

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

DEFENDER SCREENS
INTERNATIONAL, LLC d/b/a
PROGRESSIVE SCREENS,

Plaintiff,

v.

FENETEX CORPORATION,

Defendant.

Case No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Defender Screens International, LLC d/b/a Progressive Screens (“Plaintiff” or “Progressive Screens”) sues Defendant Fenetex Corporation (“Defendant” or “Fenetex”) and alleges as follows:

PRELIMINARY STATEMENT

1. This is an action for infringement of Plaintiff’s United States Patent Nos. 9,719,292 (the “292 Patent”) and 10,036,198 (the “198 Patent”) under the Patent Act, 35 U.S.C. § 271, based on Defendant’s unauthorized commercial manufacture, use, importation, offer for sale, and sale of the MagForce screen tensioning system in the United States.

2. Plaintiff seeks injunctive and monetary relief.

JURISDICTION

3. This Court has original jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant. Defendant has systematic and continuous business contacts with the State of Florida. Defendant transacts business within this Judicial District and elsewhere in the State of Florida. Further, this Court has jurisdiction over Defendant based on its commission of one or more acts of infringement in this Judicial District and elsewhere in the State of Florida.

5. Based on information and belief, Defendant transacts substantial business in the State of Florida and this Judicial District. Defendant has committed acts of infringement in this District by, among other things, offering to sell and selling products that infringe the asserted patents, including the accused products as alleged herein, as well as providing service and support to customers in this District. Based on information and belief, Defendant, directly or indirectly, participates in the stream of commerce that results in products, including the accused products, being made, used, offered for sale, and sold in the State of Florida.

VENUE

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

PARTIES

7. Plaintiff Defender Screens International, LLC d/b/a Progressive Screens is a limited liability company formed under the laws of Florida with its principal place of business in Sarasota, Florida, United States. Progressive Screens provides quality motorized, retractable screening solutions to customers of all sizes. Progressive Screens' products are hassle-free, energy efficient, and offer hurricane-grade protection.

8. Defendant Fenetex is a corporation that is incorporated in Florida with its principal place of business in Jacksonville, Florida, United States. Fenetex provides consumers with a variety of motorized screens.

FACTS

A. The Asserted Patents

9. Plaintiff is the sole and exclusive owner, by assignment, of the '292 Patent and the '198 Patent (collectively, the "Asserted Patents").

10. The '292 Patent, entitled SELF-TENSIONING MAGNETIC TRACKS AND TRACK ASSEMBLIES, was duly and legally issued on August 1, 2017, and names Arthur James and Jan Gross as the inventors. Defender Screens International, LLC is the assignee. Attached as Exhibit 1 is a true and correct copy of the '292 Patent.

11. The '198 Patent, entitled SELF-TENSIONING MAGNETIC TRACKS AND TRACK ASSEMBLIES, was duly and legally issued on July 31, 2018, and names Arthur James and Jan Gross as the inventors. Defender Screens

International, LLC is the assignee. Attached as Exhibit 2 is a true and correct copy of the '198 Patent.

12. The '292 Patent claims, among other things, a magnetic track assembly including an elongate channel; a first magnet disposed within the elongate channel; a compartment defined within the elongate channel; and a screen receiver disposed within the compartment and including a second magnet arranged facing the first magnet.

13. The '198 Patent claims, among other things, a magnetic track assembly including an elongate channel; a first magnet disposed within the elongate channel; a compartment defined within the elongate channel; and a screen receiver disposed within the compartment and including a second magnet arranged facing the first magnet.

14. By written instruments duly filed with the United States Patent and Trademark Office, Plaintiff is assigned all rights, title, and interest in the Asserted Patents. As such, Plaintiff has sole and exclusive standing to enforce the Asserted Patents and to bring these causes of action.

15. The Asserted Patents are valid and enforceable and were duly issued in full compliance with Title 35 of the United States Code.

16. The Asserted Patents each include numerous claims defining distinct inventions. No single claim is representative of any other.

17. The priority date for the Asserted Patents is August 3, 2016. As of the priority date, the inventions as claimed were novel, non-obvious, unconventional,

and non-routine. The Asserted Patents overcame several specific technological problems in the industry and provided specific technological solutions.

18. As an example, as of the date of the invention, the prior art of retractable screen providers disclosed fixed tracks that maintained a screen in tight, aesthetically pleasing positions once the screen had been deployed. The prior art did not disclose track assemblies that allowed for adequate expansion or contraction of the screen during high wind conditions. As such, the prior art disclosed screens that would buckle and twist during high wind conditions, leading to screen damage or warping of the fixed track assemblies.

19. The Asserted Patents, as one embodiment of the inventions contained therein, provide a self-tensioning magnet arrangement that allows for expansion and contraction of a screen/shade attached thereto. The object of the inventions is to provide track and track assemblies that overcame the problems that existed in the then-currently marketed fixed track and track assemblies.

20. The claims of the Asserted Patents are not drawn to laws of nature, natural phenomena, or abstract ideas.

21. The claims of the Asserted Patents contain inventive concepts.

B. Defendant's Infringing Activities and Products

22. Based on information and belief, Defendant has and continues to infringe the Asserted Patents by making, using, selling, and offering for sale its MagForce Screen Track System (the "Infringing Product") in the United States. The MagForce Screen Track System embodies the Asserted Patents.

