

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

<p>NIBCO INC., an Indiana corporation, Plaintiff, v. BRASSCRAFT MANUFACTURING COMPANY, a Michigan corporation, Defendant.</p>	<p>Civil Action No. 2:23-cv-13236 Hon. _____ COMPLAINT WITH JURY DEMAND</p>
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COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, NIBCO Inc., an Indiana corporation (hereinafter NIBCO), as and for its Complaint against Defendant, BrassCraft Manufacturing Company, a Michigan corporation (hereinafter BrassCraft), hereby alleges as follows:

NATURE OF ACTION

1. This is an action in law and equity for patent infringement arising out of infringement of NIBCO's U.S. Patent Nos. 7,621,295; 7,631,662; 7,644,730; 7,681,596; 7,789,106; and 7,857,002 (collectively, "NIBCO Patents") in violation of the patent laws of the United States, 35 U.S.C. §§ 271 et seq.

THE PARTIES

2. Plaintiff NIBCO, Inc. is a corporation of the state of Indiana and has a principal place of business at 1516 Middlebury Street, Elkhart, Indiana 46515.

3. Upon information and belief, Defendant BrassCraft Manufacturing Company is a corporation of Michigan and has a principal place of business at 39600 Orchard Hill Place, Novi, Michigan 48375.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a). This Court also has jurisdiction in this action pursuant to 28 U.S.C. § 1332.

5. This Court has jurisdiction over BrassCraft because BrassCraft resides in this district, transacts business in this district, and is subject to personal jurisdiction in this district, including under Michigan Comp. Laws § 600.711, § 600.715, and related law.

6. Venue is proper in this judicial district under 28 U.S.C. § 1391 (b) and (c) and § 1400.

BACKGROUND FACTS

7. NIBCO is a leading provider of valves, fittings, and flow control products for commercial, industrial, and institutional construction, and Navy marine, as well as residential and irrigation markets.

8. NIBCO is an innovator of many significant advances in such products and is the owner, through almost 120 years of its business, of many patents.

9. NIBCO acquired a number of patents from Webstone Co., Inc., as part of an Asset Purchase Agreement on April 29, 2016. Included in those patents were the NIBCO Patents that relate to valve assemblies for, among other things, tankless water heaters.

10. NIBCO is the owner of U.S. Patent No. 7,621,295 duly and legally issued on November 24, 2009 (hereinafter the '295 Patent). A true copy of the '295 Patent is attached as Exhibit A.

11. The '295 Patent has claims which cover systems for controlling fluid flow to an appliance. For example, the '295 Patent is marked in compliance with U.S.C. § 287, in connection with tankless water heater valves.

12. NIBCO is the owner of U.S. Patent No. 7,631,662 duly and legally issued on December 15, 2009 (hereinafter the '662 Patent). A true copy of the '662 Patent is attached as Exhibit B.

13. The '662 Patent has claims which cover a hot/cold fluid isolation valve. For example, the '662 Patent is marked in compliance with U.S.C. § 287, in connection with tankless water heater valves.

14. NIBCO is the owner of U.S. Patent No. 7,644,730 duly and legally issued on January 12, 2010 (hereinafter the '730 Patent). A true copy of the '730 Patent is attached as Exhibit C.

15. The '730 Patent has claims which cover a method for isolating an appliance in a plumbing system. For example, the '730 Patent is marked in compliance with U.S.C. § 287, in connection with tankless water heater valves.

16. NIBCO is the owner of U.S. Patent No. 7,681,596 duly and legally issued on March 23, 2010 (hereinafter the '596 Patent). A true copy of the '596 Patent is attached as Exhibit D.

17. The '596 Patent has claims which cover an isolation valve with valve drain. For example, the '596 Patent is marked in compliance with U.S.C. § 287, in connection with tankless water heater valves.

18. NIBCO is the owner of U.S. Patent No. 7,789,106 duly and legally issued on September 7, 2010 (hereinafter the '106 Patent). A true copy of the '106 Patent is attached as Exhibit E.

19. The '106 Patent has claims which cover hot/water fluid isolation valves. For example, the '106 Patent is marked in compliance with U.S.C. § 287, in connection with tankless water heater valves.

20. NIBCO is the owner of U.S. Patent No. 7,857,002 duly and legally issued on December 28, 2010 (hereinafter the '002 Patent). A true copy of the '002 Patent is attached as Exhibit F.

21. The '002 Patent has claims which cover a method for isolation an appliance in a plumbing system. For example, the '002 Patent is marked in compliance with U.S.C. § 287, in connection with tankless water heater valves.

22. BrassCraft has manufactured, used, imported, sold, and/or offered for sale in this judicial district, and elsewhere in the United States, tankless water heaters valves and tankless water heater installation kits. The products include, but are not limited to, TWV30X, TWV30RX, TWV3SX, TWV3SRX, TK30RB21-18X, TK30RB21-24X, TK3SRB21-18X, TKS3RB21-24X, TK30RB21-18G3X, TK30RB21-24G3X, and TBV12F (collectively, "Accused Products"). These products infringe at least one claim of each of the NIBCO Patents. These acts of infringement are a violation of the United States patent laws, including, but not limited to, 35 U.S.C. § 271(a)-(c).


23. BrassCraft’s aforesaid infringement has been and continues to be willful and deliberate and is ongoing.

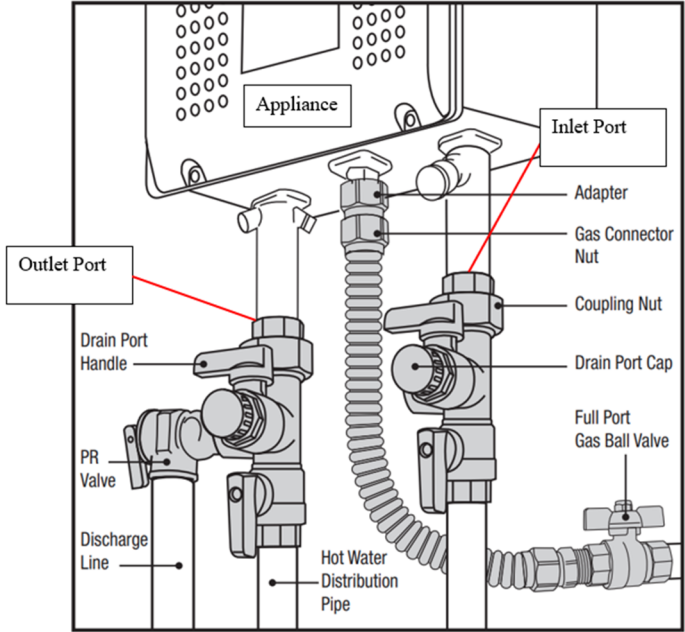
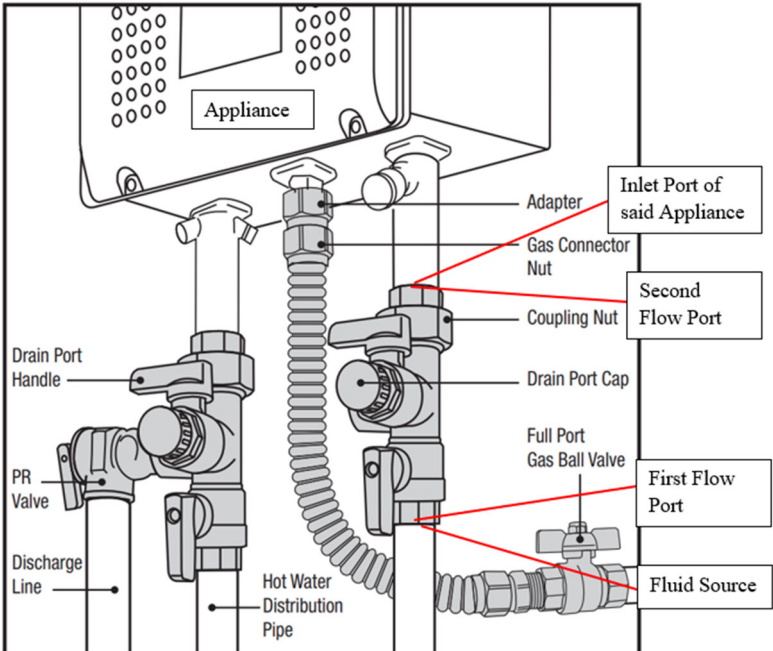
24. NIBCO has in the past been damaged and continues to suffer irreparable injury as a result of BrassCraft’s actions. Infringement of the NIBCO Patents by BrassCraft will continue unless and until enjoined by this Court.

