

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION**

FNA GROUP, INC.,	)	
	)	Case No.: 24-cv-692
Plaintiff,	)	
	)	
vs.	)	<b>JURY TRIAL DEMANDED</b>
	)	
J. D. NORTH AMERICA CORP.,	)	
	)	
Defendant.	)	
	)	

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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff FNA Group, Inc. (“FNA” or “Plaintiff”), by and through its undersigned counsel, files this Complaint for patent infringement under the patent laws of the United States, Title 35 of the United States Code, against Defendant Jiang Dong North America Corp. (“JDNA” or “Defendant”) as follows:

**NATURE OF THE ACTION**

1. FNA brings this action for patent infringement to stop JDNA’s infringement of FNA’s United States Design Patent No. D665,545 (“the ’545 Patent”), entitled “Pressure Washer.” A true and correct copy of the ’545 Patent is attached hereto as Exhibit A.

**THE PARTIES**

2. Plaintiff FNA is a corporation organized and existing under the laws of Illinois, with its principal place of business located at 7152 99th Street, Pleasant Prairie, WI 53158.

3. Upon information and belief, Defendant JDNA is a corporation organized and existing under the laws of California, with its principal place of business located at 926 East

Francis Street, Ontario, CA 91761. Upon information and belief, JDNA may be served through its registered agent Angela Yang, at 926 East Francis Street, Ontario, CA 91761.

### **JURISDICTION AND VENUE**

4. This is an action for design patent infringement arising under the Patent Act, 35 U.S.C. § 1 *et. seq.*, including 35 U.S.C. §§ 271, 281-285, 289. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because the claim arises under federal law and relates to the Patent Act.

5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b). JDNA maintains a regular and established place of business in the state of Wisconsin, and the Eastern District of Wisconsin specifically.

6. JDNA’s website states that JDNA “is a global manufacturer and distributor of outdoor power equipment and diesel engines” and “has offices in Milwaukee, WI, Ontario, California and the Greater Toronto Area.”<sup>1</sup>

7. JDNA’s LinkedIn profile further indicates that JDNA is headquartered at 20825 Swenson Drive, Waukesha, Wisconsin 53186.<sup>2</sup>

8. Additionally, on information and belief, JDNA has committed acts of infringement in this judicial district and has purposefully transacted business within this District.

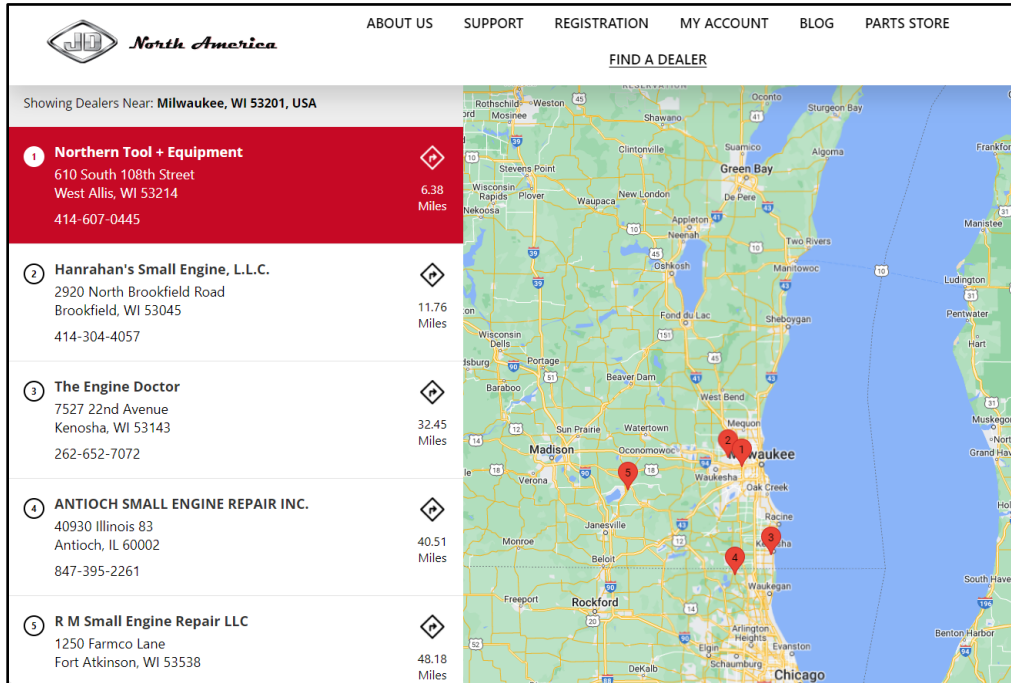
9. JDNA’s manufactured products, including the infringing products discussed below, are sold and delivered to consumers throughout the United States, including within this District.

