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**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**

**JAY SCHUYLEMAN,**  
an Individual

Plaintiff,

vs.

**BARNHART CRANE AND RIGGING  
CO.,**  
a State of Delaware Corporation

**BARNHART CRANE AND RIGGING,  
LLC**  
a State of Delaware Limited Liability  
Company

**UNKNOWN CORPORATION/LLC 1-  
25**

Defendants.

Civil Action No.:

**COMPLAINT**

**PATENT INFRINGEMENT**

**- JURY TRIAL DEMANDED**

COMES NOW the Plaintiff, Jay Schuyleman, an individual, by and through his undersigned attorney, and for this Complaint alleges as follows:

**I. PARTIES**

1. Plaintiff Jay Schuyleman (hereinafter "SCHUYLEMAN") is an individual residing in the State of Washington, county of King.

COMPLAINT

Page 1

**Tom Hendrickson**  
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- 1 2. Defendant Barnhart Crane and Rigging Co. (hereinafter “BARNHART CO.”) is a  
2 corporation organized under the laws of the state of Delaware with a principal  
3 place of business listed as 2163 Airways Blvd.; Memphis, TN 38114.
- 4 3. Defendant Barnhart Crane and Rigging Co. (hereinafter “BARNHART LLC”) is  
5 a corporation organized under the laws of the state of Delaware with a principal  
6 place of business listed as 2163 Airways Blvd.; Memphis, TN 38114.
- 7 4. It is believed that both Barnhart Co. and Barnhart LLC are controlled by the same  
8 individuals, and thus may be treated as one entity for the purposes of this lawsuit,  
9 so hereinafter will be referred to as “BARNHART.”
- 10 5. According to their website, Barnhart has “[M]ore than 50 locations throughout the  
11 nation.” Two of these locations, Kent and Mt. Vernon, are located within this  
12 judicial district. <https://www.barnhartcrane.com/locations/> - Last accessed on  
13 March 7, 2023.
- 14 6. Unknown Corporation and/or Limited Liability Company Numbers 1 – 25.  
15 Plaintiff Schuyleman has reason to believe that Defendants rented, sold, or  
16 otherwise distributed to one or more unknown corporations and/or Limited  
17 Liability Companies products that infringe Plaintiff’s patents. It is believed that  
18 through the discovery process the identity of these unknown companies will come  
19 to light, and Plaintiff expects to serve these individuals/corporations with a  
20 summons and complaint. Once Plaintiff ascertains their identities, Plaintiff will  
21 seek leave of the Court to amend the Complaint to include Defendants Unknown  
22 Corporation/LLC 1 through 25 as named defendants.

## 21 II. NATURE OF THE ACTION

- 22 7. Schuyleman has invented novel devices, systems, and methods related to a  
23 hoisting apparatus, more particularly to an apparatus for use with a crane in  
24 positioning an object at a desired distance inside an opening of a building, and  
25 was awarded a Patent by the U.S. Patent and Trademark Office (“USPTO”),  
26 namely U.S. Patent No. 8,317,244 (the “244 Patent”). See Exhibit-A.

- 1 8. Schuyleman retains all rights to said invention.
- 2 9. This is an action for patent infringement. Defendants are infringing the claims of
- 3 the ‘244 Patent by making, using, selling, offering to sell, and importing into the
- 4 U.S. products and services through its website at <https://www.barnhartcrane.com/>
- 5 and through its offices located throughout the United States that infringe the
- 6 claims of the ‘244 Patent in violation of Schuyleman’s intellectual property rights.
- 7 Exhibit-A, which is attached to this Complaint, is a copy of the ‘244 Patent and is
- 8 incorporated herein as if fully rewritten.

9 **III. JURISDICTION AND VENUE**

- 10 10. This is an action for patent infringement arising under the patent laws of the
- 11 United States, 35 U.S.C § 1, et. seq. This Court has jurisdiction over the subject
- 12 matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).
- 13 11. This Court has personal jurisdiction over Defendants because of their systematic
- 14 and continuous contacts within the State of Washington. For example, Barnhart
- 15 has equipment rental locations in both Kent, Washington, and Mt. Vernon,
- 16 Washington. The Kent office is located at 7625 S. 228<sup>th</sup> Street; Kent, WA 98032;
- 17 while the Mt. Vernon office is located at 1021 Sicklesteel Lane; Mt. Vernon, WA
- 18 98274. Barnhart has specifically directed their business activities of renting
- 19 construction equipment to Washington State.
- 20 12. Barnhart has also purposefully availed itself of the benefits and protections of the
- 21 courts in Washington.
- 22 13. Venue is also proper as to all Defendants in this District under 28 U.S.C. §
- 23 1400(b). Barnhart has regular and established places of business in this District,
- 24 including Barnhart’s facilities located at 7625 S. 228<sup>th</sup> Street; Kent, WA 98032;
- 25 and 1021 Sicklesteel Lane; Mt. Vernon, WA 98274. Defendants have committed
- 26 acts of infringement and, upon information and belief, will commit further acts of
- infringement in Washington.

**IV. COMMON ALLEGATIONS**

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14. Schuyleman has invented novel devices, systems, and methods related to a hoisting apparatus, more particularly to an apparatus for use with a crane in positioning an object at a desired distance inside an opening of a building.
  15. Schuyleman has obtained intellectual property protection of his invention in the U.S. by the ‘244 Patent.
  16. To this date, Schuyleman has not licensed the ‘244 patent to any person, corporation, or other entity, and thus retains all exclusive rights to said patent.
  17. Plaintiff has complied with the statutory requirement of placing a notice of the Letters Patent on all hoisting apparatuses that it manufactures and sells.
  18. On December 9, 2022, Plaintiff sent Defendants a letter providing notice to Defendant of Defendant’s infringement of the ‘244 Patent. See Exhibit-B.
  19. Defendant had prior knowledge, should have known, or at least been willfully blind of the ‘244 Patent as early as December 9, 2022, if not earlier from other sources or parties.
  20. Defendant has two established places of business in this district where they rent construction equipment. The Kent office is located at 7625 S. 228<sup>th</sup> Street; Kent, WA 98032; while the Mt. Vernon office is located at 1021 Sicklesteel Lane; Mt. Vernon, WA 98274. Barnhart has specifically directed their business activities to Washington State.
  21. Defendant has conducted substantial portions of its business through said regular and established places of business in this District and has made, used, offered, and sold and continues to make, use, offer, and sell its infringing products and services in this District.

