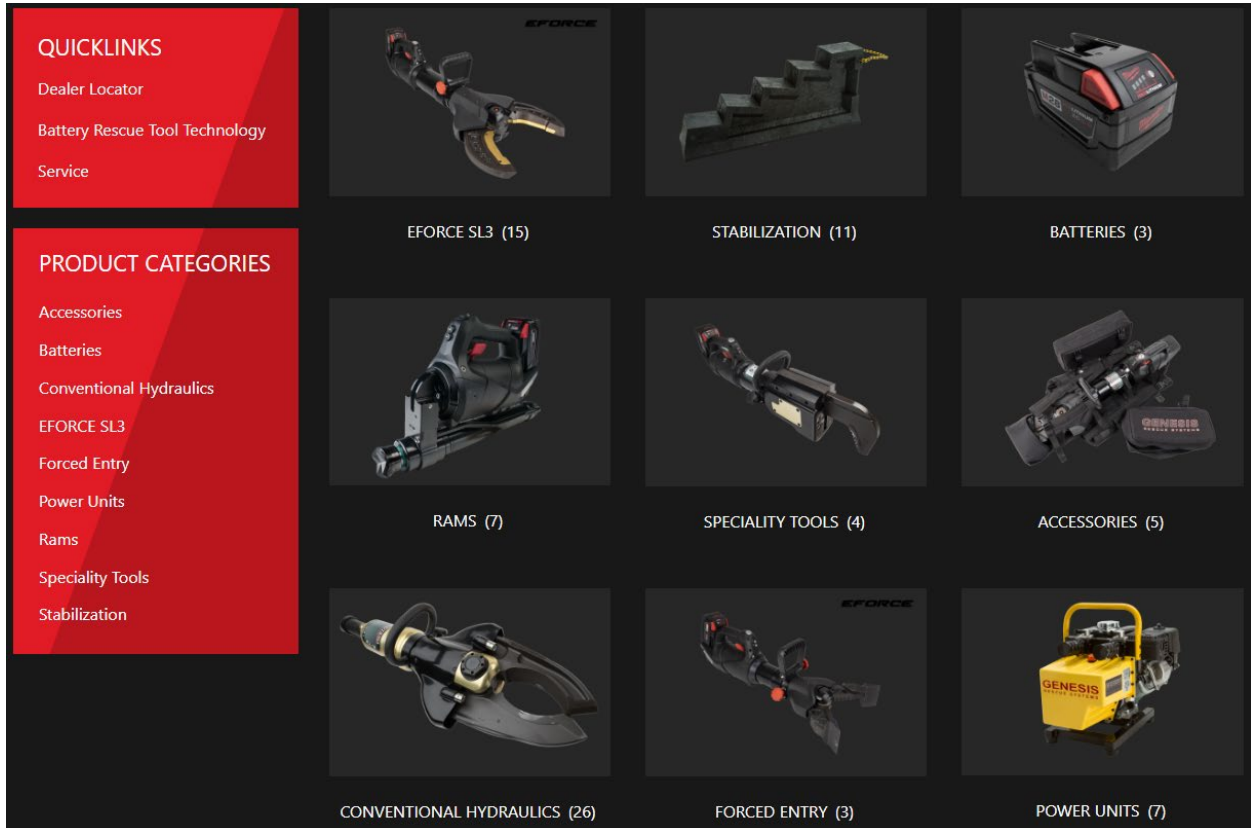


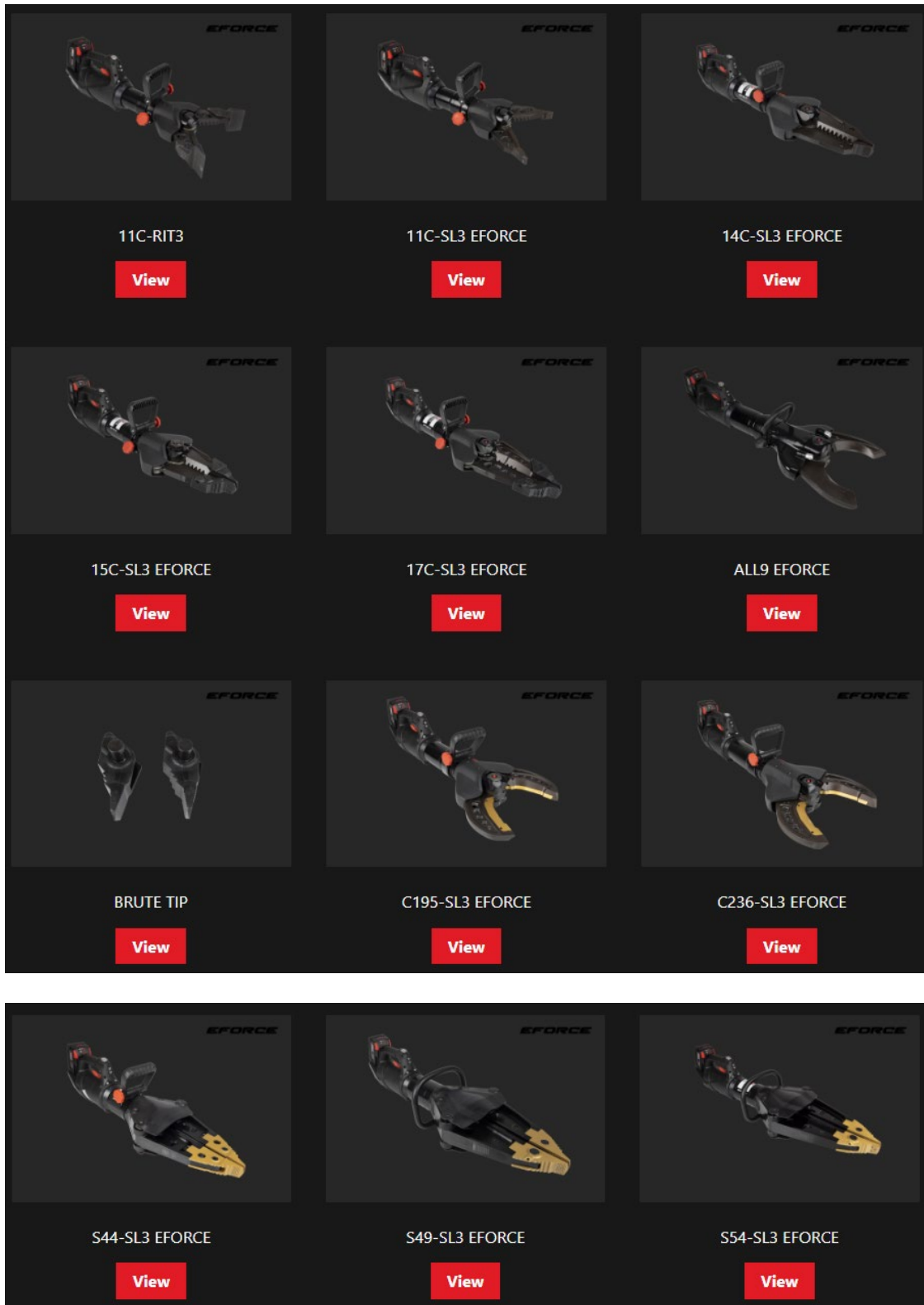
LIFTING DEVICES



13. Weber’s patented rescue equipment is marketed, offered for sale, and sold in the United States by Genesis Rescue Systems (“Genesis”) under the Genesis Rescue Systems brand. For example, the following screenshots from Genesis’ website (<https://www.genesisrescue.com>) show various types of rescue equipment, including products in its EFORCE series of rescue equipment. Genesis’ EFORCE series of rescue equipment corresponds to products in Weber’s E-FORCE series of rescue equipment. For example, Genesis’ C236-SL3 EFORCE Cutter

corresponds to Weber's RSU 210 PLUS E-FORCE3 Cutter. The below screenshots are from the webpages at the URLs <https://genesisrescue.com/products/>, https://genesisrescue.com/product-category/eforce-sl3/?orderby=menu_order, and https://genesisrescue.com/product-category/eforce-sl3/page/2/?orderby=menu_order, respectively. A screenshot of each webpage is attached as **Exhibit A-4**, **Exhibit A-5**, and **Exhibit A-6**, respectively.





14. Weber has sought and obtained numerous patents related to its proprietary technology. One such patent, the ‘547 Patent, is at issue in this lawsuit.

15. Weber owns all right, title and interest in the ‘547 Patent, titled “Hydraulic unit for hydraulic rescue tools, and rescue tool equipped therewith,” which was issued by the U.S. Patent and Trademark Office on March 15, 2022. A copy of the ‘547 Patent is attached as **Exhibit B**.