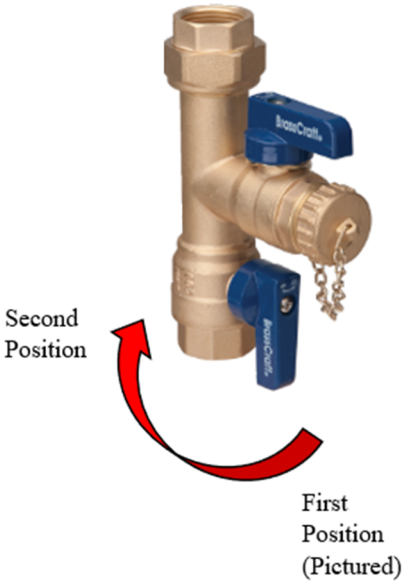
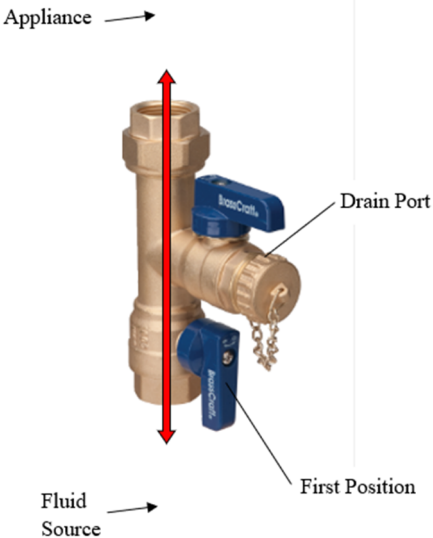
COUNT I: INFRINGEMENT OF THE ‘295 PATENT

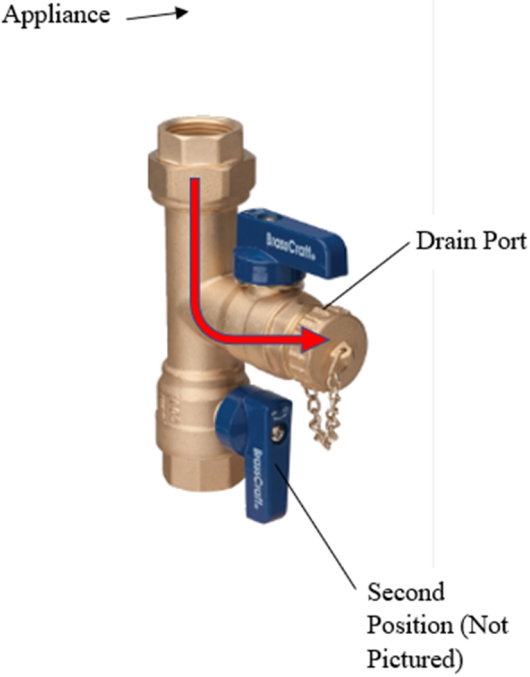
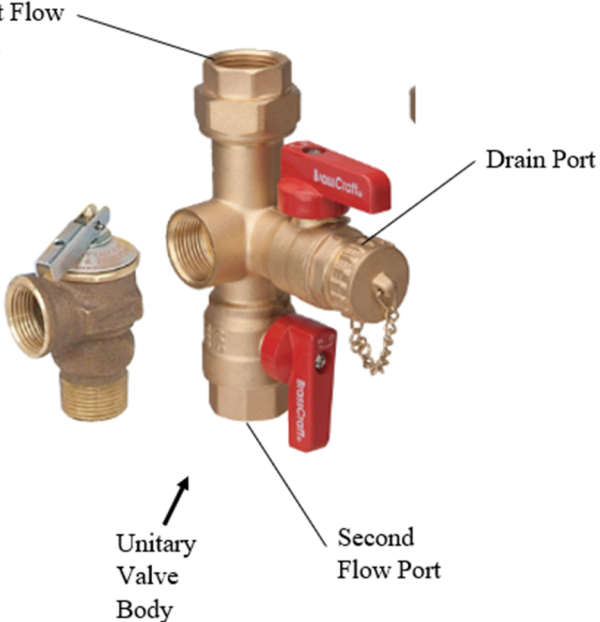
25. Plaintiff NIBCO realleges each and every allegation contained in paragraphs 1 through 24 as though fully set forth herein.

26. The Accused Products infringe at least claim 1 of the ‘295 Patent as outlined below by an exemplary Accused Product:

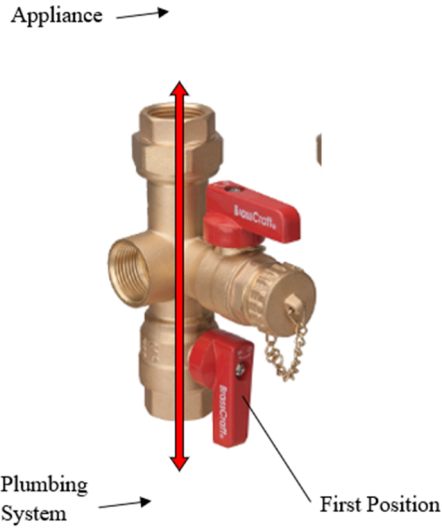
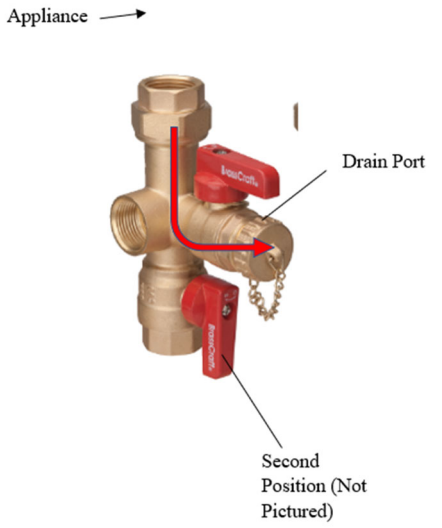
Claim 1	U.S. Patent No. 7,621,295
<p>A system for isolating and controlling a flow of fluid comprising:</p>	<p>System for Isolating and Controlling a Flow of Fluid</p> 

<p>Claim 1</p>	<p>U.S. Patent No. 7,621,295</p>
<p>an appliance having an inlet port and an outlet port;</p>	
<p>a first valve having a first flow port, a second flow port, and a drain port formed in a unitary valve body,</p>	<p>See below.</p>
<p>said first flow port of said first valve in fluid communication with a fluid source and said second flow port said first valve in fluid communication with said inlet port of said appliance,</p>	

Claim 1	U.S. Patent No. 7,621,295
<p>said first valve being configurable between a first and second position in the unitary valve body,</p>	 <p>Second Position</p> <p>First Position (Pictured)</p>
<p>when said first valve is in said first position said fluid source is in fluid communication with said appliance</p>	 <p>Appliance</p> <p>Fluid Source</p> <p>Drain Port</p> <p>First Position</p>

<p>Claim 1</p>	<p>U.S. Patent No. 7,621,295</p>
<p>and when said first valve is in said second position said appliance is in fluid communication with said drain port of said first valve; and</p>	 <p>Appliance →</p> <p>Drain Port</p> <p>Second Position (Not Pictured)</p>
<p>a second valve having a first flow port, a second flow port and a drain port formed in a unitary valve body,</p>	 <p>First Flow Port</p> <p>Drain Port</p> <p>Unitary Valve Body</p> <p>Second Flow Port</p>

<p style="text-align: center;">Claim 1</p> <p>said first flow port of said second valve in fluid communication with said outlet port of said appliance and said second flow port of said second valve in fluid communication with a plumbing system,</p>	<p style="text-align: center;">U.S. Patent No. 7,621,295</p>
<p>the second valve being configurable between a first and second position in the unitary valve body,</p>	<p style="text-align: center;">Second Position</p> <p style="text-align: right;">First Position (Pictured)</p>

Claim 1	U.S. Patent No. 7,621,295
<p>when the second valve is in said first position said appliance is in fluid communication with said plumbing system</p>	 <p>Appliance →</p> <p>Plumbing System →</p> <p>First Position</p>
<p>and when said second valve is in said second position said appliance is in fluid communication with said drain port of said second valve.</p>	 <p>Appliance →</p> <p>Drain Port</p> <p>Second Position (Not Pictured)</p>

27. The Accused Products have infringed and continue to infringe directly, contributorily, and/or by acts of inducement, the claims of the '295 Patent, including, but not limited to claim 1.