23. Defendant's MagForce Screen Track System is a magnetic track assembly that comprises an elongate channel with an open side, an end wall, and two parallel side walls; a first magnet disposed inside the elongate channel; a compartment within the elongate channel; a screen receiver within the compartment including a second magnet; wherein the first and second magnets secure the inner and outer track together through a magnetic bond; wherein the inner track is loosely disposed within the outer track compartment; and wherein the system has interior partition walls that extend inward from their respective parallel wall.

24. Based on information and belief, Defendant has been making, using, selling, and/or offering for sale its MagForce Screen Track System in the United States at least since May 4, 2024.

25. On May 17, 2024, Plaintiff's counsel sent a cease-and-desist letter to Defendant objecting to Defendant's manufacture, use, and sale of the Infringing Product. Attached hereto as Exhibit 3 is a true and correct copy of the May 17, 2024 cease-and-desist letter.

26. To date, Plaintiff's counsel and Defendant's counsel have communicated regarding this matter; however, Defendant has not complied with the demands in Plaintiff's counsel's cease-and-desist letter.

27. Defendant has been on actual notice of the existence of the Asserted Patents at least since June 1, 2023, and its acts of infringement have been willful

and in disregard for the Asserted Patents, without any reasonable basis for believing that it had a right to engage in the infringing conduct.

28. Defendant's acts are causing, and unless restrained, will continue to cause damage and immediate and irreparable harm to Plaintiff for which Plaintiff has no adequate remedy at law.

COUNT I

Infringement of U.S. Patent No. 9,719,292

29. Plaintiff repeats and realleges paragraphs 1-28 as if fully set forth herein.

30. Based on information and belief, Defendant manufactures, sells, and/or offers for sale the Infringing Product and generates substantial financial revenues and benefits therefrom.

31. Defendant's manufacture, use, sale, or offer for sale of the Infringing Product within the United States, including within this Judicial District, violates 35 U.S.C. § 271(a).

32. Defendant has directly infringed and continues to directly infringe the claims of the '292 Patent. Specifically, at least Claims 1, 2, 9, and 16 are infringed by Defendant's manufacture, use, sale, or offer for sale of the Infringing Product.

33. As an example, Claim 1 of the '292 Patent reads as follows¹:

A **magnetic track assembly**, comprising:

¹ Elements of the claim language have been placed in colored, bold, and underlined text to correlate with the comparison to Fenetex's MagForce Screen Track System.

an **elongate channel** having an **open side**, an **end wall**, and **two parallel side walls**;

a **first magnet** disposed within the elongate channel near an **interior side of the end wall**;

a **compartment** defined within the elongate channel spaced from the first magnet; and

a **screen receiver** disposed within the compartment and including a **second magnet** arranged facing the first magnet;

wherein the first and second magnets are of opposite polarity and the screen receiver is loosely disposed within the compartment such that a **magnetic bond** is intact between the first and second magnets when the first and second magnets are close together and the magnetic bond is broken when the first and second magnets are pulled apart, and

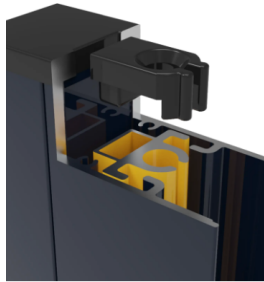
wherein the compartment is defined by **interior partition walls** that extend inward from their respective one of the two parallel sidewalls, and wherein each of the partition walls extend inward a distance less than half a distance between the two parallel side walls.

34. Defendant's MagForce Screen Track System infringes all the elements of at least Claim 1 of the '292 Patent in at least the following manners:
- a. Defendant's MagForce Screen track system² is "**a magnetic track assembly** comprising:"

² The photographs in this section are of Defendant's MagForce Screen Track System and came from Defendant's website (<https://www.fenetex.com/about-fenetex/magforce-tracks/>). The architectural drawings are from Defendant's U.S. Patent Application No. 18/327,414.

MagForce Features

a
magnetic
track
assembly



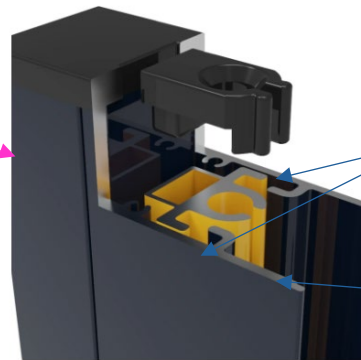
Sealed Magnet Chambers

Neodymium magnets, exceptionally strong yet prone to corrosion. We solved this problem by hermetically sealing the magnets within an aluminum channel, protecting them from rust-inducing factors like salt air, humidity, and pool chlorine.

- b. “an **elongate channel** having an **open side**, an **end wall**, and **two parallel side walls**”