16. The ‘547 Patent generally discloses a portable, battery-powered hydraulic unit for hydraulic tools, in particular for spreading and cutting. The hydraulic unit comprises at least one hydraulic pump, a hydraulic tank, a compensation device for hydraulic fluid, a manually operated hydraulic control valve, an electromechanical interface for on-demand coupling and decoupling of at least one battery pack, a mechanical-hydraulic interface for connecting a hydraulic tool, and an electric motor operable by the electrical energy of the battery pack for driving the hydraulic pump.

17. The ‘547 Patent is the National Stage of International Patent Application No. PCT/AT2018/060118, which was filed on June 07, 2018, that claims priority to Austrian Patent Application No. A50489/2017, which was filed on June 12, 2017.

18. The ‘547 Patent has an earliest effective filing date of June 12, 2017 due to its priority claim to AT A50489/2017.

19. All claims of the ‘547 Patent are entitled to the earliest effective filing date of June 12, 2017.

20. The ‘547 Patent is valid and enforceable.

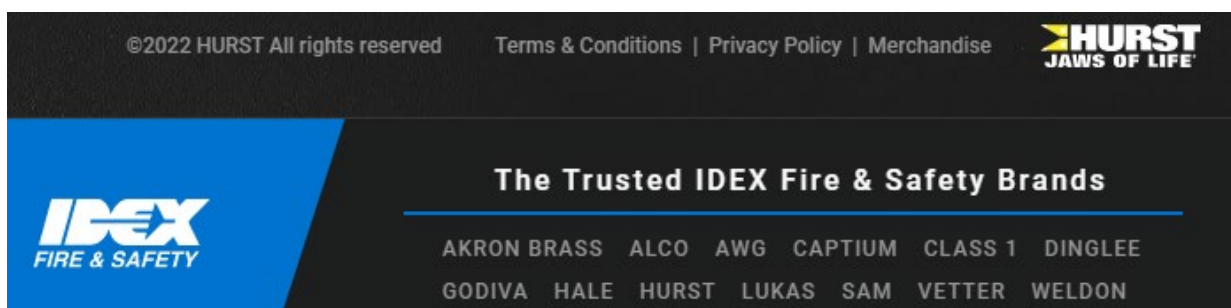
21. The ‘547 Patent is in full force and effect until July 2, 2040.

22. A continuation patent application of the ‘547 Patent, U.S. Patent Publication No. US2022/0161410A1 (hereinafter the “‘410 Publication”), is currently pending. A copy of the ‘410 Publication is attached as **Exhibit C**.

23. The '547 Patent is related to several other foreign patents and/or pending foreign patent applications owned by Weber, including EP3638378B1, EP3862052A1, BR112019026345A2, CN110636888B, DE212018000163U1, and RU2756943C2, each of which also claim priority to AT A50489/2017 and PCT/AT2018/060118.

B. DEFENDANT'S ACTIVITIES AND WRONGFUL ACTS


24. On information and belief, Hurst is owned by IDEX as part of the IDEX Fire & Safety business segment. For example, IDEX's website (www.idexcorp.com) identifies Hurst as one of its leading brands on the webpage found at the URL <https://www.idexcorp.com/our-businesses/business-segments/fire-safety-diversified-products/>. IDEX Fire & Safety's website (<https://www.idexfiresafety.com/>) identifies Hurst as one of its brands on the webpage found at the URL <https://www.idexfiresafety.com/>. A screenshot of each webpage in its entirety (as accessed September 21, 2022) is attached as **Exhibit D-1** and **Exhibit D-2**, respectively. As a final example, the screenshot below shows that Hurst self identifies as part of IDEX on its website (<https://www.jawsoflife.com/>), which can be seen at the bottom of **Exhibit E-4**.



25. On information and belief, the Defendants have in the past and currently produce, market, import, use, sell and/or offer to sell rescue equipment.