28. BrassCraft has infringed and continues to infringe the '295 Patent by manufacturing, offering for sale, selling, and/or importing into the United States,

the Accused Products in this judicial district and elsewhere and will continue to do so unless enjoined by this Court.

29. BrassCraft's acts of infringement are willful as BrassCraft had actual knowledge of the '295 Patent, and acted recklessly and in complete disregard for NIBCO's patent rights.

30. BrassCraft's acts of infringement have caused and will continue to cause substantial and irreparable damage to NIBCO.

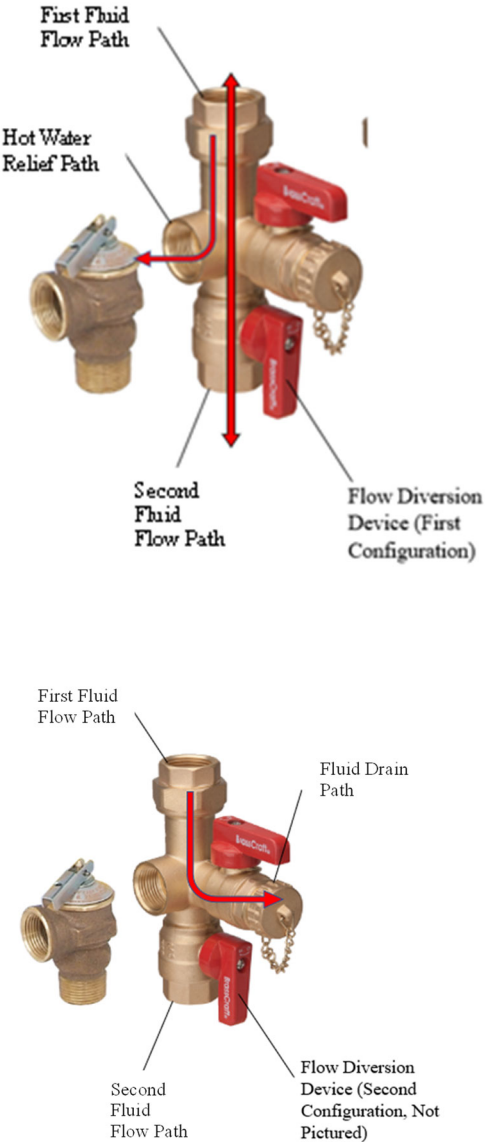
31. NIBCO has no adequate remedy at law.

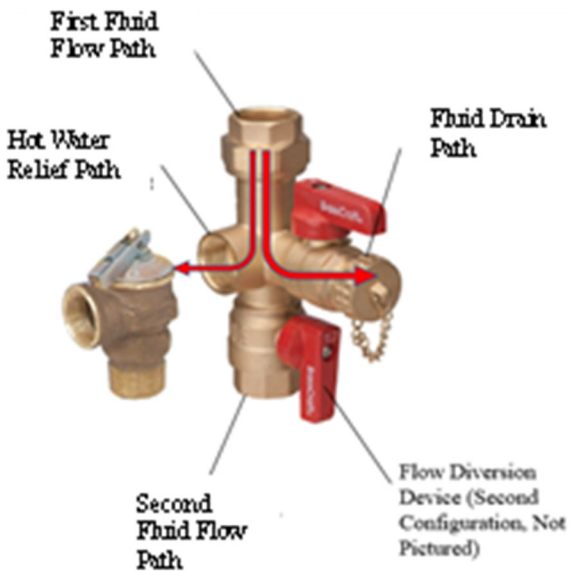
32. BrassCraft's aforementioned acts constitute willful infringement of NIBCO's '295 Patent in violation of 35 U.S.C. §§ 271 *et seq.*

COUNT II: INFRINGEMENT OF THE '662 PATENT

33. Plaintiff NIBCO realleges each and every allegation contained in paragraphs 1 through 32 as though fully set forth herein.

34. The Accused Products infringe at least claim 1 of the '662 Patent as outlined below by an exemplary Accused Product:

Claim 1	U.S. Patent No. 7,631,662
<p>A fluid isolation valve comprising:</p> <p>a valve body having a first fluid flow path, a second fluid flow path, a fluid drain path, a hot water relief path and a pressure relief valve in communication with said hot water relief path; and</p> <p>at least one flow diversion device configurable between a first configuration and a second configuration, such that when the flow diversion device is in the first configuration the first fluid flow path is communicated with the second fluid flow path and the hot water relief path, and when the flow diversion device is in the second configuration, the first fluid flow path is communication with the fluid drain path and the hot water relief path.</p>	 <p>The diagrams illustrate the valve's operation in two states. In the first configuration, the flow diversion device is positioned to allow fluid from the first flow path to pass through the second flow path and the hot water relief path. In the second configuration, the device is rotated to divert the flow from the first path to the fluid drain path, while still allowing flow through the hot water relief path.</p>

Claim 1	U.S. Patent No. 7,631,662
	 <p>The diagram shows a brass valve assembly with several ports and a central body. Red arrows indicate flow paths: one entering from the top, one exiting to the left, one exiting to the right, and one exiting from the bottom. Labels point to these paths and a red-handled device on the right side.</p>

35. The Accused Products have infringed and continue to infringe directly, contributorily, and/or by acts of inducement, the claims of the '662 Patent, including, but not limited to claim 1.

36. BrassCraft has infringed and continues to infringe the '662 Patent by manufacturing, offering for sale, selling, and/or importing into the United States, the Accused Products in this judicial district and elsewhere and will continue to do so unless enjoined by this Court.

37. BrassCraft's acts of infringement are willful as BrassCraft had actual knowledge of the '662 Patent, and acted recklessly and in complete disregard for NIBCO's patent rights.

38. BrassCraft's acts of infringement have caused and will continue to cause substantial and irreparable damage to NIBCO.

39. NIBCO has no adequate remedy at law.

40. BrassCraft's aforementioned acts constitute willful infringement of NIBCO's '662 Patent in violation of 35 U.S.C. §§ 271 *et seq.*

COUNT III: INFRINGEMENT OF THE '730 PATENT

41. Plaintiff NIBCO realleges each and every allegation contained in paragraphs 1 through 40s though fully set forth herein.

42. The Accused Products when used in connection with an appliance infringe at least claim 1 of the '730 Patent. The Accused Products are used for isolating an appliance in a plumbing system from a first fluid source. The instructions provided by BrassCraft tell users to connect a first valve, having a first flow path and a drain flow path in a unitary structure, to an appliance. The instructions also show activating the first valve from a first position to a second position. In the first position a first fluid source communicates with the appliance through the first flow path of the first valve. In the second position a second fluid source communicates with the appliance through the drain flow path of the first valve. The instructions show attaching a flushing mechanism to the drain flow path of the first valve. The instructions also show pumping a flushing fluid from

the flushing mechanism into the drain flow path of the first valve so the flushing fluid flows into the appliance. The instructions also show a second valve having at least a first flow path and a drain flow path in a unitary structure. The instructions show actuating the second valve from a first position to a second position. In the first position the appliance communicates with the plumbing system. In the second position the appliance communicates with the drain flow path of the second valve. The flushing fluid flows through the appliance and out the drain flow path of the second valve.

43. The Accused Products would induce and/or contribute to the infringement of at least claim 1 when used to flush the appliance/tankless water heater.

44. The Accused Products have infringed and continue to infringe directly, contributorily, and/or by acts of inducement, the claims of the '662 Patent, including, but not limited to claim 1.