elongate
channel

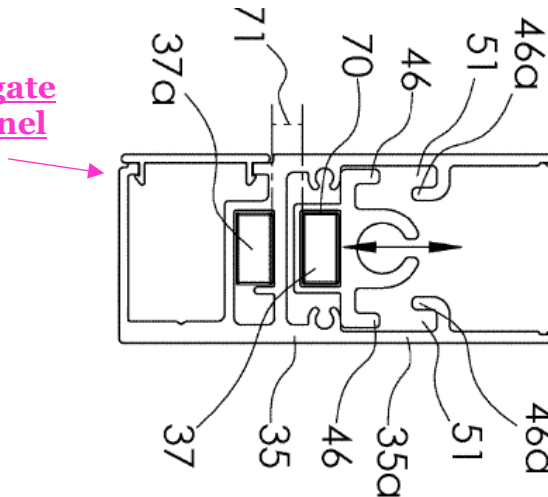
end wall



two parallel
side walls

open side

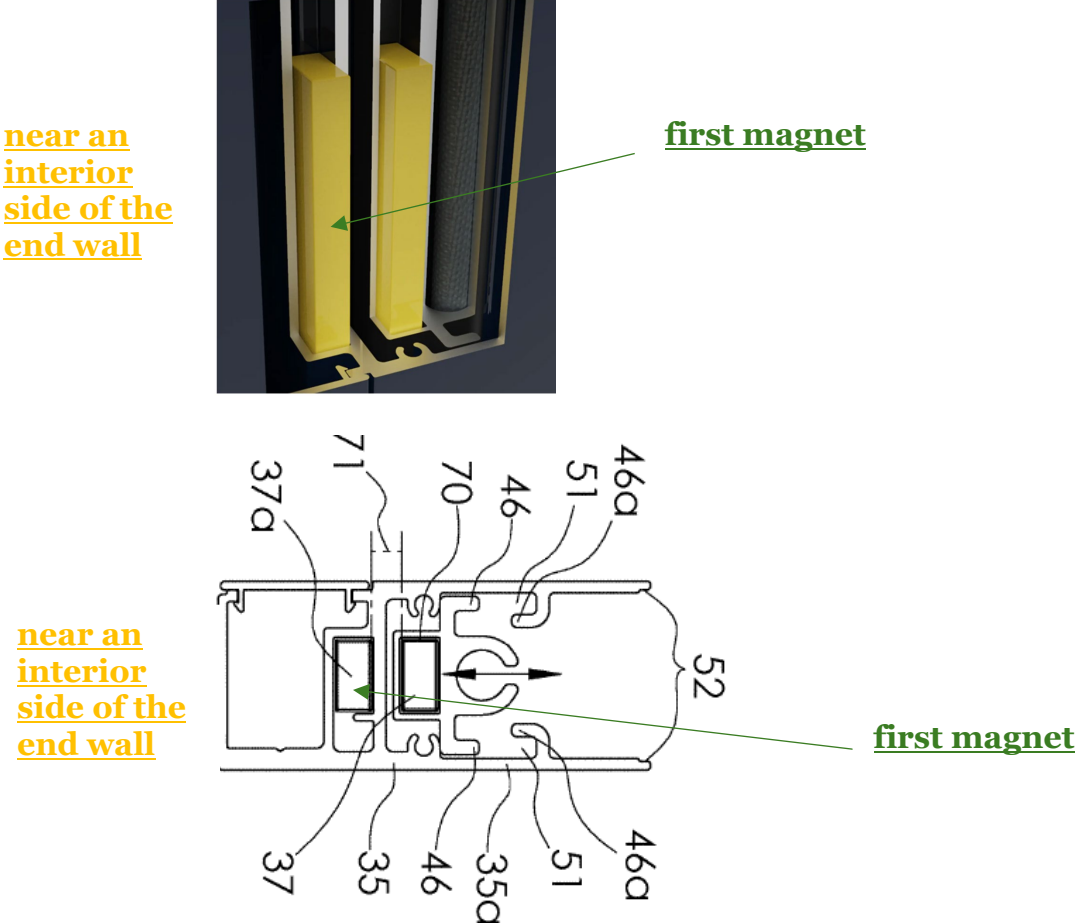
elongate
channel



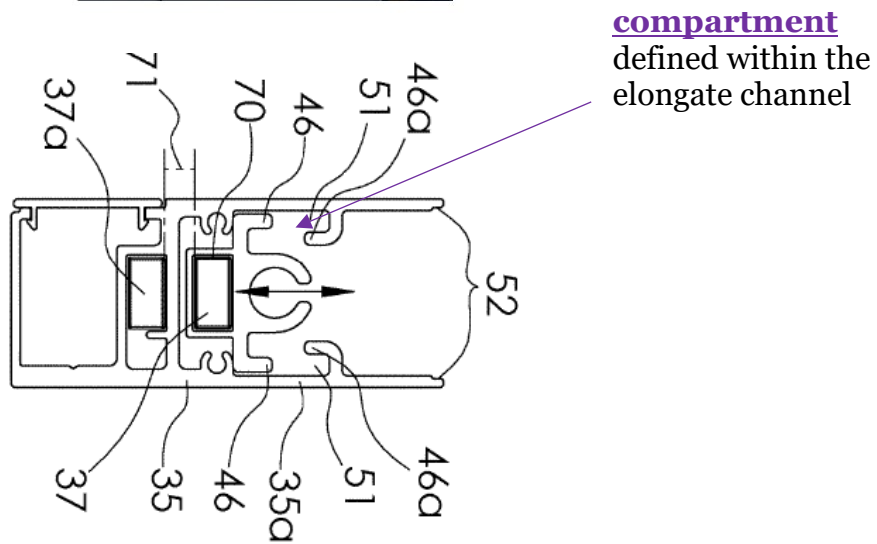
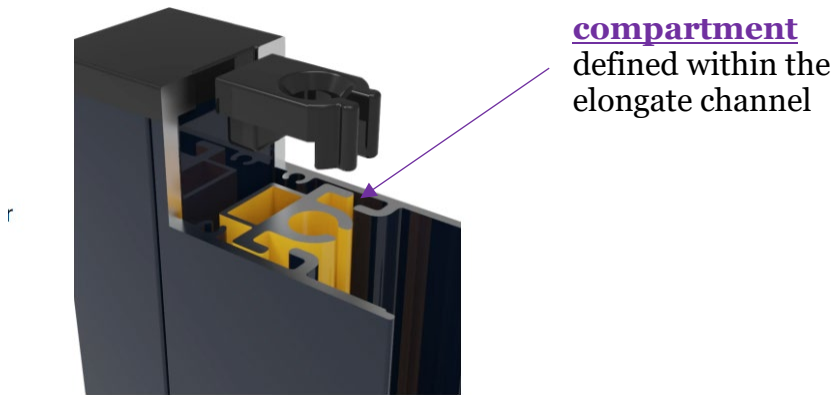
open side