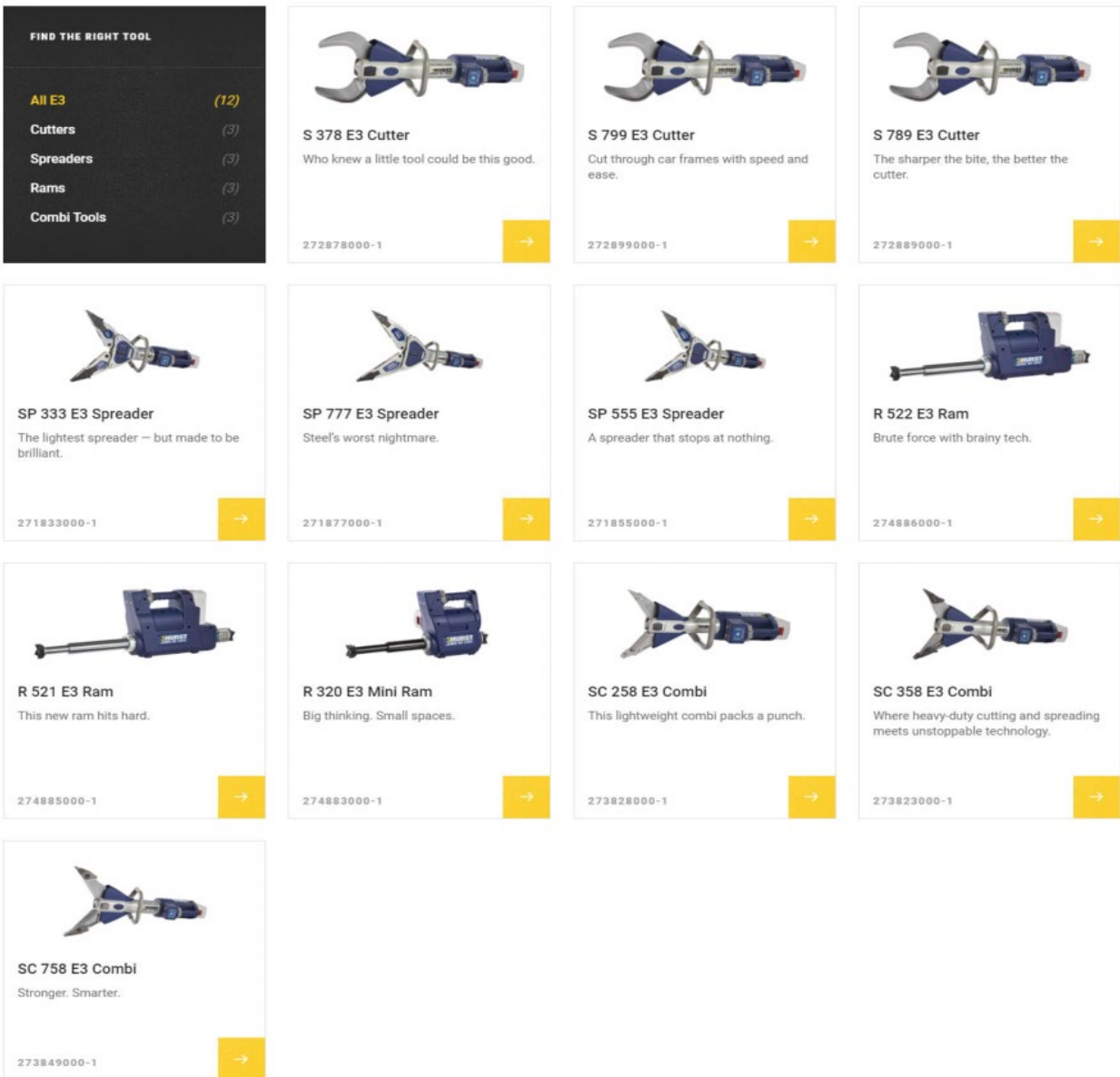
26. On information and belief, the Defendants have in the past and currently produce, market, import, use, sell and/or offer to sell rescue equipment, including a line of hydraulic tools

called the EWXT or eDRAULIC EWXT series (the “EWXT series”). For example, the following information from Hurst’s website at the URL <https://www.jawsoflife.com/uploads/documents/EWXT-Cut-Sheets-2020.pdf> identifies at least twelve (12) different products included in the EWXT series of hydraulic tools. A screenshot of the entire webpage is attached as **Exhibit E-1**.

			
<p>S 378 EWXT <small>272278000-1 (Tool Only) 272278000-5 (includes tool, (2) 5Ah batteries and (1) charger) 272278000-9 (includes tool, (2) 9Ah batteries and (1) charger)</small></p>	<p>S 788 EWXT <small>272288000-1 (Tool Only) 272288000-5 (includes tool, (2) 5Ah batteries and (1) charger) 272288000-9 (includes tool, (2) 9Ah batteries and (1) charger)</small></p>	<p>S 789 EWXT <small>272289000-1 (Tool Only) 272289000-5 (includes tool, (2) 5Ah batteries and (1) charger) 272289000-9 (includes tool, (2) 9Ah batteries and (1) charger)</small></p>	<p>S 799 EWXT <small>272299000-1 (Tool Only) 272299000-5 (includes tool, (2) 5Ah batteries and (1) charger) 272299000-9 (includes tool, (2) 9Ah batteries and (1) charger)</small></p>
			
