

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

PLATINUM TOOLS, LLC,  
a California corporation,

Plaintiff,

v.

KLEIN TOOLS, INC.,  
a Delaware corporation,

Defendant.

Civil Action No.: \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Platinum Tools, LLC (hereinafter “Platinum Tools”) complains against Defendant Klein Tools, Inc. (hereinafter “Klein Tools” or “Defendant”), as follows:

**INTRODUCTION**

1. Platinum Tools is an innovator in the electronics industry, particularly in the field of modular data electrical connectors that are used in connection with the installation and functionality of a wide range of electronic devices within the telecommunications industry, including but not limited to computers, television, surveillance equipment, data communications equipment, custom electronics, and other low voltage appliances. Relevant to this action, Platinum Tools invented and patented novel RJ45 style electrical connectors, which it sells under the ezEX<sup>®</sup> brand name, among others. Due to the innovative, patented design and operation of these electrical connectors, Platinum Tools has become a market leader in the relevant product category. Klein Tools sells competing connectors, including its “Pass-Thru” line of electrical

connectors. Platinum Tools accuses Klein Tools of infringing at least one patent directed to these electrical connectors.

### **THE PARTIES**

2. Plaintiff Platinum Tools is a limited liability company organized and operating under the laws of California that has been engaged in the research, development, manufacture, and sales of RJ45 style electrical connectors for over 20 years.

3. Defendant Klein Tools is, on information and belief, a Delaware corporation engaged in the sale of electrical connectors within this district and throughout the United States.

### **JURISDICTION AND VENUE**

4. This action is for patent infringement and arises under the patent laws of the United States, Title 35, United States Code. As such, this Court has proper, original and exclusive jurisdiction over the subject matter of this action based on 28 U.S.C. §§ 1331 (federal question), 1332 (diversity), and 1338 (patent actions).

5. This Court has personal jurisdiction over Klein Tools because it is incorporated in Delaware and upon information and belief conducts continuous, systematic, and routine business within this judicial district and/or has committed tortious acts in this district including offers to sell and/or selling infringing products in this district.

6. Venue is proper in this Court under the provisions of 28 U.S.C. § 1400(b) because upon information and belief Klein Tools is a Delaware corporation and resides in this district.

### **THE ASSERTED PATENT**

#### **A. The '990 Patent**

7. On February 25, 2020, the United States Patent & Trademark Office (“USPTO”) issued United States Patent No. 10,573,990, entitled “Electrical Connector with External Load Bar

and Method of Use” (“the ’990 Patent”). The named inventor is Robert Sullivan (hereinafter “the inventor”), the owner of Sullstar Technologies, Inc. (hereinafter “Sullstar”). A copy of the ’990 Patent is attached as Exhibit A.

8. The inventor assigned his rights in the ’990 Patent to Sullstar. A copy of the Assignment Agreement is attached as Exhibit B.

9. In or about late 2019, Platinum Tools acquired Sullstar, including without limitation rights to Sullstar’s extensive intellectual property portfolio, which contains the ’990 Patent.

10. Sullstar subsequently assigned the ’990 Patent to Platinum Tools on June 23, 2020, making Platinum Tools the current owner and assignee of the ’990 Patent. A copy of the Assignment Agreement is attached as Exhibit C.

11. The ’990 Patent has not expired and is in full force and effect.

12. Pursuant to 35 U.S.C. § 282, the ’990 Patent and each of its claims are presumed valid.

13. Platinum Tools marks its electrical connectors, such as its ezEX<sup>®</sup> line of connectors, with the ’990 Patent, either physically on the packages of the connectors, on brochures it distributes to market the connectors, or virtually on its website, in compliance with 35 U.S.C. § 287(a), and thus gives at least constructive notice of the ’990 Patent to the public, including to Klein Tools.

### **THE ACCUSED PATENT INFRINGEMENT**

14. Platinum Tools makes and sells numerous electrical connectors, in a variety of sizes and configurations, embodying or manufactured using one or more claims of the patent-in-suit. Platinum Tools sells these patented connectors under the ezEX<sup>®</sup> brand name, among others.

One distinguishing feature of these electrical connectors is a pass-through RJ45 design which allows for a user to feed wires through the connectors to permit easier alignment. Another distinguishing feature of these patented connectors is that the connectors have two rows for pass-through wires which the wires must pass through. Once fed through, the protruding wire ends are simultaneously cut by specialty tools such as crimp tools to crimp or attach such connector types to cables and trim the excess wire.

15. Klein Tools is, without authority, making, using, offering to sell, and/or selling electrical connectors, including, but not limited to, the electrical connectors marketed under the “Pass-Thru” brand name including electrical connectors marked with the product identification numbers VDV826-764; VDV826-705; VDV826-702; VDV826-703; VDV826-704; VDV826-754; VDV826-762; VDV826-763; VDV826-702; VDV826-728; and VDV826-729 (collectively, the “Accused Products”) that infringe, directly or indirectly, one or more claims of Platinum Tools’ patent-in-suit. The Accused Products compete directly with the electrical connectors made and sold by Platinum Tools.