45. BrassCraft has infringed and continues to infringe the '662 Patent by manufacturing, offering for sale, selling, and/or importing into the United States, the Accused Products in this judicial district and elsewhere and will continue to do so unless enjoined by this Court.

46. BrassCraft’s acts of infringement are willful as BrassCraft had actual knowledge of the ‘662 Patent, and acted recklessly and in complete disregard for NIBCO’s patent rights.

47. BrassCraft’s acts of infringement have caused and will continue to cause substantial and irreparable damage to NIBCO.


48. NIBCO has no adequate remedy at law.


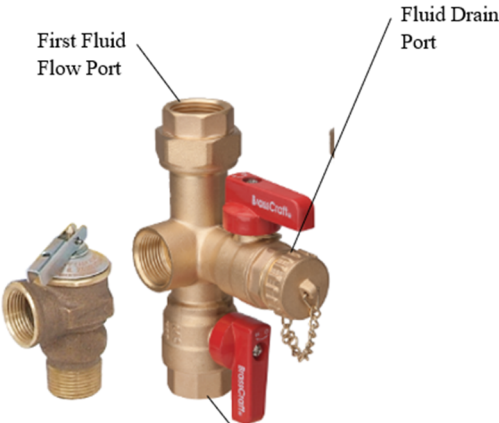
49. BrassCraft’s aforementioned acts constitute willful infringement of NIBCO’s ‘730 Patent in violation of 35 U.S.C. §§ 271 *et seq.*

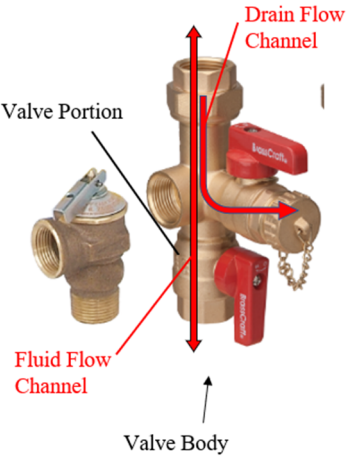
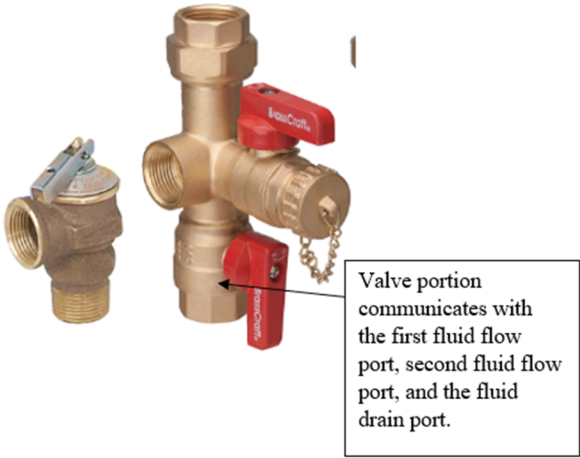
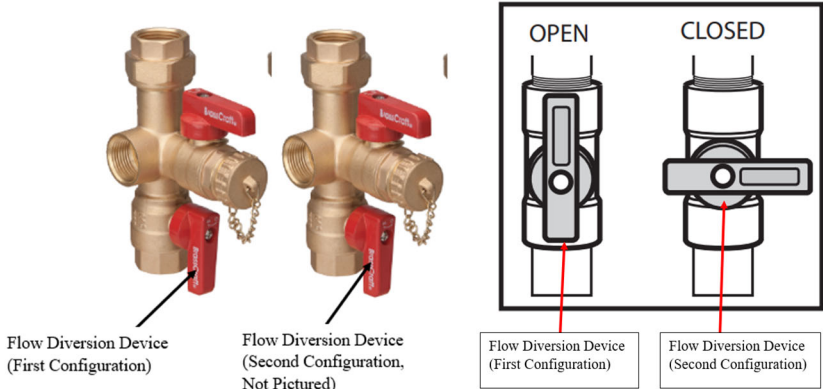
COUNT IV: INFRINGEMENT OF THE ‘596 PATENT

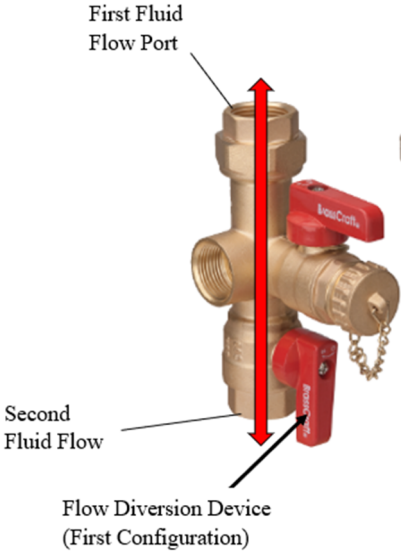
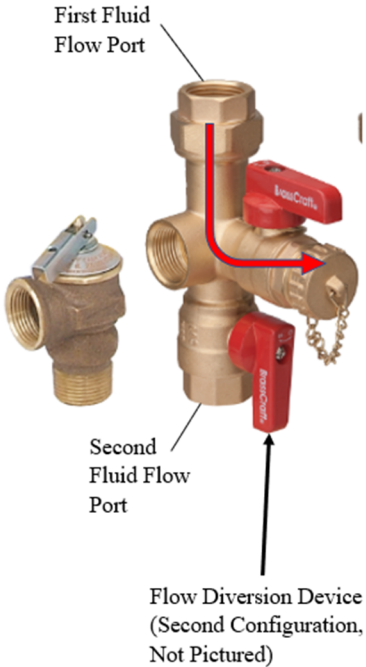
50. Plaintiff NIBCO realleges each and every allegation contained in paragraphs 1 through 49 as though fully set forth herein.

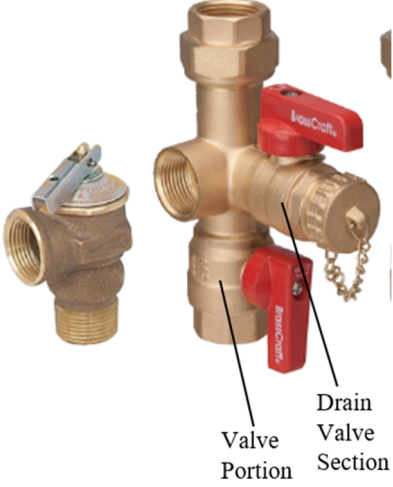
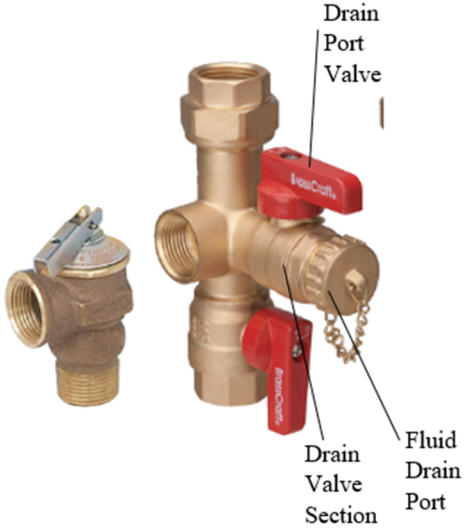
51. The Accused Products infringe at least claim 1 of the ‘596 Patent as outlined below by an exemplary Accused Product:

Claim 1	U.S. Patent No. 7,681,596
A fluid isolation valve comprising:	

<p>Claim 1</p>	<p>U.S. Patent No. 7,681,596</p>
<p>a valve body,</p>	 <p style="text-align: center;">Valve Body</p>
<p>said valve body having a first fluid flow port, a second fluid flow port and a fluid drain port,</p>	 <p style="text-align: center;">Valve Body</p> <p style="text-align: center;">First Fluid Flow Port</p> <p style="text-align: center;">Fluid Drain Port</p> <p style="text-align: center;">Second Fluid Flow Port</p>