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**V. COUNT I – INFRINGEMENT OF THE ‘244 PATENT**

22. Plaintiff repeats and realleges the allegations contained in paragraphs I through III as if fully set forth herein.

1 23. Upon information and belief, Defendants have directly infringed and continue to  
2 directly infringe one or more of the claims of the '244 patent, either directly or  
3 under the doctrine of equivalents, by making, using, selling, offering for sale,  
4 and/or importing a "hoisting apparatus" (hereinafter "Accused Product") in the  
5 United States and this District without authority, in violation of 35 U.S.C. §  
6 271(a), (b), (c) and/or (f); and or contributing to and/or inducing others to do the  
7 same. See Exhibit-A.

8 **VI. COUNT II – VIOLATION OF THE WASHINGTON STATE**  
9 **CONSUMER PROTECTION ACT, RCW 19.86, et seq.**

10 24. Plaintiffs repeat and reallege the allegations contained in paragraphs I through VI  
11 as if fully set forth herein.

12 25. On information and belief, Defendant has used in commerce, without  
13 authorization from Scyuyleman, '244 patent in connection with the marketing,  
14 advertising, promotion, and sale of their services.

15 26. Defendant's use of the '244 patent is likely to cause confusion, to cause mistake,  
16 and/or to deceive as to the source or origin of Defendant's goods or services.

17 27. Defendant's actions in the State of Washington constitute unfair competition  
18 under the Common Law of Washington and are therefore unfair or deceptive  
(misleading).

19 28. The public interest is affected by Defendants' continued and repeated deceptive  
20 conduct.

21 29. Plaintiff has been irreparably injured and will continue to be irreparably injured  
22 unless the conduct of Defendant in the State of Washington is preliminarily and  
23 permanently enjoined.

24 30. Upon information and belief, Defendant undertook the use of the '244 patent  
25 willfully or with reckless intention of trading upon the good will of Plaintiff.  
26

**VII. RELIEF REQUESTED**

1 WHEREFORE Plaintiff Jay Schuyleman respectfully requests that this court enter  
2 a judgment that:

3 A. Finds Defendant has infringed Schuyleman '244 Patent, registered on November  
4 27<sup>th</sup>, 2012 in violation of 35 U.S.C. § 271(a), (b), (c) and/or (f); and or contributing to  
5 and/or inducing others to do the same;

6 B. Enter a preliminary and permanent injunction prohibiting Barnhart Crane, its  
7 subsidiaries, divisions, agents, servants, employees, and all those acting in concert with  
8 and/or who are in privity with Barnhart Crane and/or any of the foregoing from  
9 infringing, contributing to the infringement of, and/or inducing infringement of the Patent  
10 in Suit, and for all further proper injunctive relief;

11 C. An award to Plaintiff Schuyleman of at least \$1,500,000.00 as a Royalty Fee, and  
12 a License Fee of \$375,000.00, for a total of \$1,875,000.00 in damages for Barnhart  
13 Crane's infringement of Plaintiff's Patent on the use of their Mini MOCC's, with pre-  
14 judgment and post-judgment interest, damages, as well as enhanced damages, including  
15 costs (including expert fees), disbursements, and reasonable attorney's fees incurred by  
16 Plaintiff in this action, pursuant to 35 U.S.C. §§ 284-285, finding this to be an  
17 "exceptional" case;

18 D. An award to Plaintiff Schuyleman of at least \$1,350,000.00 as a Royalty Fee, and  
19 a License Fee of \$750,000.00, for a total of \$2,100,000.00 in damages for Barnhart  
20 Crane's infringement of Plaintiff's Patent on the use of their Standard MOCC's, with pre-  
21 judgment and post-judgment interest, damages, as well as enhanced damages, including  
22 costs (including expert fees), disbursements, and reasonable attorney's fees incurred by  
23 Plaintiff in this action, pursuant to 35 U.S.C. §§ 284-285, finding this to be an  
24 "exceptional" case;

25 E. An award to Plaintiff Schuyleman of at least \$600,000.00 as a Royalty Fee, and a  
26 License Fee of \$660,000.00, for a total of \$1,260,000.00 in damages for Barnhart Crane's  
infringement of Plaintiff's Patent on the use of their Mega MOCC's, with pre-judgment  
and post-judgment interest, damages, as well as enhanced damages, including costs

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(including expert fees), disbursements, and reasonable attorney’s fees incurred by Plaintiff in this action, pursuant to 35 U.S.C. §§ 284-285, finding this to be an “exceptional” case;

F. Awards to Plaintiff Schuyleman treble damages and attorney’s fees as allowed by RCW 19.86.090.

DATED this 11<sup>th</sup> day of April, 2023.

Respectfully submitted,

By /s/ Tom Hendrickson

TOM HENDRICKSON, WSBA# 41832  
Attorney for the Plaintiffs  
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**JURY TRIAL DEMANDED**

Plaintiff Jay Schuyleman demands a jury trial on all issues so triable.

DATED this 11<sup>th</sup> day of April, 2023.

Respectfully submitted,

By /s/ Tom Hendrickson

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