two
parallel
side walls

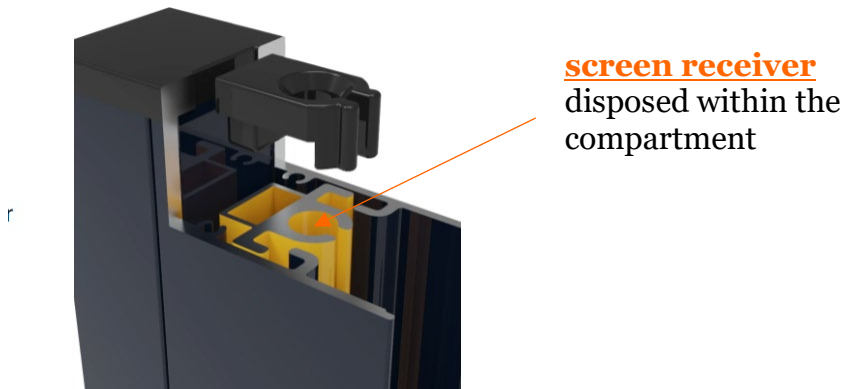
- c. a **first magnet** disposed within the elongate channel **near an interior side of the end wall**

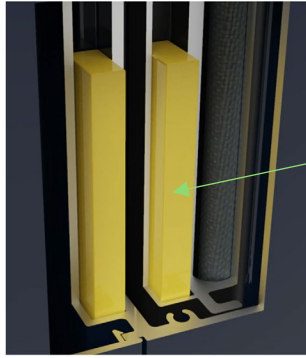


- d. a **compartment** defined within the elongate channel spaced from the first magnet

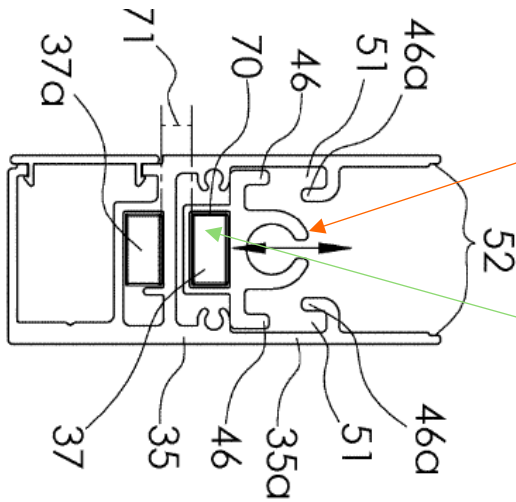


- e. a **screen receiver** disposed within the compartment and including a **second magnet** arranged facing the first magnet





a **second magnet** arranged facing the first magnet



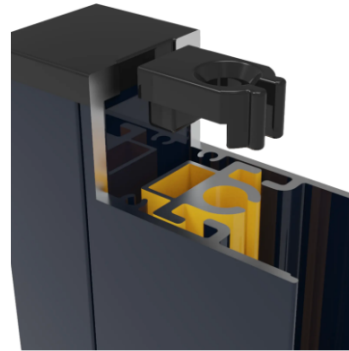
screen receiver disposed within the compartment

a **second magnet** arranged facing the first magnet

- f. wherein the first and second magnets are of opposite polarity and the screen receiver is loosely disposed within the compartment such that a **magnetic bond** is intact between the first and second magnets when the first and second magnets are close together and the magnetic bond is broken when the first and second magnets are pulled apart, and

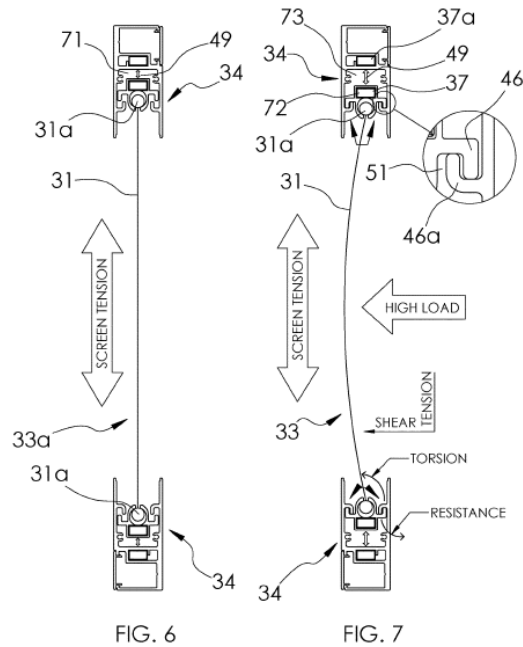
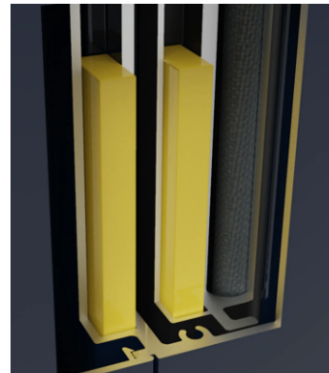
Track Interlock

MagForce's inner and outer tracks securely lock together under pressure. MagForce is incredibly strong and self-adjusting so your screens will be as wrinkle free as possible.