Claim 1	U.S. Patent No. 7,681,596
<p>wherein said valve body defines a fluid flow channel, a drain flow channel and a valve portion,</p>	 <p>The diagram shows a valve assembly with a main valve body and a separate valve portion. Red arrows indicate the 'Fluid Flow Channel' and 'Drain Flow Channel'. Labels include 'Valve Portion', 'Fluid Flow Channel', 'Drain Flow Channel', and 'Valve Body'.</p>
<p>said valve portion being disposed to be communicated with said first fluid flow port, said second fluid flow port and said fluid drain port;</p>	 <p>The diagram shows the valve assembly with a callout box pointing to the valve portion. The text in the box reads: 'Valve portion communicates with the first fluid flow port, second fluid flow port, and the fluid drain port.'</p>
<p>a flow diversion device disposed within said valve portion, said flow diversion device configurable between a first configuration and a second configuration,</p>	 <p>The diagram illustrates two configurations of a flow diversion device. On the left, two valve assemblies are shown with callouts for 'Flow Diversion Device (First Configuration)' and 'Flow Diversion Device (Second Configuration, Not Pictured)'. On the right, a cross-sectional view shows the device in 'OPEN' and 'CLOSED' states. Below the cross-sections are labels: 'Flow Diversion Device (First Configuration)' and 'Flow Diversion Device (Second Configuration)'.</p>

Claim 1	U.S. Patent No. 7,681,596
<p>when said flow diversion device is in said first configuration said first fluid flow port is communicated with said second fluid flow port</p>	 <p>First Fluid Flow Port</p> <p>Second Fluid Flow Port</p> <p>Flow Diversion Device (First Configuration)</p>
<p>and when said flow diversion device is in said second configuration said first fluid flow port is communicated with said fluid drain port; and</p>	 <p>First Fluid Flow Port</p> <p>Second Fluid Flow Port</p> <p>Flow Diversion Device (Second Configuration, Not Pictured)</p>

Claim 1	U.S. Patent No. 7,681,596
<p>a drain valve section separate from and adjacent to said valve portion,</p>	 <p>The diagram shows a valve assembly with two red handles. One handle is labeled 'Valve Portion' and the other is labeled 'Drain Valve Section'. The assembly consists of a main valve body with a side port and a separate drain valve section attached to the side.</p>
<p>said drain valve section communicating with said fluid drain port in a controllable manner and said drain valve section having a drain port valve.</p>	 <p>The diagram shows a valve assembly with two red handles. One handle is labeled 'Drain Port Valve' and the other is labeled 'Drain Valve Section'. The assembly consists of a main valve body with a side port and a separate drain valve section attached to the side. The side port is labeled 'Fluid Drain Port'.</p>

52. The Accused Products have infringed and continue to infringe directly, contributorily, and/or by acts of inducement, the claims of the '596 Patent, including, but not limited to claim 1.

53. BrassCraft has infringed and continues to infringe the '596 Patent by manufacturing, offering for sale, selling, and/or importing into the United States, the Accused Products in this judicial district and elsewhere and will continue to do so unless enjoined by this Court.

54. BrassCraft's acts of infringement are willful as BrassCraft had actual knowledge of the '596 Patent, and acted recklessly and in complete disregard for NIBCO's patent rights.

55. BrassCraft's acts of infringement have caused and will continue to cause substantial and irreparable damage to NIBCO.



56. NIBCO has no adequate remedy at law.

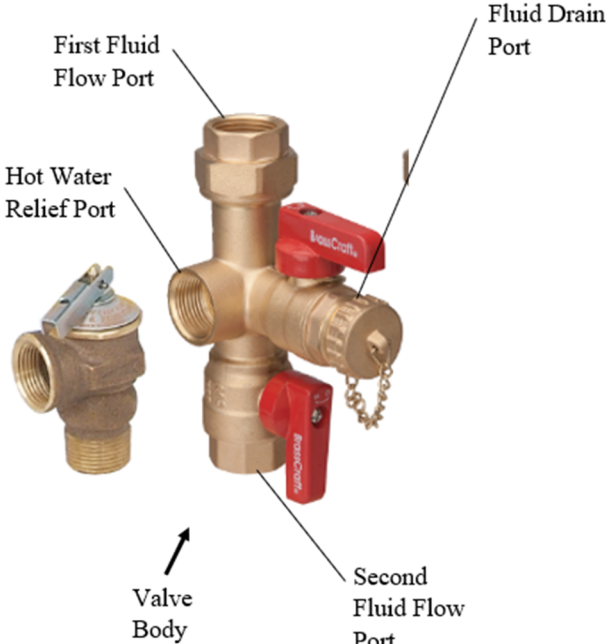
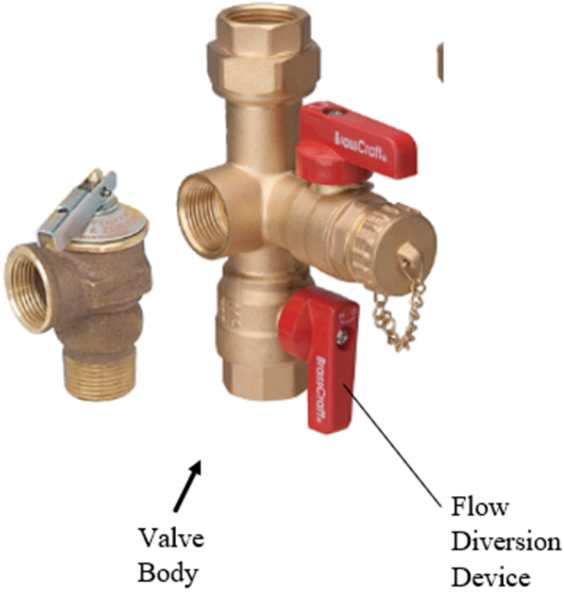
57. BrassCraft's aforementioned acts constitute willful infringement of NIBCO's '596 Patent in violation of 35 U.S.C. §§ 271 *et seq.*

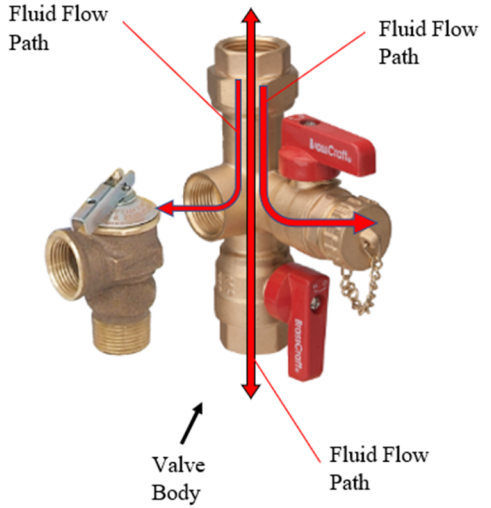
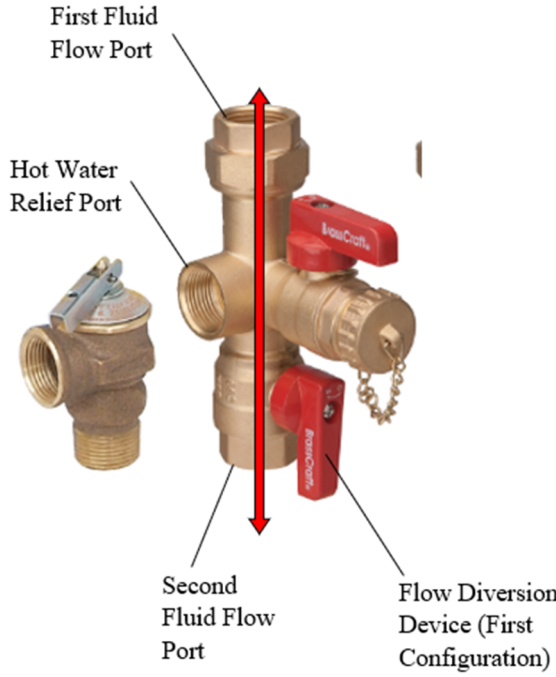
COUNT V: INFRINGEMENT OF THE '106 PATENT

