

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

Willo Products Company, LLC

Plaintiff,

v.

Habersham Metal Products Company

Defendant.

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CIVIL ACTION NO.:
2:23-CV-138-RWS

COMPLAINT FOR PATENT INFRINGEMENT

This is a civil action for infringement of U.S. Patent No. 10,385,587 under the patent laws of the United States, Title 35, United States Code, arising out of Defendant Habersham Metal Products Company’s (“Habersham”) manufacture, sale and/or offers for sale, of its Surface Mount Lock Pocket Lock Box. For its Complaint, Plaintiff Willo Products Company, LLC (“Willo”) alleges as follows:

THE PARTIES

1. Willo is a corporation organized and existing under the laws of the State of Alabama and has a principal place of business at 714 Willo Industrial Drive, SE, Decatur, AL 35601.

2. Habersham is a corporation organized and existing under the laws of the State of Georgia and has a principal place of business at 264 Stapleton Road, Cornelia, GA, 30531.

NATURE OF THE ACTION

3. This civil action is for patent infringement arising under the Patent Laws of the United States, Title 35, United States Code §§101, *et seq.*

JURISDICTION AND VENUE

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

5. This Court has personal jurisdiction over Habersham. Habersham is organized and existing under the laws of Georgia, and maintains its principal place of business in Cornelia, Georgia. As described below, Habersham has committed acts of patent infringement giving rise to this action in this District.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. 1391 and §1400(b) because Habersham resides in this District. In addition, Habersham has committed acts of patent infringement in this District, and Willo has suffered harm in this District.

FACTUAL BACKGROUND

7. Willo is in the business of designing and manufacturing locking devices, hollow metal products, and other detention equipment. In particular, as relates to this case, Willo makes a retrofit lock assembly that includes mating components mounted on a portion of a cell door and on a cell wall. These products are known in the industry as surface-mounted lock pocket locks. Willo’s surface-mounted lock pocket, known as the Wedge, includes a lock bolt guard that reduces the ability for inmates to defeat the lock.

8. On August 20, 2019, the United States Patent and Trademark Office duly and legally issued United States Patent No. 10,385,587 (hereinafter the ’587 Patent), entitled “Tamper-Resistant Locking Systems and Methods.” A copy of the ’587 Patent is attached hereto as Exhibit 1.

9. Willo is the assignee and sole owner of all rights, title, and interest in and to the ’587 Patent with all rights pertaining thereto, including the right to bring suit for infringement of the ’587 Patent and the right to bring suit for past infringement of the ’587 Patent.

10. Habersham makes, offers to sell and sells locking systems that have a lock bolt guard, including Habersham’s Surface Mounted Lock Pocket (“Accused Product”). The Accused Product is shown and described in the specification entitled

“Georgia Department of Corrections Engineering and Construction Service’s Project Manual and Technical Specification for Locking Control Systems Replacement and Security Enhancements at Dooly State Prison – Unadilla, Georgia” (Project Number GDC-23-DOOLY-SP-006) and the associated drawings (Project Number GDC-22-DOOL-SP) (hereinafter collectively referred to as the (“Dooly Specification”).

11. Habersham’s Accused Product was identified in the Dooly Specification as a Basis of Design for a retrofit lock assembly.

12. On information and belief, Habersham’s Accused Product would not be listed in the Dooly Specification as a Basis of Design if Habersham had not offered to sell the Accused Product from within this District to the George Department of Corrections.

13. On information and belief, Habersham’s Accused Product has been installed at and is being used in this District by the Monroe County Jail in Forsyth, Georgia.

14. On information and belief, Habersham manufactured in this District the Accused Product that has been installed at the Monroe County Jail in Forsyth, Georgia.

15. On information and belief, Habersham offered to sell the Accused Product that has been installed at the Monroe County Jail in Forsyth, Georgia from this District.

16. On information and belief, Habersham sold the Accused Product that has been installed at the Monroe County Jail in Forsyth, Georgia from this District.

17. On February 26, 2020, Willo caused a letter to be sent to Habersham providing notice of Willo's '587 Patent along with a copy of the '587 Patent.

18. On May 25, 2023, Willo caused a letter to be sent to Habersham providing notice that claim 6 of Willo's '587 Patent, in particular, reads on and is infringed by Habersham's Accused Product installed at the Monroe County Jail in Forsyth, Georgia.

19. On May 31, 2023, Habersham responded to Willo's May 25 notice letter denying infringement, but did not provide any details to substantiate its non-infringement assertion.

20. On June 1, 2023, Willo sent a letter to Habersham requesting information to corroborate Habersham's non-infringement assertion.