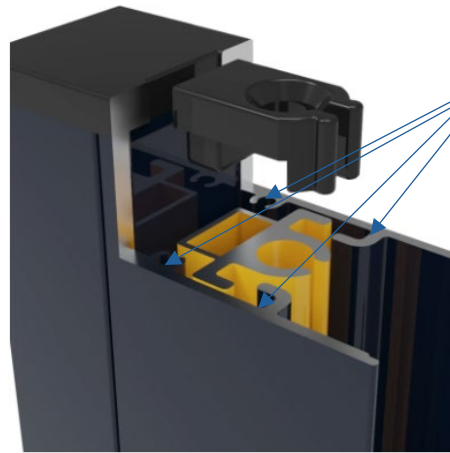


Sealed Magnet Chambers

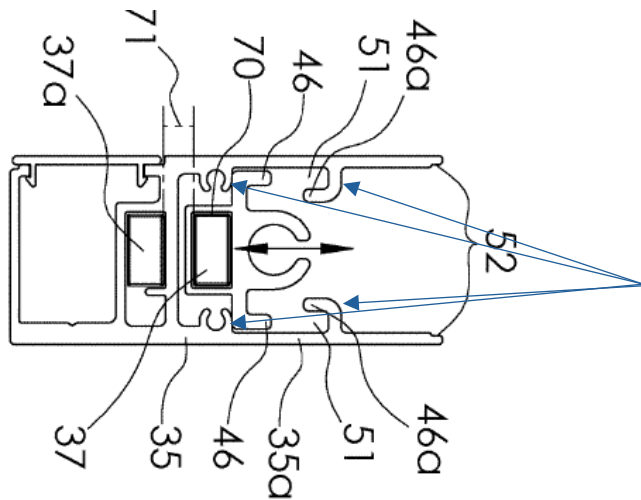
Neodymium magnets, exceptionally strong yet prone to corrosion. We solved this problem by hermetically sealing the magnets within an aluminum channel, protecting them from rust-inducing factors like salt air, humidity, and pool chlorine.



g. wherein the compartment is defined by **interior partition walls** that extend inward from their respective one of the two parallel sidewalls, and wherein each of the partition walls extend inward a distance less than half a distance between the two parallel side walls.



interior partition walls that extend inward from their respective one of the two parallel sidewalls



interior partition walls that extend inward from their respective one of the two parallel sidewalls

35. Defendant's infringement has been, and will continue to be, knowing, intentional, and willful.

36. Defendant's acts of infringement of the '292 Patent have caused and will continue to cause Plaintiff immediate and irreparable harm unless such infringing activities are enjoined by this Court under 35 U.S.C. § 283. Plaintiff has no adequate remedy at law.

37. This case is exceptional and, therefore, Plaintiff is entitled to an award of attorneys' fees under 35 U.S.C. § 285.

COUNT II

Infringement of U.S. Patent No. 10,036,198

38. Plaintiff repeats and realleges paragraphs 1-28 as if fully set forth herein.

39. Based on information and belief, Defendant manufactures, sells, and/or offers for sale the Infringing Product and generates substantial financial revenues and benefits therefrom.

40. Defendant's manufacture, use, sale, or offer for sale of the Infringing Product within the United States, including within this Judicial District, violates 35 U.S.C. § 271(a).

41. Defendant has directly infringed and continues to directly infringe the claims of the '198 Patent. Specifically, at least Claims 1 and 2 are infringed by Defendant's manufacture, use, sale, or offer for sale of the Infringing Product.

42. As an example, Claim 1 of the '198 Patent reads as follows³:

³ Elements of the claim language have been placed in colored, bold, and underlined text to correlate with the comparison to Fenetex's MagForce Screen Track System.

A **magnetic track assembly**, comprising:

an **elongate channel** having an **open side**, an **end wall**, and **two parallel side walls**;

a **first magnet** disposed within the elongate channel near an **interior side of the end wall**;

a **compartment** defined within the elongate channel spaced from the first magnet; and

a **screen receiver** disposed within the compartment and including a **second magnet** arranged facing the first magnet;

wherein the screen receiver is loosely disposed within the compartment such that a **magnetic bond** is intact between the first and second magnets when the first and second magnets are close together and the magnetic bond is broken when the first and second magnets are pulled apart, wherein:

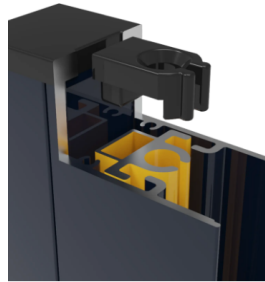
the compartment is defined by **interior partition walls** that extend inward from their respective one of the two parallel sidewalls, and wherein each of the partition walls extend inward a distance less than half a distance between the two parallel side walls.

43. Defendant's MagForce Screen Track System infringes all the elements of at least Claim 1 of the '198 Patent in at least the following manners:

- a. Defendant's MagForce Screen track system is "**a magnetic track assembly** comprising:"

a magnetic track assembly

MagForce Features



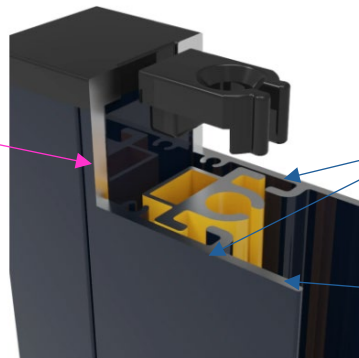
Sealed Magnet Chambers

Neodymium magnets, exceptionally strong yet prone to corrosion. We solved this problem by hermetically sealing the magnets within an aluminum channel, protecting them from rust-inducing factors like salt air, humidity, and pool chlorine.