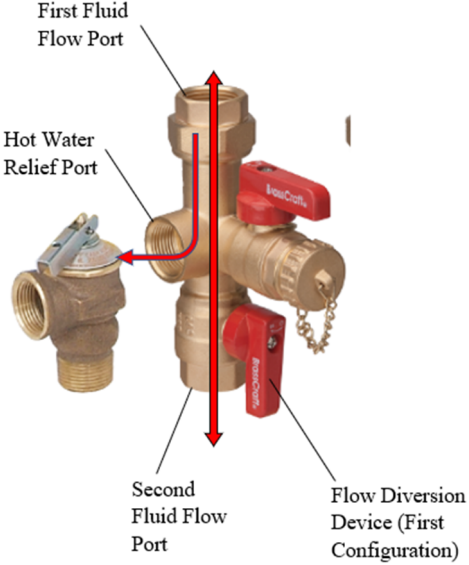
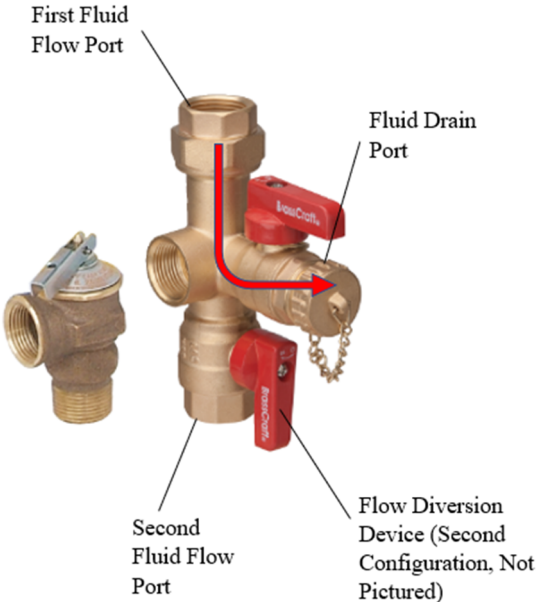
58. Plaintiff NIBCO realleges each and every allegation contained in paragraphs 1 through 57 as though fully set forth herein.

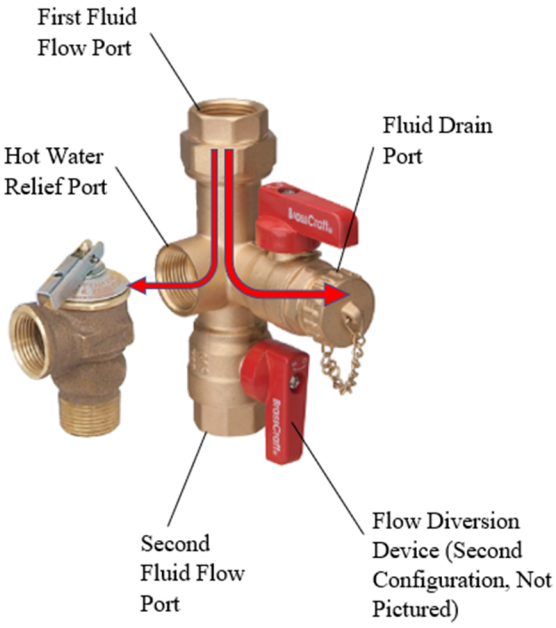
59. The Accused Products infringe at least claim 1 of the '106 Patent as outlined below by an exemplary Accused Product:

Claim 1	U.S. Patent No. 7,789,106
A fluid isolation valve comprising:	 <p data-bbox="1003 688 1081 764">Fluid Isolation Valve</p> <p data-bbox="764 783 786 810">e</p>
a valve body,	 <p data-bbox="886 1360 964 1436">Valve Body</p>

Claim 1	U.S. Patent No. 7,789,106
<p>said valve body having a first fluid flow port, a second fluid flow port, a fluid drain port, and a hot water relief port; and</p>	 <p>The diagram shows a valve assembly with a central valve body. It has four main ports: a top port labeled 'First Fluid Flow Port', a side port labeled 'Hot Water Relief Port', a bottom port labeled 'Second Fluid Flow Port', and a side port labeled 'Fluid Drain Port'. The valve body is shown in two views: a perspective view and a side view. The side view shows a red handle with the 'IronCraft' logo. A chain is attached to the side of the valve body.</p>
<p>a flow diversion device disposed within said valve body,</p>	 <p>This diagram is similar to the one above, showing the valve assembly. It highlights the 'Flow Diversion Device' located within the valve body. The 'Valve Body' is also labeled. The red handle with the 'IronCraft' logo is visible.</p>
<p>said flow diversion device including a ball rotatable about and axis of rotation;</p>	<p>Specification states that it is a “brass, plated” ball.</p>

Claim 1	U.S. Patent No. 7,789,106
<p>said flow diversion device including a through hole extending through said ball; and</p>	<p>Inherent that the flow diversion device includes a through hole extending through said ball.</p>
<p>at least one fluid flow path through said valve body,</p>	 <p>The diagram shows a valve body with three red arrows indicating fluid flow paths. One arrow points vertically upwards from the top port, another points horizontally to the right from the side port, and a third points vertically downwards from the bottom port. Labels include 'Fluid Flow Path' for each arrow and 'Valve Body' for the main component.</p>
<p>said flow diversion device being configurable between a first configuration wherein said first fluid flow port is in fluid communication with said second fluid flow port through said through hole</p>	 <p>The diagram shows the valve body in its first configuration. A red arrow points vertically upwards from the top port, labeled 'First Fluid Flow Port'. Another red arrow points vertically downwards from the bottom port, labeled 'Second Fluid Flow Port'. A label 'Hot Water Relief Port' points to the side port. The entire assembly is labeled 'Flow Diversion Device (First Configuration)'. A through hole is shown connecting the top and bottom ports.</p>

<p>Claim 1</p>	<p>U.S. Patent No. 7,789,106</p>
<p>and said first fluid flow port is in fluid communication with said hot water relief port through said at least on fluid flow path,</p>	 <p>First Fluid Flow Port</p> <p>Hot Water Relief Port</p> <p>Second Fluid Flow Port</p> <p>Flow Diversion Device (First Configuration)</p>
<p>and a second configuration closing fluid communication between said first fluid flow port and said second fluid flow port wherein said first fluid flow port is in fluid communication with said fluid drain port</p>	 <p>First Fluid Flow Port</p> <p>Fluid Drain Port</p> <p>Second Fluid Flow Port</p> <p>Flow Diversion Device (Second Configuration, Not Pictured)</p>

Claim 1	U.S. Patent No. 7,789,106
<p>and said first fluid flow port is in fluid communication with said hot water relief port through said at least on fluid flow path.</p>	 <p>The diagram shows a brass valve assembly with several ports and a flow diversion device. Labels include: First Fluid Flow Port (top), Hot Water Relief Port (left), Fluid Drain Port (right), Second Fluid Flow Port (bottom), and Flow Diversion Device (Second Configuration, Not Pictured) (bottom right). Red arrows indicate the flow path from the top port, through the valve, to the relief port.</p>

60. The Accused Products have infringed and continue to infringe directly, contributorily, and/or by acts of inducement, the claims of the '106 Patent, including, but not limited to claim 1.

61. BrassCraft has infringed and continues to infringe the '106 Patent by manufacturing, offering for sale, selling, and/or importing into the United States, the Accused Products in this judicial district and elsewhere and will continue to do so unless enjoined by this Court.

62. BrassCraft's acts of infringement are willful as BrassCraft had actual knowledge of the '106 Patent, and acted recklessly and in complete disregard for NIBCO's patent rights.

63. BrassCraft’s acts of infringement have caused and will continue to cause substantial and irreparable damage to NIBCO.

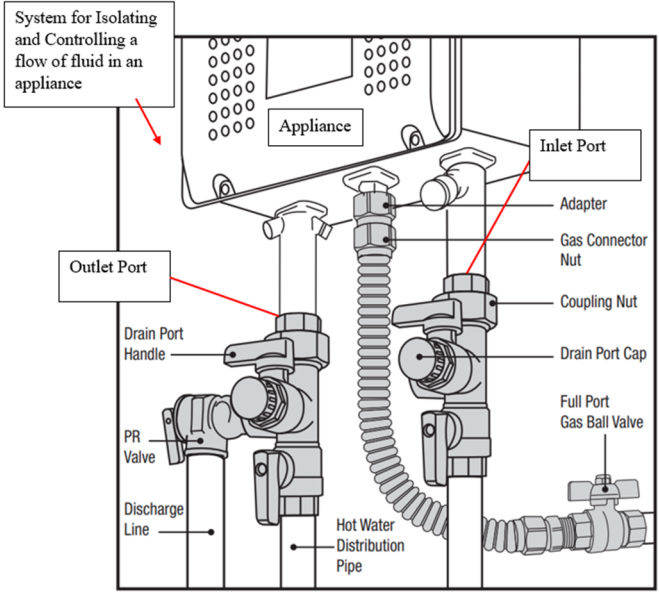
64. NIBCO has no adequate remedy at law.

