

1 Randall T. Garteiser (CA State Bar No. 231821)
rgarteiser@ghiplaw.com
2 Christopher A. Honea (CA State Bar No. 232473)
chonea@ghiplaw.com
3 GARTEISER HONEA—IP TRIAL BOUTIQUE
4 795 Folsom St., Floor 1, San Francisco, CA 94107
5 119 W Ferguson, Tyler, TX 75702
6 Telephone: (888) 908-4400

7 *Attorneys for Plaintiff*

8
9 **IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

10
11 **BARRIER GUARD
12 TECHNOLOGIES, LLC**

13 Plaintiff,

14 v.

15
16 **1-800-BOLLARDS, INC.**

17 Defendant.

Case No. 8:24-cv-1172

Jury Trial Demanded

18 **COMPLAINT FOR PATENT INFRINGEMENT**

19
20 Barrier Guard Technologies, LLC (“Plaintiff” and/or “BGT”) files this
21 complaint against 1-800-Bollards, Inc. (“Defendant”) for infringement of U.S.
22 Patent No. 8,215,865 (“the ’865 Patent”) and alleges as follows:

23 **PARTIES**

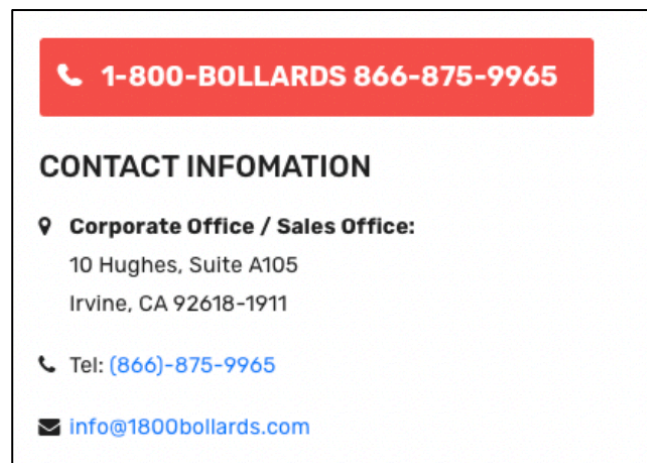
24 1. Plaintiff is a Wyoming company having its principal place of business in
25 Cheyenne, Wyoming.

26 2. Upon information and belief, 1-800-Bollards, Inc. is a corporation
27 organized and existing under the laws of the State of California and has a principal place
28 of business at 10 Hughes, Suite A105, Irvine California 92618.

1 California, who each use and have used Defendant’s products and services in the State
2 of California and in the Central District of California.

3 8. On information and belief, Defendant maintains physical brick-and-
4 mortar business locations in the State and within this District, retains employees
5 specifically in this District for the purpose of servicing customers in this District, and
6 generates substantial revenues from its business activities in this District
7

8
9 9. Venue is proper in this district as to Defendant pursuant to at least 28
10 U.S.C. §§ 1391(c)(2) and 1400(b). As noted above, Defendant maintains a regular and
11 established business presence in this District. *See* Figure 1 below.
12



21 Figure 1
22 (source: <https://www.1800bollards.com/contact/>)

23 **PATENT-IN-SUIT**

24 10. On July 10, 2012, the United States Patent and Trademark Office
25 (“USPTO”) duly and legally issued the ’865 Patent, entitled “Anti-Ram System and
26 Method of Installation.” The ’865 Patent is attached as Exhibit A.
27

28 11. Plaintiff is the sole and exclusive owner, by assignment, of the ’865 Patent.

1 12. Plaintiff possesses all rights of recovery under the '865 Patent, including
2 the exclusive right to recover for past, present and future infringement.

3 13. The '865 Patent contains thirty-five claims including three independent
4 claims (claims 1, 16 and 33) and thirty-two dependent claims.
5

6 14. The priority date of the '865 Patent is at least as early as July 26, 2004. As
7 of the priority date, the inventions as claimed were novel, non-obvious, unconventional,
8 and non-routine.
9

10 15. Plaintiff alleges infringement on the part of Defendants of the '865 Patent.

11 16. The '865 Patent teaches an anti-ram system and method of construction
12 having a shallow mounted base pad from which extend a plurality of bollards. Very
13 little or only shallow excavation is required for the base of the bollard system. *See* '865
14 Patent, Abstract.
15

16 17. The '865 Patent was examined by Primary United States Patent Examiner
17 Raymond W. Addie. During the examination of the '865 Patent, the United States
18 Patent Examiner searched for prior art in the following US Classifications: 404/6 and
19 256/13.1.
20
21

22 18. After conducting a search for prior art during the examination of the '865
23 Patent, the United States Patent Examiner identified and cited 25 U.S. patents, 12
24 published U.S. patent applications, 12 international patent publications and 2 published
25 articles.
26

27 19. After giving full proper credit to the prior art and having conducted a
28

1 thorough search for all relevant art and having fully considered the most relevant art
2 known at the time, the United States Patent Examiner allowed all of the claims of the
3 '865 Patent to issue. In so doing, it is presumed that Examiner Addie used his
4 knowledge of the art when examining the claims. *K/S Himpp v. Hear-Wear Techs.,*
5 *LLC*, 751 F.3d 1362, 1369 (Fed. Cir. 2014). It is further presumed that Examiner Addie
6 had experience in the field of the invention, and that the Examiner properly acted in
7 accordance with a person of ordinary skill. *In re Sang Su Lee*, 277 F.3d 1338, 1345
8 (Fed. Cir. 2002). In view of the foregoing, the claims of the '865 Patent are novel and
9 non-obvious, including over all non-cited art which is merely cumulative with the
10 referenced and cited prior art. Likewise, the claims of the '865 Patent are novel and
11 non-obvious, including over all non-cited contemporaneous state of the art systems and
12 methods, all of which would have been known to a person of ordinary skill in the art,
13 and which were therefore presumptively also known and considered by Examiner
14 Addie.