<p>SP 333 EWXT <small>271233000-1 (Tool Only) 271233000-5 (includes tool, (2) 5Ah batteries and (1) charger) 271233000-9 (includes tool, (2) 9Ah batteries and (1) charger)</small></p>	<p>SP 555 EWXT <small>271255000-1 (Tool Only) 271255000-5 (includes tool, (2) 5Ah batteries and (1) charger) 271255000-9 (includes tool, (2) 9Ah batteries and (1) charger)</small></p>	<p>SP 777 EWXT <small>271277000-1 (Tool Only) 271277000-5 (includes tool, (2) 5Ah batteries and (1) charger) 271277000-9 (includes tool, (2) 9Ah batteries and (1) charger)</small></p>	
			
<p>SC 258 EWXT <small>273228000-1 (Tool Only) 273228000-5 (includes tool, (2) 5Ah batteries and (1) charger) 273228000-9 (includes tool, (2) 9Ah batteries and (1) charger)</small></p>	<p>SC 358 EWXT <small>273223000-1 (Tool Only) 273223000-5 (includes tool, (2) 5Ah batteries and (1) charger) 273223000-9 (includes tool, (2) 9Ah batteries and (1) charger)</small></p>	<p>SC 758 EWXT <small>273249000-1 (Tool Only) 273249000-5 (includes tool, (2) 5Ah batteries and (1) charger) 273249000-9 (includes tool, (2) 9Ah batteries and (1) charger)</small></p>	