- b. “an **elongate channel** having an **open side**, an **end wall**, and **two parallel side walls**”

elongate channel

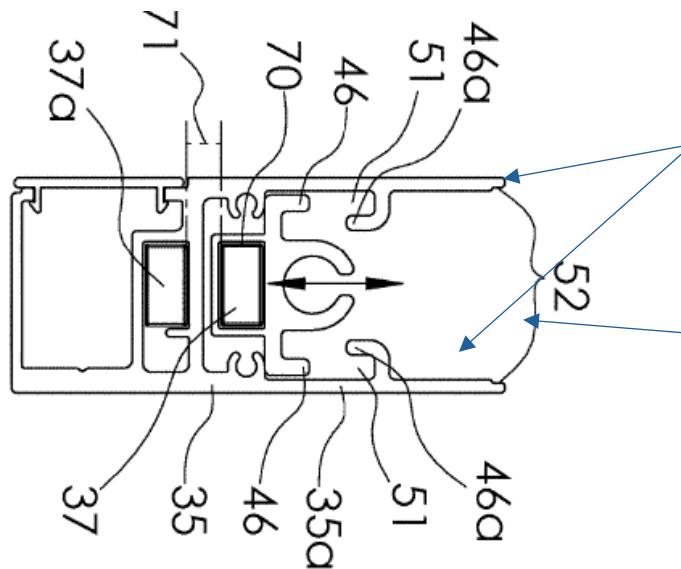
end wall



two parallel side walls

open side

elongate channel

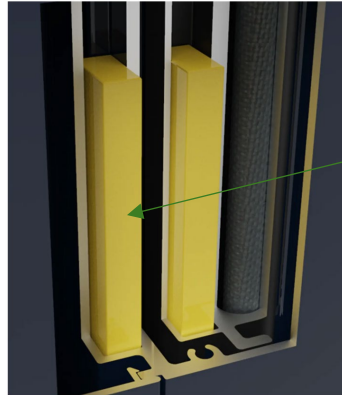


two parallel side walls

open side

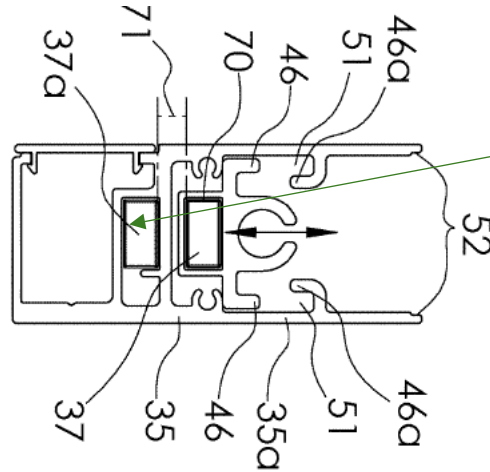
- c. a **first magnet** disposed within the elongate channel **near an interior side of the end wall**

near an interior side of the end wall



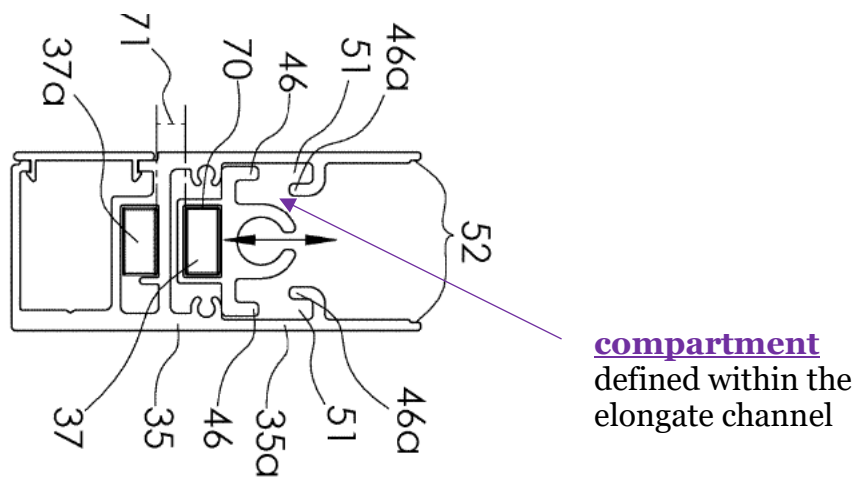
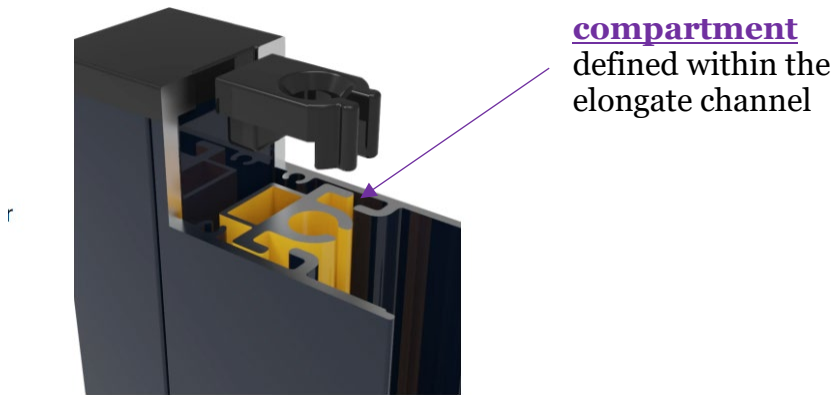
first magnet