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<sup>1</sup> See <https://www.jdna.com/about-us/> (last accessed on May 29, 2024).

<sup>2</sup> See <https://www.linkedin.com/company/jdnorthamerica/about/> (last accessed on May 29, 2024).

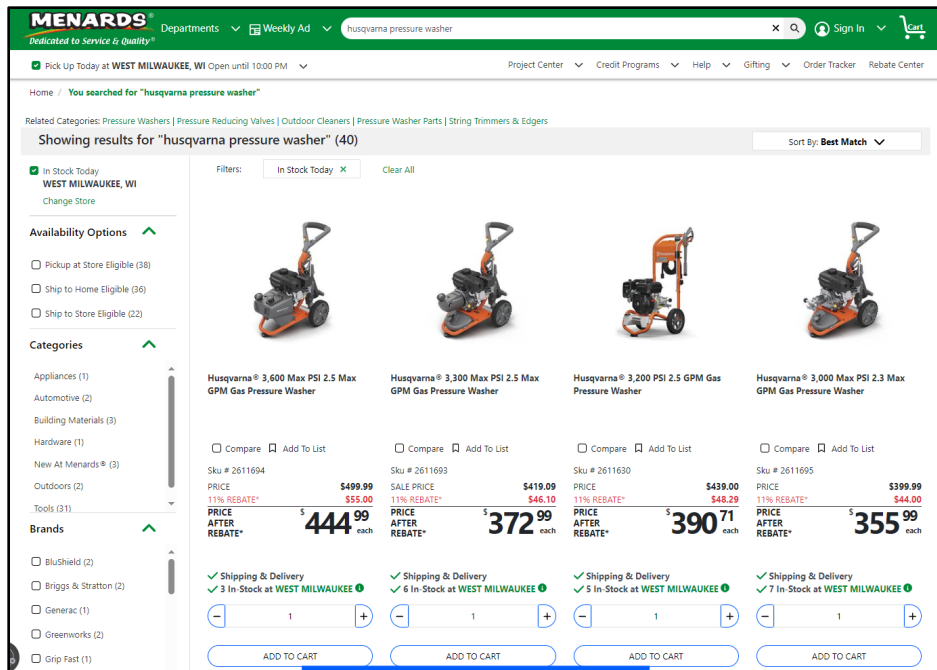
10. JDNA’s website indicates that JDNA partners with various dealers to sell its products, including dealers located in the cities of West Allis, Brookfield, and Kenosha, all within Wisconsin.



Source: [https://www.jdna.com/find-a-dealer/?origin\\_address=53214](https://www.jdna.com/find-a-dealer/?origin_address=53214)

11. JDNA also sells the infringing products, discussed below, to at least one retailer in this District, and that retailer has sold the infringing products to end consumers.

12. For example, JDNA sells the infringing products through Menards’ home improvement store location at 2101 Miller Park Way, West Milwaukee, Wisconsin 53219 as shown below.



Source: <https://www.menards.com/main/search.html?search=husqvarna+pressure+washer&inStockToday=true&skipKeywordInCategory=true>

13. JDNA also sells the infringing products through Menards' home improvement store in Burlington, Wisconsin as shown below.



Photos of infringing products on sale at Menards' Burlington store.

14. Additionally, on information and belief, JDNA employs several individuals at its Wisconsin location.

15. The JDNA employees in this District include senior sales and marketing directors, accounting and sales representatives, and senior product designers and managers.

16. JDNA is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Wisconsin Long Arm Statute because JDNA conducts substantial business in this forum, including: (a) making, using, selling, importing, and/or offering for sale the accused invention all throughout the District; and (b) upon information and belief, employing sales representatives, product designers and other personnel who work on, sell, and use the accused invention.

### **FACTUAL BACKGROUND**

17. FNA is an innovator in the pressure washer industry as evidenced, in part, by its hundreds of patents and numerous awards.

18. FNA sells pressure washers under numerous well-known brands, including the SIMPSON® brand.

19. On June 29, 2011, U.S. Patent Application No. 29/396,359 was filed with the United States Patent and Trademark Office ("USPTO").

20. After a full and fair examination of U.S. Patent Application No. 29/396,359, the USPTO duly and legally issued '545 Patent on August 14, 2012.

