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John P. Aldrich (SBN 6877)
jaldrich@johnaldrichlawfirm.com
Catherine Hernandez (SBN 8410)
chernandez@johnaldrichlawfirm.com
ALDRICH LAW FIRM, LTD.
7866 West Sahara Avenue
Las Vegas, Nevada 89117
Tel (702) 853-5490
Fax (702) 227-1975

Brett A. Schatz (*Pro Hac Vice* forthcoming)
(Ohio 0072038)
bschatz@whe-law.com
WOOD, HERRON & EVANS, L.L.P.
600 Vine Street, Suite 28
Cincinnati, Ohio 45202
Telephone: (513) 241-2324
Facsimile: (513) 421-7269
Attorneys for Plaintiff
Edsal Manufacturing Company, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Edsal Manufacturing Company, Inc.
1555 West 44th Street
Chicago, Illinois 60609,

Plaintiff,

v.

JS Products, Inc.
6445 Montessouri Street
Las Vegas, Nevada 89113

Defendant.

Case No.:

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Plaintiff, Edsal Manufacturing Company, Inc. (“Edsal”), for its Complaint against
Defendant, JS Products, Inc. (“Defendant”), states and alleges the following:

NATURE OF THE ACTION

1
2 1. This is an action for patent infringement and arises under the patent laws of the
3 United States, codified in Title 35 of the United States Code.

PARTIES

4
5 2. Plaintiff Edsal Manufacturing Company, Inc. has a place of business at 1555
6 West 44th Street, Chicago, Illinois 60609, and is a well-known provider of storage solutions,
7 including high-quality shelving products for garages, basements, and other storage applications.

8
9 3. Defendant has a place of business at 6445 Montessouri Street, Las Vegas,
10 Nevada 89113. Like Edsal, Defendant is a provider of shelving products.

JURISDICTION AND VENUE

11
12 4. This is a patent infringement case, and this Court has subject matter jurisdiction
13 under 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

14
15 5. Venue in this judicial district is appropriate based on 28 U.S.C. § 1400(b), in
16 that the Defendant resides therein, or the Defendant has committed acts of infringement and has
17 a regular and established place of business therein.

BACKGROUND FACTS

18
19 6. Edsal is a trusted provider of storage solutions. Edsal provides its innovative
20 and customized products throughout the United States, including high-quality shelving
21 products for garages, basements, and other storage applications.

22
23 7. Edsal incorporates unique technology and innovative designs in its products.

24
25 8. The designs offered by Edsal are the original creation of Edsal. By way of
26 example only, Edsal's HUSKY Welded Storage Rack shelving product is an original creation
27 of Edsal. Edsal's HUSKY Welded Storage Rack shelving product provides unique solutions
for its customers' shelving needs.

1 9. Portions of Edsal’s HUSKY Welded Storage Rack shelving product are protected
2 by United States Design Patent No. D922,809 (“the ‘809 patent”), which issued from the United
3 States Patent and Trademark Office (“USPTO”) on June 22, 2021. The ‘809 patent is owned by
4 Edsal by assignment, and Edsal has at all times relevant to this action been the owner of the ‘809
5 patent. A copy of the ‘809 patent is attached to this Complaint as Exhibit A. Edsal marks its
6 HUSKY Welded Storage Rack shelving product with the ‘809 patent.

7 10. Defendant is a provider of shelving products, and is a competitor to Edsal. In
8 connection with its business, Defendant offers for sale and sells shelving products. For
9 example, Defendant offers for sale and sells shelving products that incorporate the shelf storage
10 beam depicted in the image attached hereto as Exhibit B, for example in connection with the
11 Craftsman 72in H x 77in W x 22in D Metal Shelving Unit. Defendant offers for sale and sells
12 shelving products that incorporate the shelf storage beam depicted in the image attached hereto
13 as Exhibit B in this judicial district, has substantial and continuous contacts with this judicial
14 district, and conducts systematic business in this judicial district.

15
16
17 **COUNT I – PATENT INFRINGEMENT – THE ‘809 PATENT**

18 11. The allegations of 1-10 are incorporated by reference as if fully set forth herein.

19 12. Defendant has infringed and continues to infringe the ‘809 patent by offering for
20 sale and selling shelving products that incorporate the shelf storage beam depicted in the image
21 attached hereto as Exhibit B.

22 13. Defendant’s acts of patent infringement complained of herein are being carried
23 out willfully and with full knowledge of Slick Slide’s rights in the ‘809 patent. By way of
24 example only, Defendant’s acts of patent infringement are being carried out despite having
25 been sent two cease and desist letters identifying Defendant’s infringement of the ‘809 patent.
26 Defendant responded to at least one of the cease and desist letters, through which it
27

1 acknowledged having knowledge of the '809 patent, and thereafter continued with its
2 infringing conduct.

3 14. As a result of Defendant's actions, Edsal has suffered and continues to suffer
4 substantial injury, including irreparable injury and monetary damage, including but not limited
5 to the loss of sales and profits, which Edsal would have made but for the acts of infringement
6 by the Defendant. Such injury and damage to Edsal will continue unless Defendant is enjoined
7 by this Court from further infringement.
8

9
10 WHEREFORE, Edsal prays for the following relief against Defendant:

11 A. That a judgment be entered against Defendant, that the Defendant has infringed
12 United States Design Patent No. D922,809.

13 B. That Defendant, its agents, sales representatives, servants and employees,
14 associates, attorneys, parents, successors and assigns, and any and all persons or entities acting
15 at, through, under or in active concert or participation with any or all of them, be enjoined and
16 permanently restrained from further infringing United States Design Patent No. D922,809.
17

18 C. That a judgment be entered requiring the Defendant to pay to Edsal monetary
19 damages sustained by Edsal due to such acts of infringement, including lost profits or
20 reasonable royalty under 35 U.S.C. § 284, or alternatively, the Defendant's total profit under 35
21 U.S.C. § 289.

22 D. That such damages payable to Edsal be trebled under 35 U.S.C. § 284 for willful
23 infringement.
24

25 E. That this case be adjudged and decreed exceptional under 35 U.S.C. § 285, and
26 that Edsal be awarded its reasonable attorney fees.

27 F. That Edsal be awarded its costs and prejudgment interest on all damages.

1 G. That Edsal be awarded such other and further relief as the Court deems just and
2 proper.

3 **JURY DEMAND**

4 Slick Slide hereby demands and requests trial by jury of all issues raised that are triable
5 by jury.

6
7 Respectfully submitted,

8
9 Dated: 06/23/2023

/s/ Catherine Hernandez
John P. Aldrich, Esq. (SBN 6877)
jaldrich@johnaldrichlawfirm.com
Catherine Hernandez (SBN 8410)
chernandez@johnaldrichlawfirm.com
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600 Vine Street, Suite 28
Cincinnati, Ohio 45202
Telephone: (513) 241-2324
Facsimile: (513) 241-6234

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21 Attorneys for Plaintiff,
Edsal Manufacturing Company, Inc.