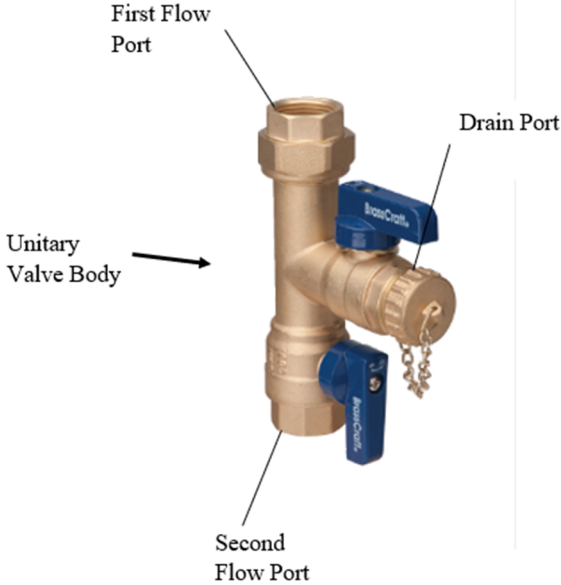
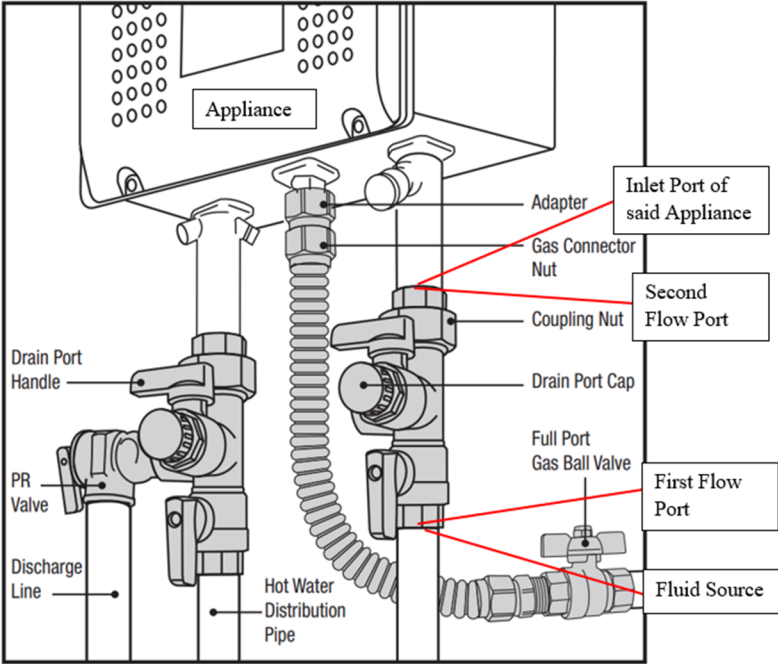
65. BrassCraft’s aforementioned acts constitute willful infringement of NIBCO’s ‘106 Patent in violation of 35 U.S.C. §§ 271 *et seq.*

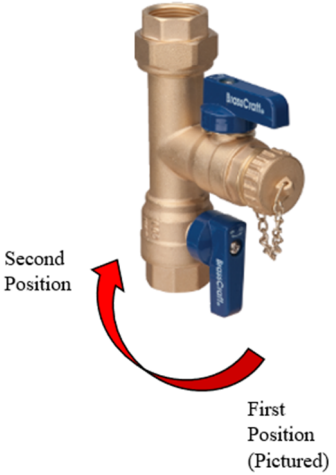
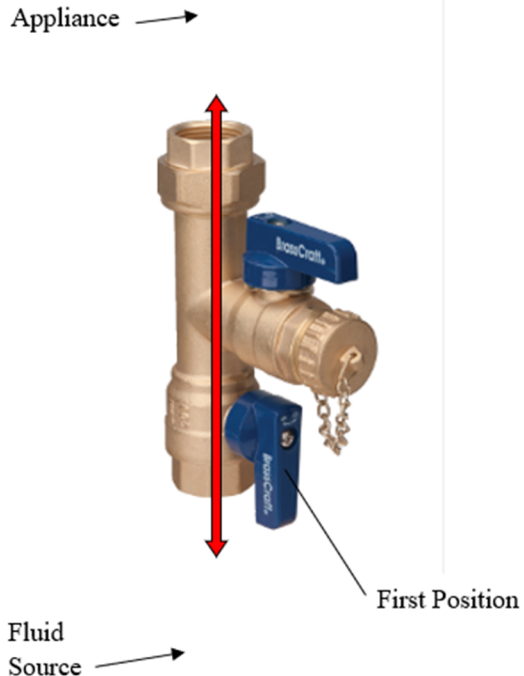
COUNT VI: INFRINGEMENT OF THE ‘002 PATENT

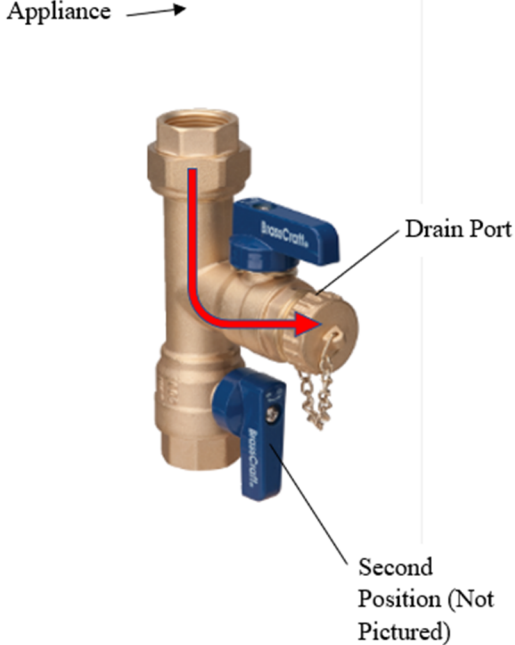
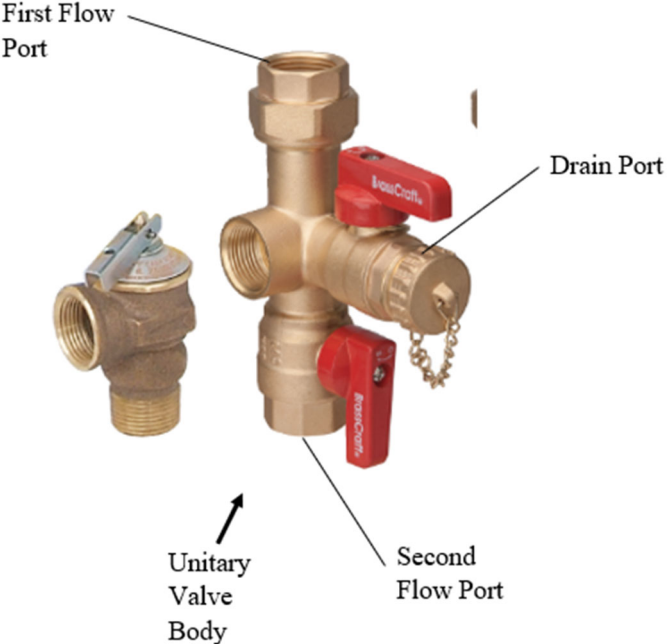
66. Plaintiff NIBCO realleges each and every allegation contained in paragraphs 1 through 65 as though fully set forth herein.