16. Moreover, Klein Tools makes, uses, offers to sell, and/or sells specialty crimping tools marked with the product identification numbers VDV226-110 for the specific purpose of simultaneously cutting wires passed through the Accused Products. Klein Tools provides instructions to consumers of the Accused Products that wires passed through its connectors must be simultaneously cut by the Crimping Tools, which Klein provides video instructions on its website for consumers to engage in infringing acts. A screenshot of Klein Tools’ website with the video instruction for using the VDV226-110 crimper is attached as Exhibit D. Klein Tools further instructs consumers on a webpage controlled by Klein Tools, <https://www.kleintools.com/videos/pass-thru-modular-crimper-vdv226-110>, that the Accused

Products are to be used with the Crimping Tools.

17. Indeed, on information and belief, as a direct consequence of Klein Tools' infringing activities, Platinum Tools has lost sales of its patented electrical connectors to customers in Delaware.

18. Attached as Exhibit E is a claim chart showing exemplary infringement of Claim 1 of the '990 Patent by a representative of Klein Tools' Accused Products. Accordingly, for purposes of this complaint only, the sample Klein Tools product represented in the claim charts exemplifies the infringement of the other Accused Products. In addition, while the claim charts show infringement of just Claim 1 of each patent, more claims of each patent are infringed. These claim charts are based on preliminary analysis and may be amended and/or supplemented. The claim chart is for notice purposes under Fed. R. Civ. P. 8 and 12.

### **COUNT I – DIRECT INFRINGEMENT OF THE '990 PATENT**

19. Platinum Tools re-alleges and incorporates by reference the preceding paragraphs as though fully set out herein.

20. In violation of 35 U.S.C. § 271, Klein Tools has been infringing, and continues to infringe, literally or under the Doctrine of Equivalents, the '990 Patent by way of manufacturing, using, offering to sell, and/or selling within the United States and without authority the Accused Products that are covered by one or more of the claims of the '990 Patent.

21. Klein Tools had at least constructive notice of the '990 Patent pursuant to 35 U.S.C. §287(a) because Platinum Tools marks its modular data electrical connectors with the '990 Patent. Further, the May 9, 2023 letter that Platinum Tools sent to Klein Tools informing Klein Tools of its infringement establishes that Klein Tools had actual notice of the '990 Patent at least as early as May 2023. *See* Exhibit F.

22. Klein Tools has profited, and continues to profit, from its manufacture, use, offer to sell, and sale of the Accused Products.

23. On information and belief, Klein Tools' infringement of the '990 Patent has been and continues to be willful, wanton, and deliberate.

24. Platinum Tools has been, and continues to be, damaged and irreparably harmed by Klein Tools' infringement of the '990 Patent.

**COUNT II – INDIRECT INFRINGEMENT OF THE '990 PATENT**

25. Platinum Tools re-alleges and incorporates by reference the preceding paragraphs as though fully set out herein.

26. In violation of 35 U.S.C. § 271, Klein Tools has indirectly infringed, and continues to indirectly infringe, literally or under the Doctrine of Equivalents, the '990 Patent by contributing to and actively inducing infringement by others in the manufacturing, using, offering for sale, selling, and/or importing certain electrical connectors, including but not limited to, the Accused Products.

27. Klein Tools had at least constructive notice of the '990 Patent pursuant to 35 U.S.C. §287(a) because Platinum Tools marks its modular data electrical connectors with the '990 Patent. The May 9, 2023 letter Platinum Tools sent to Klein Tools by Federal Express provided actual notice of the '990 Patent. *See Exhibit F.* This letter establishes that Klein Tools had actual notice of the '990 Patent at least as early as May 2023.

28. Klein Tools has profited, and continues to profit, from its continued inducement or contributory infringement by encouraging third parties to use, offer to sell, and sell the Accused Products.

29. On information and belief, Klein Tools' indirect infringement of the '990 Patent

has been and continues to be willful, wanton, and deliberate.

30. Platinum Tools has been, and continues to be, damaged and irreparably harmed by Klein Tools' indirect infringement of the '990 Patent.

**DEMAND FOR JURY TRIAL**

31. Pursuant to Rule 38 of the Federal Rule of Civil Procedure, Platinum Tools demands trial by jury on all claims asserted herein.

**PRAYER FOR RELIEF**

32. WHEREFORE, Platinum Tools requests judgment in its favor, including:
- A. Judgment that Klein Tools has infringed and/or is infringing the '990 Patent in violation of 35 U.S.C. § 271;
  - B. Judgment that Klein Tools' infringement of the '990 Patent has been willful;
  - C. An award of damages under 35 U.S.C. § 284 adequate to compensate Platinum Tools for Klein Tools' infringement of the '990 Patent and an accounting to determine the proper amount of such damages;
  - D. A determination that this case is exceptional and that any damages award be trebled as a result of Klein Tools' willful, wanton, and deliberate acts of infringement;
  - E. An award pursuant to 35 U.S.C. § 284 of costs, prejudgment, and post judgment interest on Platinum Tools' compensatory damages;
  - F. An award pursuant to 35 U.S.C. § 285 of Platinum Tools' attorneys' fees incurred in this action;
  - G. An order under 35 U.S.C. § 283 preliminarily and permanently enjoining Klein Tools, including its officers, agent, attorneys, employees, or anyone acting in

privity or concert with them, from infringing the '990 Patent;

- H. An order requiring Klein Tools to surrender for destruction or other disposition, at the election of Platinum Tools, of the manufacturing tooling, materials, prints, specifications, drawings, molds, extrusions, dies, castings, prototypes, computer programs, manuals, programs, models, all components and assemblies in all states, and any and all inventory of articles that infringe the patent-in-suit.
- I. An award of such further and other relief as this Court may deem just and proper.

Dated: August 16, 2023

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