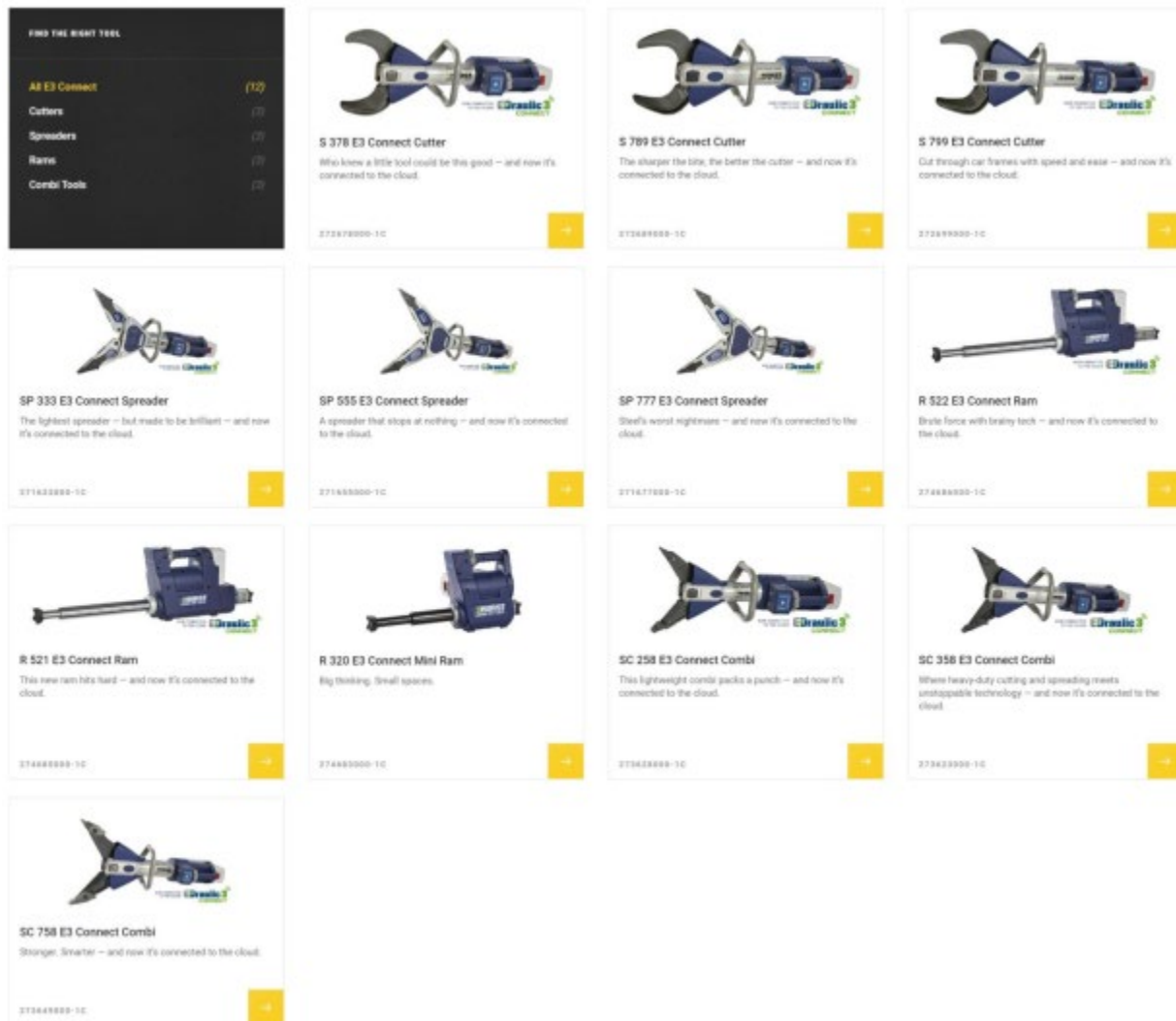


27. On information and belief, the Defendants have in the past and currently produce, market, import, use, sell and/or offer to sell rescue equipment, including a line of hydraulic tools called the E3 or eDRAULIC 3.0 series (the “E3 series”). For example, the following information from Hurst’s website at <https://www.jawsoflife.com/rescue-products/e3> identifies at least twelve (12) different types of products included in the E3 series of hydraulic tools, which are advertised for sale. A screenshot of the entire webpage is attached as **Exhibit E-2**.



28. On information and belief, the Defendants have in the past and currently produce, market, import, use, sell and/or offer to sell rescue equipment, including a line of hydraulic tools called the E3 Connect or eDRAULIC 3.0 Connect series (the “E3 Connect series”). For example, the following information from Hurst’s website at the URL <https://www.jawsoflife.com/nav>, identifies at least twelve (12) different types of products included in the E3 Connect series of hydraulic tools, which are advertised for sale. A screenshot of the entire webpage is attached as

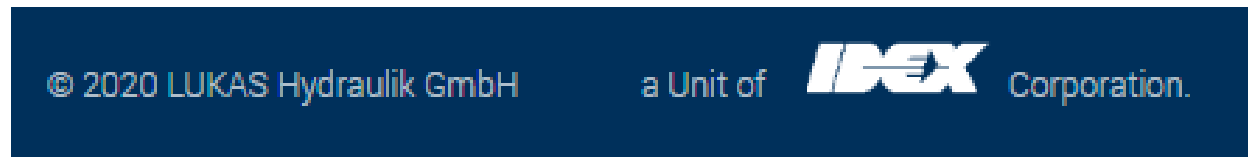
Exhibit E-3.



29. On information and belief, the Defendants have in the past produced, marketed, imported, distributed, sold and/or offered to sell, and currently produce, market, import, distribute, use, sell and/or offer to sell within the United States, including the Western District of North Carolina, rescue equipment, including the EWXT series, the E3 series, and the E3 Connect series of hydraulic tools, which infringe one or more of the claims of the ‘547 Patent. The Defendants are producing, marketing, importing, distributing, using, selling and/or offer to sell infringing rescue equipment in the United States to compete with Weber’s rescue equipment that is sold in the United States, including but not limited to Genesis’ EFORCE series of hydraulic rescue tools.

C. PRIOR NOTICE OF INFRINGEMENT AND LITIGATION

30. On information and belief, IDEX also owns LUKAS Hydraulik GmbH (“Lukas”), a German sister company of Hurst, which is also a part of the IDEX Fire & Safety business segment. For example, IDEX’s website (www.idexcorp.com) identifies Lukas as one of its leading brands on the webpage found at the URL <https://www.idexcorp.com/our-businesses/business-segments/fire-safety-diversified-products/>. IDEX Fire & Safety’s website (<https://www.idexfiresafety.com/>) identifies Lukas as one of its brands on the webpage found at the URL <https://www.idexfiresafety.com/>. A screenshot of each webpage in its entirety is attached as **Exhibit D-1** and **Exhibit D-2**, respectively. As a final example, the screenshot below shows that Lukas self identifies as “a Unit of IDEX Corporation” on its website (<https://lukas.com/en/>), which can be seen at the bottom of **Exhibit F-1** and **Exhibit F-2**.



31. On information and belief, IDEX and Lukas have in the past and currently produce, market, import, use, sell and/or offer to sell rescue equipment, including an eWXT series of hydraulic tools, an E³ series of hydraulic tools, and an E³ Connect series of hydraulic tools. For example, the following information from Lukas’ website at the URL <https://lukas.com/rescue/en/products/?p=1&o=1&n=100&f=670%7C479> identifies several different products included in the eWXT series, the E³ series, and the E³ Connect series of hydraulic tools. A screenshot of the entire webpage is attached as **Exhibit F-1**.