near an interior side of the end wall

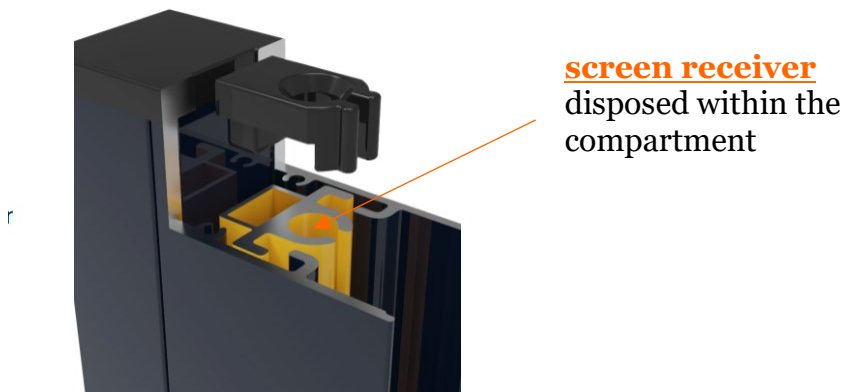


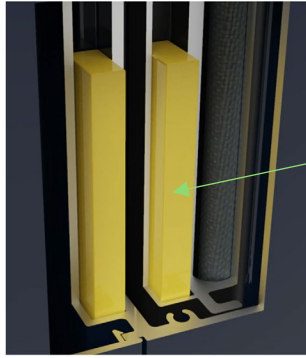
first magnet

- d. a **compartment** defined within the elongate channel spaced from the first magnet

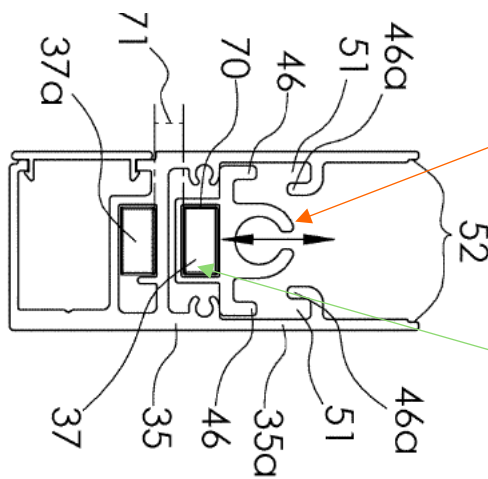


- e. a **screen receiver** disposed within the compartment and including a **second magnet** arranged facing the first magnet





a **second magnet**
arranged facing the
first magnet



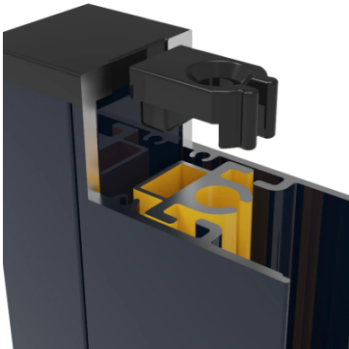
screen receiver
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- f. wherein the first and second magnets are of opposite polarity and the screen receiver is loosely disposed within the compartment such that a **magnetic bond** is intact between the first and second magnets when the first and second magnets are close together and the magnetic bond is broken when the first and second magnets are pulled apart, and

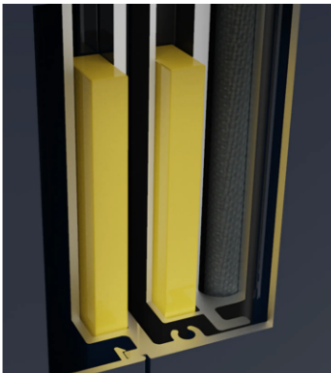
Track Interlock

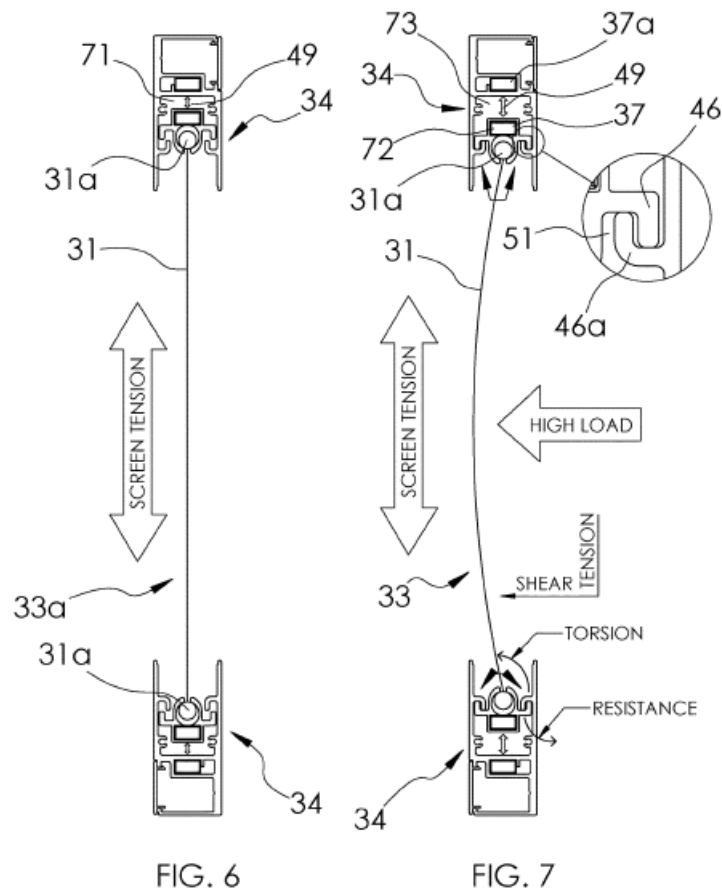
MagForce's inner and outer tracks securely lock together under pressure. MagForce is incredibly strong and self-adjusting so your screens will be as wrinkle free as possible.