21. On June 5, 2023, Habersham responded to Willo's June 1 letter, but refused to produce any information corroborating Habersham's non-infringement assertion.

22. On June 5, 2023, Willo sent a further letter to Habersham seeking Habersham's basis for contending that its Accused Product does not infringe Willo's '587 Patent.

23. Habersham did not respond, and has not responded, to Willow's June 5, 2023 correspondence.

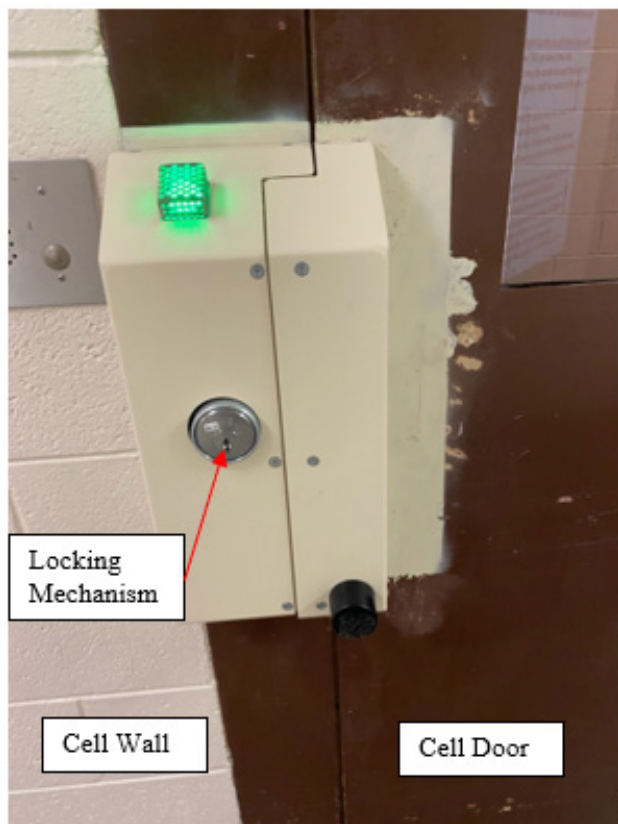
COUNT I: DIRECT INFRINGEMENT OF THE '587 PATENT
UNDER 35 U.S.C. § 271(a)

24. Willo incorporates by reference the allegations set forth in the preceding paragraphs as if fully set forth herein.

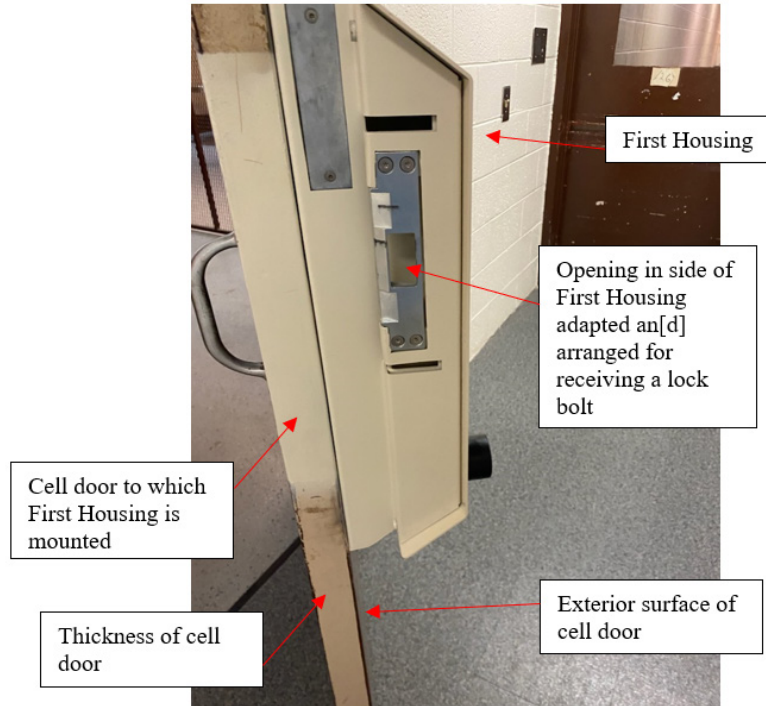
25. Habersham has directly, either literally or under the doctrine of equivalents, infringed the '587 Patent in violation of 35 U.S.C. § 271(a) by, through itself and/or through its agents, unlawfully and wrongfully making, using, offering to sell, and selling surface mounted lock pocket devices, including its Accused Product, covered by one or more claims of the '587 Patent within the United States without permission or license from Willo.