S 788 eWXT

PROVEN ALL-ROUNDER WITH IMPROVED FEATURES The S 788 eWXT is the successor to the S 788 E2. Our thousandfold proven all-rounder among the cutting machines. With the new eWXT product range, this cutter also benefits from the "Fresh-Up". With less weight, a more compact design with identical power values, the balance of the rescue system has been significantly improved once...



[Compare](#) [Print data sheet](#)

[> See details](#)

S 799 e³

INTELLIGENT BEAST by LUKAS 2.0: GIANT FORCES WITH SAFE BLADE GEOMETRY. The S 799 e³ has huge forces and superior blade geometry, making it ideally prepared for the heaviest technical assistance work. NEXT LEVEL OF RESCUE OPERATIONS WITH MORE CONTROL A highlight of our e³ rescue equipment series is the intelligent dashboard, which enables a direct exchange between user



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S 799 e³ CONNECT

INTELLIGENT BEAST by LUKAS 2.0: GIANT FORCES WITH SAFE BLADE GEOMETRY. The S 799 e³ has huge forces and superior blade geometry, making it ideally prepared for the heaviest technical assistance work. NEXT LEVEL OF RESCUE OPERATIONS WITH MORE CONTROL A highlight of our e³ rescue equipment series is the intelligent dashboard, which enables a direct exchange between user



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[> See details](#)

32. On information and belief, Hurst and Lukas are both owned by IDEX and produce, market, import, use, sell and/or offer to sell corresponding pieces of rescue equipment that bear nearly identical names and that are substantially similar, if not identical, with respect to their technical features. For example, Hurst's EWXT series of hydraulic tools includes the S 378 EWXT Cutter, which corresponds to and is identical to the S 378 eWXT Cutter in Lukas' eWXT series of hydraulic tools. Below is a screenshot showing Hurst's S 378 EWXT Cutter as it was depicted on Hurst's website on November 23, 2020, which can be found at the URL <https://web.archive.org/web/20201123154323/https://www.jawsoflife.com/rescue-products/edraulic-watertight-tools/cutters/s-378-ewxt-cutter>, and a screenshot showing Lukas'

S 378 eWXT Cutter from Lukas' website at the URL <https://lukas.com/rescue/en/products/cutters/130/s-378-ewxt?c=233>. A screenshot of each webpage in its entirety is attached as **Exhibit E-4** and **Exhibit F-2**, respectively.



33. On June 28, 2021, Weber filed a patent infringement lawsuit against Lukas in Germany for infringement of Weber's European Patent No. EP 3638378B1, which is related to the '547 Patent as explained above.

34. In a judgement dated June 30, 2022, the German regional court of Dusseldorf found that (i) Plaintiff Weber's European Patent No. EP 3638378B1 was valid and enforceable and (ii)

Lukas' eWXT series and E³ series of hydraulic tools directly infringe Weber's European Patent No. EP 3638378B1.

35. Upon information and belief, the Defendants have been aware that Lukas' eWXT series and E³ series of hydraulic tools directly infringe Weber's European Patent No. EP 3638378B1 since at least June 30, 2022, the date of the German court's judgement finding that Lukas' eWXT series and E³ series of hydraulic tools directly infringe Weber's European Patent No. EP 3638378B1.

36. Upon information and belief, the Defendants have been aware that one or more Hurst products may infringe the '547 Patent upon its issuance since at least June 28, 2021, the date Weber filed the patent infringement lawsuit against Lukas in Germany for infringement of Weber's European Patent No. EP 3638378B1.

37. Upon information and belief, the Defendants have been aware that one or more Hurst products may infringe the '547 Patent since at least June 30, 2022, the date of the German court's judgement finding that Lukas' eWXT series and E³ series of hydraulic tools directly infringe Weber's European Patent No. EP 3638378B1.

38. Upon information and belief, the Defendants have been aware of the '547 Patent since at least approximately October 14, 2021, when it was first published by the U.S. Patent and Trademark Office.