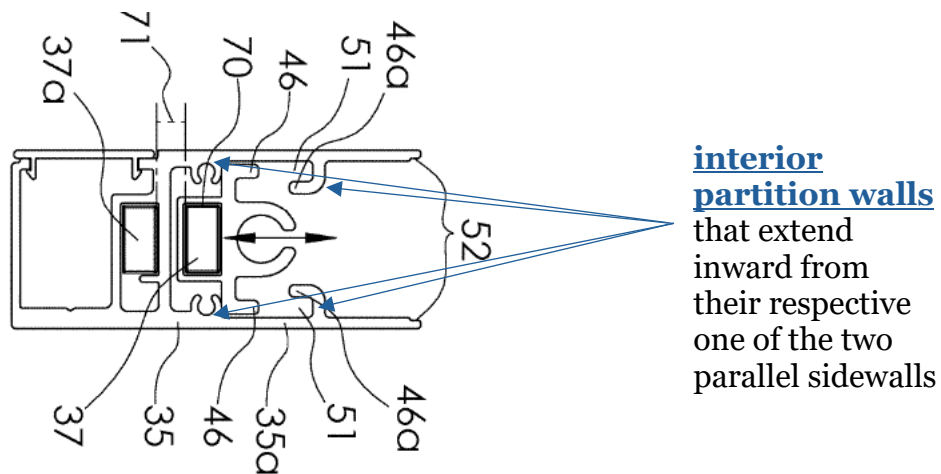
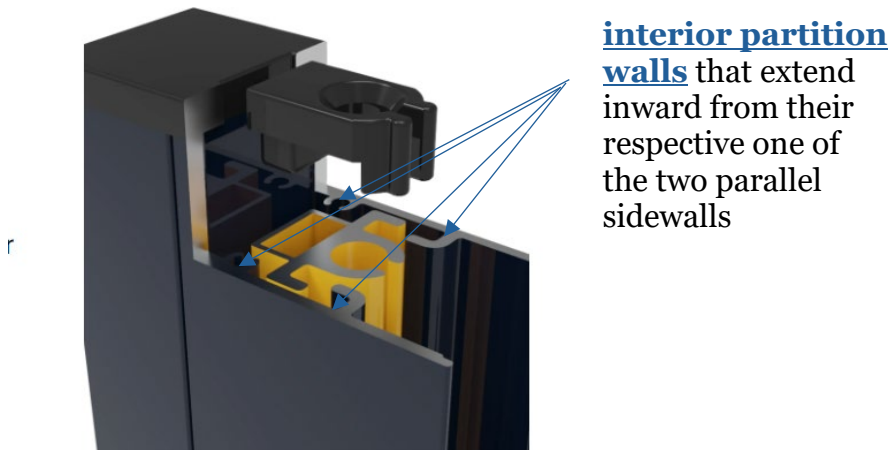
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- g. wherein the compartment is defined by **interior partition walls** that extend inward from their respective one of the two parallel sidewalls, and wherein each of the partition walls extend inward a distance less than half a distance between the two parallel side walls.



44. Defendant's infringement has been, and will continue to be, knowing, intentional, and willful.

45. Defendant's acts of infringement of the '198 Patent have caused and will continue to cause Plaintiff immediate and irreparable harm unless such infringing activities are enjoined by this Court under 35 U.S.C. § 283. Plaintiff has no adequate remedy at law.

46. This case is exceptional and, therefore, Plaintiff is entitled to an award of attorneys' fees under 35 U.S.C. § 285.

WHEREFORE, Plaintiff requests judgment against Defendant as follows:

1. Adjudging that Defendant has infringed the '292 and '198 Patents, in violation of 35 U.S.C. § 271(a);
2. Granting an injunction permanently enjoining Defendant, its employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries, and assigns, and all of those in active concert and participation with any of the foregoing persons or entities from infringing, contributing to the infringement of, or inducing infringement of the '292 and '198 Patents;
3. Ordering Defendant to account and pay damages adequate to compensate Progressive Screens for Defendant's infringement of the '292 and '198 Patents, including for any infringing acts not presented at trial and pre-judgment and post-judgment interest and costs, under 35 U.S.C. § 284;
4. Ordering an accounting for any infringing sales not presented at trial and an award by the court of additional damages for any such infringing sales;
5. Ordering that the damages award be increased up to three times the actual amount assessed, under 35 U.S.C. § 284;
6. Declaring this case exceptional and awarding Progressive Screens its reasonable attorney fees, under 35 U.S.C. § 285; and
7. Awarding such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury for all matters so triable.

Dated: June 14, 2024.

BEDELL, DITTMAR, DeVAULT, PILLANS & COXE
Professional Association

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**motions for special admission forthcoming*

Counsel for Plaintiff Defender Screens International,
LLC d/b/a Progressive Screens