26. Solely by way of example, as shown in the annotated photographs of paragraphs 27 through 31 below, taken of the Habersham Accused Product that is installed at the Monroe County Jail in Forsyth, Georgia meets every limitation recited in claim 6 of the '587 Patent.

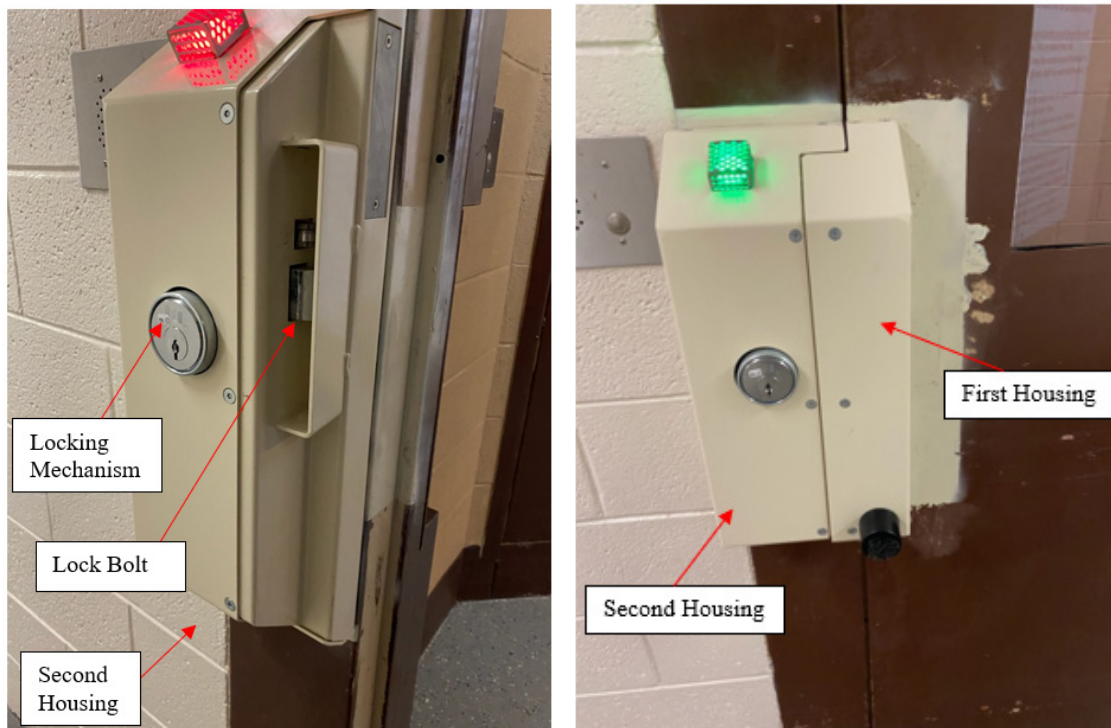
27. Habersham's Accused Product is an apparatus for mounting and supporting a locking mechanism for locking a detention cell door as recited in the nonlimiting preamble of claim 6 of the '587 Patent.



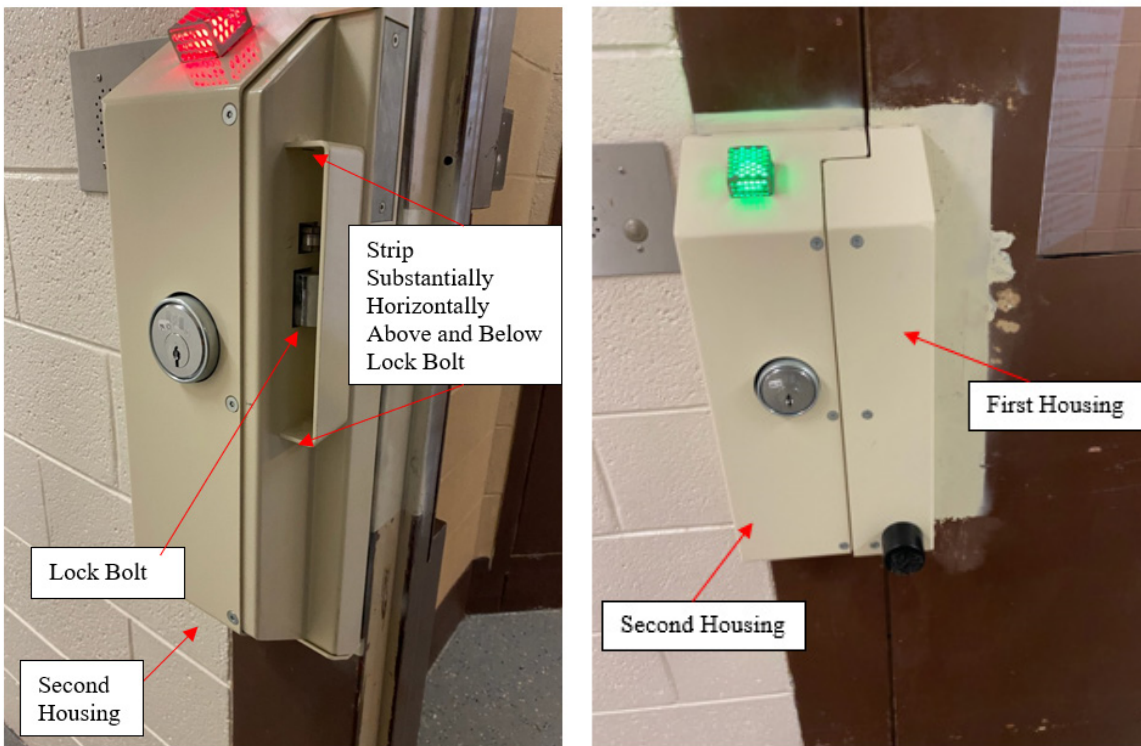
28. Habersham's Accused Product includes a first housing mounted to the exterior surface of said door with an opening in a side of the first housing that is adapted and arranged for receiving a lock bolt.