FIRST CLAIM FOR RELIEF
(Infringement of the '547 Patent)

39. Weber restates and realleges each of the allegations set forth above.

40. The Defendants have infringed, and continue to infringe, directly, contributorily, and/or have actively induced infringement of the '547 Patent in violation of 35 U.S.C. § 271 by making, using, distributing, manufacturing, offering to sell, selling and/or importing rescue

equipment (“the Accused Products”), including, but not limited to the EWXT series, the E3 series, and the E3 Connect series of hydraulic tools, which at least claims 1-4 and 8 of the ‘547 Patent covers.

41. The Defendants have infringed, and continue to infringe, at least claims 1-4 and 8 of the ‘547 Patent literally, or under the doctrine of equivalence, by making, using, distributing, manufacturing, offering to sell, selling and/or importing, without limitation, at least the Accused Products.

42. A list of the Accused Products identified by name and part number is attached hereto as **Exhibit G**.

43. An infringement claim chart detailing infringement of claims 1-4 and 8 of the ‘547 Patent by Lukas’ S 378 eWXT Cutter (Part #: 90-25-24), which is identical to Hurst’s S 378 EWXT Cutter (Part #: 272278000-1), is attached as **Exhibit H**.

44. On information and belief, Hurst’s S 378 EWXT Cutter (Part #: 272278000-1) corresponds to and has substantially similar, if not identical, technical features as Lukas’ S 378 eWXT Cutter (Part #: 90-25-24). As such, the infringement claim chart attached as **Exhibit H** details infringement of claims 1-4 and 8 of the ‘547 Patent by Hurst’s S 378 EWXT Cutter (Part #: 272278000-1).

45. On information and belief, the EWXT series, the E3 series, and the E3 Connect series of hydraulic tools are substantially similar, if not identical, with respect to the technical features pertinent to infringement of the ‘547 Patent. As such, an infringement analysis of one EWXT series hydraulic tool, E3 series hydraulic tool, or E3 Connect series hydraulic tool is applicable to and representative of each hydraulic tool in the EWXT series, the E3 series, and the

E3 Connect series. The infringement claim chart attached as **Exhibit H** is therefore applicable to and representative of each of the Accused Products.

46. Weber has been and will continue to be pecuniarily and irreparably damaged by the Defendants' infringement, including diversion of customers, lost sales, and lost profits, unless this Court enjoins the Defendants from continuing its infringement pursuant to 35 U.S.C § 283.

47. Service of this Complaint and the foreign patent proceedings constitutes actual knowledge. Despite such actual knowledge, the Defendants continue to make, use, test, sell, offer for sale, market, and/or import into the United States, products that infringe the '547 Patent.

48. Based on the foregoing, the Defendants' ongoing infringement of the '547 Patent is willful.

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

50. Because the Defendants' actions, on information and belief, were carried out intentionally, willfully and/or deliberately in violation of Weber's rights, Weber is entitled to an award of treble damages under 35 U.S.C § 284.

51. As a direct and proximate result of the Defendants' wrongful conduct, Weber has suffered, and will continue to suffer, monetary damages in the amount to be proven at trial.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38, Weber respectfully demands a trial by jury on all issues properly triable by a jury in this action.

PRAYER FOR RELIEF

WHEREFORE, Weber respectfully requests that this Court award the following relief:

- A. A judgment that the ‘547 Patent was duly and legally issued, and is valid and enforceable;
- B. A judgment that the Defendants have directly and/or contributorily infringed the ‘547 Patent, and/or actively induced infringement of the ‘547 Patent by others;
- C. A permanent injunction barring the Defendants and all others acting in concert with them, from infringing or inducing others to infringe the ‘547 Patent;
- D. A judgment that the Defendants have willfully infringed the ‘547 Patent thereby entitling Weber to recover treble damages, pursuant to 35 U.S.C. § 284;
- E. A judgment and order requiring that the Defendants shall additionally account for and pay Weber the damages and/or disgorge profits for the period of infringement of the ‘547 Patent following the period of damages established by Weber at trial;
- F. A judgment and order that Weber is further entitled to pre-judgment and post-judgment interest pursuant to 28 U.S.C. § 1961;
- G. A judgment and order finding that this case is exceptional, and that Weber is entitled to reasonable attorney fees, costs, and expenses that it incurs prosecuting this action under 35 U.S.C. § 285;
- H. A judgment and order that the Defendants shall immediately cease and desist from ordering, advertising, or selling the Accused Products, and the Defendants hereafter shall not infringe, either directly, by contribution, or by inducement, the ‘547 Patent by importing, offering for sale, making, using, or selling the Accused Products within the United States; and
- I. Any and all other relief as the Court may deem just and appropriate.

Respectfully submitted this the 18th day of October, 2022.

Shipman & Wright, LLP

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