21. The '545 Patent claims a non-functional ornamental design for a pressure washer handle.

22. The '545 Patent has been assigned to FNA, and FNA owns all right, title, and interest in and to the '545 Patent and has the right to sue and recover for past, present, and future infringement.

23. On April 11, 2024, FNA sent a letter to JDNA informing JDNA that FNA was the holder of the '545 Patent and that the Infringing Products (identified and defined below) infringed, and continue to infringe, the '545 Patent.

24. Upon information and belief, JDNA has not ceased manufacturing or distributing the products marked as the (i) Husqvarna® 3,000 Max PSI 2.3 Max GPM Gas Pressure Washer (model 22008); (ii) Husqvarna® 3,300 Max PSI 2.5 Max GPM Gas Pressure Washer (model 22009); and (iii) Husqvarna® 3,600 Max PSI 2.5 Max GPM Gas Pressure Washer (model 22010) (“Infringing Products”).

## **COUNT I**

### **Infringement of U.S. Patent No. D665,545**

25. FNA incorporates and restates paragraphs 1 through 24 as if fully set forth herein.

26. The Infringing Products are pressure washers with frames that infringe the '545 Patent.

27. For example, the Infringing Products marked as the (i) Husqvarna® 3,000 Max PSI 2.3 Max GPM Gas Pressure Washer (model 22008); (ii) Husqvarna® 3,300 Max PSI 2.5 Max GPM Gas Pressure Washer (model 22009); and (iii) Husqvarna® 3,600 Max PSI 2.5 Max GPM Gas Pressure Washer (model 22010), sold at least on Menards.com, each infringes the '545 Patent since the frame of each Infringing Product has an overall visual appearance that, to an ordinary observer conversant in the prior art, is substantially the same as the overall visual appearance of the design claimed in the '545 Patent.

Infringing Products <sup>3</sup>	'545 Patent
	 <p style="text-align: center;"><i>Fig. 1</i></p>
	 <p style="text-align: center;"><i>Fig. 2</i></p>

28. JDNA has infringed and continues to infringe the ornamental design claimed in the '545 Patent within the meaning of 35 U.S.C. § 271(a) through activities including, without

<sup>3</sup> All three Infringing Product models have substantially the same appearance.

limitation, manufacturing, offering for sale, and selling the Infringing Products in the United States.

29. JDNA's actions are without authority or license from FNA.

30. Upon information and belief, JDNA continues manufacturing, distributing, and/or selling the Infringing Products.

31. Upon information and belief, JDNA will continue to infringe FNA's rights in the '545 Patent unless restrained by this Court.

32. FNA has suffered and continues to suffer irreparable injury, for which it has no adequate remedy at law.

33. As a result of JDNA's infringement of the '545 Patent, FNA has suffered damages in an amount to be determined at trial, which includes disgorgement of JDNA's total profits, lost profits, but in no event less than a reasonable royalty, for the use made of the invention by JDNA, together with interest and costs as fixed by the Court.

34. JDNA's infringement has been willful, deliberate, and objectively reckless.

35. JDNA's infringement of the '545 Patent has caused irreparable harm to FNA, which has no adequate remedy at law, and will continue to injure FNA unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining further importation, manufacture, use, offer for sale, and/or sale of the Infringing Products and any other products within the scope of the design claimed in the '545 Patent.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff FNA respectfully requests the following relief:

- i. Enter judgment in favor of FNA and against JDNA based on JDNA's infringement of the '545 Patent;
- ii. Award actual, consequential, and compensatory damages adequate to compensate FNA for JDNA's infringement pursuant to 35 U.S.C. § 284, or the total profits from JDNA's infringing activities pursuant to 35 U.S.C. § 289;



- iii. That one or more of JDNA's acts of infringement be found to be willful from the time that JDNA became aware of the infringing nature of their actions, which is the time of service of FNA's Complaint at the latest, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- iv. Declare this case exceptional under 35 U.S.C. § 285;
- v. Award FNA attorneys' fees and costs for bringing and prosecuting this action;
- vi. Award pre-judgment and post-judgment interest at the highest rates allowed by law;
- vii. Enter an order permanently enjoining JDNA and all other persons or entities acting in concert with JDNA from infringing the '545 Patent;
- viii. Grant any such other and further relief as it deems proper and just.

**JURY DEMAND**

FNA demands a trial by jury on all issues so triable.

Dated: June 4, 2024

Respectfully submitted,

/s/ *Chelsea McCarthy*

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