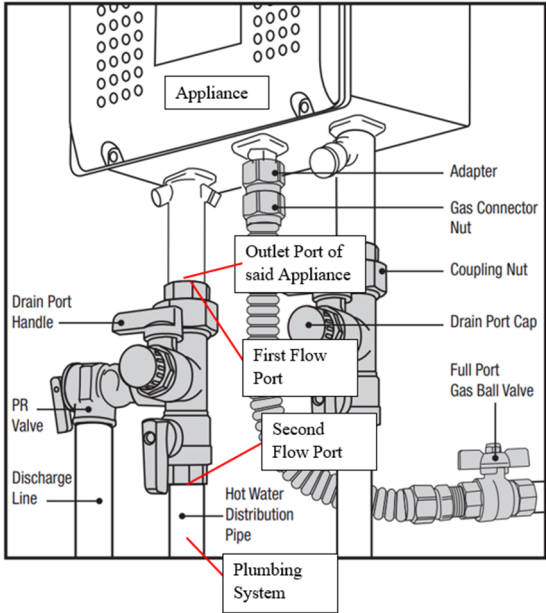
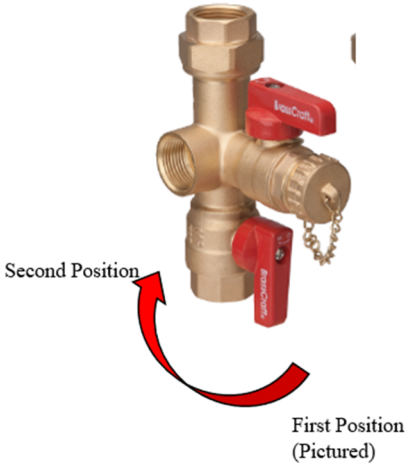
67. The Accused Products infringe at least claim 5 of the ‘002 Patent as outlined below by an exemplary Accused Product:

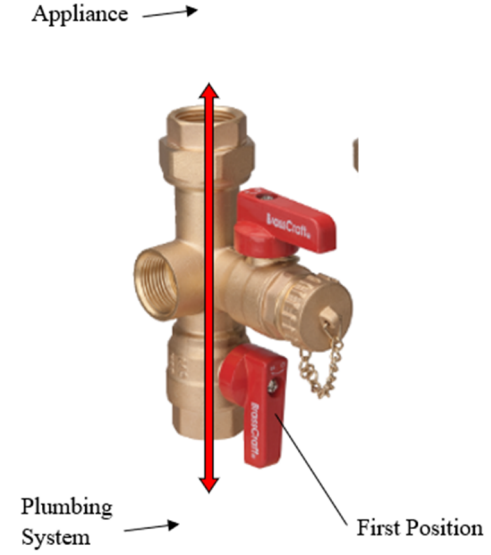
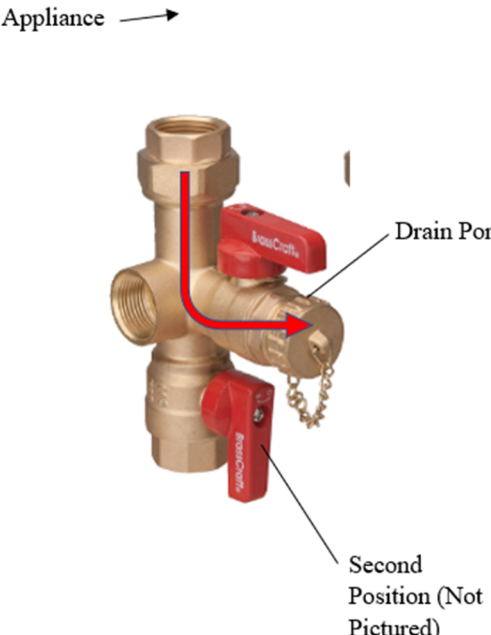
Claim 5:	U.S. Patent No. 7,857,002
<p>A system for isolating and controlling a flow of fluid in an appliance having an inlet port and an outlet port comprising:</p>	 <p>The diagram illustrates a system for isolating and controlling fluid flow in an appliance. Key components labeled include: Appliance, Inlet Port, Adapter, Gas Connector Nut, Coupling Nut, Drain Port Cap, Full Port Gas Ball Valve, Hot Water Distribution Pipe, Discharge Line, PR Valve, Drain Port Handle, and Outlet Port. A callout box points to the overall system.</p>

<p>Claim 5: a first valve having a first flow port, a second flow port, and a drain port formed in a unitary valve body,</p>	<p style="text-align: center;">U.S. Patent No. 7,857,002</p> 
<p>said first flow port of said first valve in fluid communication with a fluid source and said second flow port said first valve in fluid communication with said inlet port of said appliance,</p>	

Claim 5:	U.S. Patent No. 7,857,002
<p>said first valve being configurable between a first and second position in the unitary valve body,</p>	 <p>Second Position</p> <p>First Position (Pictured)</p>
<p>when said first valve is in said first position said fluid source is in fluid communication with said appliance</p>	 <p>Appliance →</p> <p>Fluid Source →</p> <p>First Position</p>

<p>Claim 5:</p>	<p>U.S. Patent No. 7,857,002</p>
<p>and when said first valve is in said second position said appliance is in fluid communication with said drain port of said first valve and;</p>	 <p>Appliance →</p> <p>Drain Port</p> <p>Second Position (Not Pictured)</p>
<p>a second valve having a first flow port, a second flow port and a drain port formed in a unitary valve body,</p>	 <p>First Flow Port</p> <p>Drain Port</p> <p>Unitary Valve Body</p> <p>Second Flow Port</p>

<p>Claim 5: said first flow port of said second valve in fluid communication with said outlet port of said appliance and said second flow port of said second valve in fluid communication with a plumbing system,</p>	<p style="text-align: center;">U.S. Patent No. 7,857,002</p> 
<p>the second valve being configurable between a first and second position in the unitary valve body,</p>	

Claim 5:	U.S. Patent No. 7,857,002
<p>when the second valve is in said first position said appliance is in fluid communication with said plumbing system</p>	 <p>Appliance →</p> <p>Plumbing System →</p> <p>First Position</p>
<p>and when said second valve is in said second position said appliance is in fluid communication with said drain port of said second valve.</p>	 <p>Appliance →</p> <p>Drain Port</p> <p>Second Position (Not Pictured)</p>

68. The Accused Products have infringed and continue to infringe directly, contributorily, and/or by acts of inducement, the claims of the '002 Patent, including, but not limited to claim 5.

69. BrassCraft has infringed and continues to infringe the '002 Patent by manufacturing, offering for sale, selling, and/or importing into the United States, the Accused Products in this judicial district and elsewhere and will continue to do so unless enjoined by this Court.

70. BrassCraft's acts of infringement are willful as BrassCraft had actual knowledge of the '002 Patent, and acted recklessly and in complete disregard for NIBCO's patent rights.

71. BrassCraft's acts of infringement have caused and will continue to cause substantial and irreparable damage to NIBCO.

72. NIBCO has no adequate remedy at law.

73. BrassCraft's aforementioned acts constitute willful infringement of NIBCO's '002 Patent in violation of 35 U.S.C. §§ 271 *et seq.*

PRAYER FOR RELIEF

Wherefore, NIBCO prays that this Court enter a judgment and order that:

- A. BrassCraft has infringed the NIBCO Patents;
- B. the infringement of the NIBCO Patents by BrassCraft is willful;
- C. BrassCraft and its officers, agents, representatives, employees, and all others in concert or participation with them, directly or indirectly, be preliminarily and permanently enjoined from infringing, inducing others to

infringe, or contributing to the infringement of the NIBCO Patents pursuant to 35 U.S.C. § 283;

D. NIBCO be awarded damages adequate to compensate for BrassCraft's infringement of the NIBCO Patents, together with pre-judgment and post-judgment interest pursuant to 35 U.S.C. § 284;

E. said damages be trebled pursuant to 35 U.S.C. § 284 because such infringement has been willful and deliberate;

F. that this is an exceptional case and NIBCO be awarded its costs, including reasonable attorneys fees and expenses, in accordance with 35 U.S.C. § 285; and

G. NIBCO be awarded such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

NIBCO demands trial by jury on all issues in this action.

Respectfully submitted,

Dated: December 20, 2023

/s/Matthew J. Gipson

Matthew J. Gipson (P60169)

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