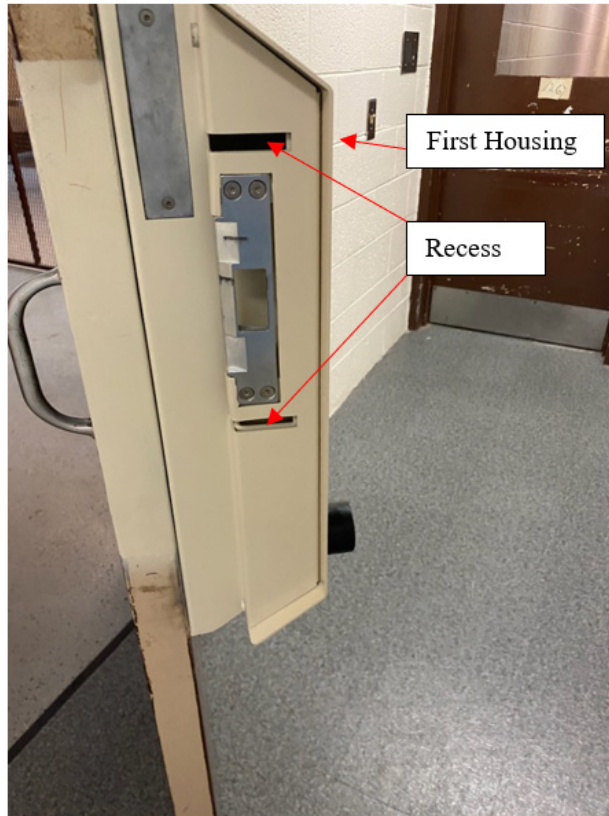
29. Habersham's Accused Product includes a second housing enclosing a lock for actuating a lock bolt adapted and arranged for being received by the opening in the side of the first housing adjacent to the lock bolt when the door is closed.



30. Habersham's Accused Product includes a strip protruding from the second housing and positioned substantially horizontally above and below the lock bolt for blocking access to the lock bolt and located between the first housing and second housing.



31. Habersham's Accused Product includes a recess positioned adjacent the lock bolt opening between the first housing and the second housing that is recessed in the first housing for receiving the strip and blocking access to the lock bolt.



32. Habersham also has and continues to directly infringe, literally or under the doctrine of equivalents, claim 6 of the '587 Patent, by having its employees assemble, test, and use the Accused Product.

33. The service of this Complaint constitutes actual knowledge of infringement as alleged herein.

34. Despite such actual knowledge, on information and belief, Habersham continues to make, use, assemble, test, sell, and offer for sale at least the Accused Product that is described herein.

35. As described in the preceding paragraphs, Habersham infringes claim 6 of the '587 Patent, either literally or under the doctrine of equivalents.

36. The above example of how Habersham directly infringes claim 6 of the '587 Patent is non-limiting, and based on information currently available to Willo. In particular, different aspects of Habersham's products may be identified that meet the limitations of claim 6 and/or other claims of the '587 Patent, and additional Habersham products likewise may be identified as infringing during the course of discovery.