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20 20. In view of the foregoing, the claims of the '865 Patent are novel and non-
21 obvious, including over all non-cited art which is merely cumulative with the
22 referenced and cited prior art. Likewise, the claims of the '865 Patent are novel and
23 non-obvious, including over all non-cited contemporaneous state of the art systems and
24 methods, all of which would have been known to a person of ordinary skill in the art,
25 and which were therefore presumptively also known and considered by Examiner
26 Addie.
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1 in particular under 35 U.S.C. §§ 271, *et seq.*

2 26. Defendant has knowledge of its infringement of the '865 Patent, at least
3 as of the service of the present complaint.
4

5 27. The '865 Patent is valid, enforceable, and was duly issued in full
6 compliance with Title 35 of the United States Code.

7 28. Upon information and belief, Defendant has infringed and continues to
8 infringe one or more claims, including at least Claim 1 of the '865 Patent by
9 manufacturing, using, importing, selling, offering for sale, and/or providing (as
10 identified in the Claim Chart attached hereto as Exhibit B) the Accused
11 Instrumentalities which infringe at least Claim 1 of the '865 Patent. Defendant has
12 infringed and continues to infringe the '865 patent either directly or through acts of
13 contributory infringement or inducement in violation of 35 U.S.C. § 271.
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17 29. Defendant also has and continues to directly infringe, literally or under the
18 doctrine of equivalents, at least Claim 1 of the '865 Patent, by having its employees
19 internally test and use the exemplary Accused Instrumentalities.
20

21 30. The service of this Complaint, in conjunction with the attached claim chart
22 and references cited, constitutes actual knowledge of infringement as alleged here.
23

24 31. Despite such actual knowledge, Defendant continues to make, use, test,
25 sell, offer for sale, market, and/or import into the United States, products that infringe
26 the '865 Patent. On information and belief, Defendant has also continued to sell the
27 exemplary Accused Instrumentalities and distribute product literature and website
28

1 materials inducing end users and others to use its products in the customary and
2 intended manner that infringes the '865 Patent. *See* Exhibit B (extensively referencing
3 these materials to demonstrate how they direct end users to commit patent
4 infringement).
5

6 32. At least since being served by this Complaint and corresponding claim
7 chart, Defendant has actively, knowingly, and intentionally continued to induce
8 infringement of the '865 Patent, literally or by the doctrine of equivalents, by selling
9 exemplary Accused Instrumentalities to their customers for use in end-user products in
10 a manner that infringes one or more claims of the '865 Patent.
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12 33. Exhibit B includes at least one chart comparing the exemplary '865 Patent
13 Claims to the exemplary Accused Instrumentalities. As set forth in this chart, the
14 exemplary Accused Instrumentalities practice the technology claimed by the '865
15 Patent. Accordingly, the exemplary Accused Instrumentalities incorporated in this
16 chart satisfy all elements of at least Claim 1 of the '865 Patent.
17

18 34. Plaintiff therefore incorporates by reference in its allegations herein the
19 claim chart of Exhibit B.
20

21 35. Plaintiff is entitled to recover damages adequate to compensate for
22 Defendant's infringement.
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24 36. Defendant's actions complained of herein will continue unless Defendant
25 is enjoined by this court.
26

27 37. Defendant's actions complained of herein are causing irreparable harm
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1 and monetary damage to Plaintiff and will continue to do so unless and until Defendant
2 is enjoined and restrained by this Court.

3 38. Plaintiff is in compliance with 35 U.S.C. § 287.

4
5 **DEMAND FOR JURY TRIAL**

6 39. Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a
7 trial by jury of any issues so triable by right.

8
9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff asks the Court to:

11 (a) Enter judgment for Plaintiff on this Complaint on all causes of action
12 asserted herein;

13
14 (b) Enter an Order enjoining Defendant, its agents, officers, servants,
15 employees, attorneys, and all persons in active concert or participation with Defendant
16 who receive notice of the order from further infringement of United States Patent No.
17 8,215,865 (or, in the alternative, awarding Plaintiff running royalties from the time of
18 judgment going forward);

19
20 (c) Award Plaintiff damages resulting from Defendant's infringement in
21 accordance with 35 U.S.C. § 284;

22 (d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

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24 (e) Award Plaintiff such further relief to which the Court finds Plaintiff
25 entitled under law or equity.
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Dated: May 31, 2024

Respectfully served,
GARTEISER HONEA, PLLC

/s/ Randall Garteiser

Randall Garteiser
CA State Bar No. 231821
rgarteiser@ghiplaw.com
Christopher A. Honea
CA State Bar No. 232473
chonea@ghiplaw.com
GARTEISER HONEA, PLLC
119 W. Ferguson Street
Tyler, Texas 75702
Telephone: (903) 705-7420

René A. Vazquez (*PHV anticipated*)
Virginia Bar No. 41988
rvazquez@sinergialaw.com
**SINERGIA TECHNOLOGY
LAW GROUP, PLLC**
18296 St. Georges Ct.
Leesburg, Virginia 20176
Telephone: (703) 89-2244

Attorneys for Plaintiff