COUNT II: INDUCED INFRINGEMENT OF THE '587 PATENT
UNDER 35 U.S.C. § 271(b)

37. Willo incorporates by reference each of the preceding allegations above as though fully stated herein.

38. Habersham has induced, and continues to induce, direct infringement of one or more claims of the '587 Patent, including at least claim 6, literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271(b) by, through itself and/or through its agents, within this judicial district and elsewhere within the

United States, its intentional acts, which include among others, encouraging, instructing, enabling, and otherwise causing others, such as contractors and operators of detention centers including without limitation the Monroe County Jail in Forsyth, Georgia, to purchase, install, and use the Accused Product. Habersham manufactures, offers to sell, and sells surface mounted retrofit lock assemblies, including its Accused Product, and provides the Accused Product to said others for the primary purpose of causing infringing acts by said others.

39. Habersham has specifically intended that said others use these devices in such a way that the '587 Patent is infringed by, at a minimum, providing instructions to said others on how to install and/or use these devices, including without limitation the Accused Product.

40. Upon receipt of Willo's February 26, 2020 letter Habersham knew its actions, including but not limited to providing the Accused Product and installation and use instructions, would cause said others to infringe Willo's '587 Patent.

41. Upon receipt of Willo's May 25, 2023 letter, Habersham knew that its continued actions, including but not limited to providing the Accused Product and installation and use instructions, would continue to cause infringement by said others. Use of at least the Habersham Accused Product in accordance with Habersham's instructions and design infringes Willo's '587 Patent.

42. Following service of this Complaint, Habersham knows that its actions, including but not limited to providing the Accused Product and installation and use instructions, induces infringement by said others. Use of the Accused Product in accordance with Habersham's instructions infringes the '587 Patent.

COUNT III: CONTRIBUTORY INFRINGEMENT OF THE '587 PATENT
UNDER 35 U.S.C. § 271(c)

43. Willo incorporates by reference each of the preceding allegations above as though fully stated herein.

44. Habersham has in the past contributed to, and continues to contribute, to the direct infringement of one or more claims of the '587 Patent, literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271(c), including at least claim 6 of the '587 Patent.

45. Habersham has contributorily infringed and continues to contributorily infringe one or more claims of the '587 Patent by offering to sell or selling Habersham's Accused Product, which is a patented component, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement and not a staple article or commodity of commerce suitable for substantial non-infringing use.

COUNT IV: WILLFUL INFRINGEMENT OF THE '587 PATENT

46. Habersham was aware of the '587 Patent at least as early as February 26, 2020.

47. Despite knowledge of the '587 Patent, Habersham continued to manufacture, use, test, offer for sale, and sell its Accused Product.

48. Habersham was further advised of the '587 Patent on May 25, 2023, and has refused to cease and desist the manufacture, use, offer for sale, and selling of its Accused Product.

49. Habersham's infringement has been and continues to be intentional and deliberate, entitling Willo to enhanced damages under 35 U.S.C. § 284 and a finding that this case is exceptional, entitling Willo to an award of reasonable attorneys' fees under 35 U.S.C. § 285.

WHEREFORE, Plaintiff, Willo Products Company, LLC prays that this Court enter judgment in favor of Willo and against Habersham and issue an order that:

(a) U.S. Patent No. 10,385,587 be adjudged by this Court to be enforceable and not invalid;

(b) Habersham be adjudged by this Court to have directly and indirectly infringed U.S. Patent No. 10,385,587;

(c) Habersham's infringement of the U.S. Patent No. 10,385,587 has been and continues to be willful;

(d) Habersham be ordered by this Court to account for and pay Willo damages adequate to compensate Willo for the infringement of U.S. Patent No. 10,385,587, including pre- and post-judgment interest, pursuant to 35 U.S.C. 284;

(e) Habersham be ordered by this Court to pay enhanced damages of three times the amount found or assessed for Habersham's willful patent infringement, pursuant to 35 U.S.C. § 284, including interest on such damages;

(f) This case be deemed exceptional and awarding Willo its attorney fees, pursuant to 35 U.S.C. §285, including pre- and post- judgment interest on such fees;

(g) An accounting and supplemental damages for all damages occurring after the period for which discovery is taken, and after discovery closes;

- (h) An award of Willo's costs and expenses of this suit as the prevailing party; and
- (i) Granting all other relief as this Court deems just and proper.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38, Willo demands a jury trial on all issues so triable.

Respectfully submitted,

Dated: July 24, 2023

By: /s/ John W. Harbin.

William Frankel (*pro have vice* to be submitted)

David Lindner (*pro have vice* to be submitted)

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