

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

TIGER TOOL INTERNATIONAL
INCORPORATED, a Canadian corporation,

Plaintiff,

v.

YIN LE, an individual,

Defendant.

Civil Action No.

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Tiger Tool International Incorporated (“Tiger Tool”), a Canadian Corporation, for its Complaint against Defendant, Yin Le, an individual residing in the State of New York, (“Yin Le”), hereby alleges as follows:

PARTIES

1. Tiger Tool is a Canadian corporation with its principal place of business in Abbotsford, British Columbia, Canada.
2. Yin Le is an individual located at 154-73 Riverside Drive, Whitestone, NY 11357-1339, United States.

JURISDICTION AND VENUE

3. This is an action for patent infringement under the patent laws of the United States, 35 U.S.C. § 271 *et seq.*, for which this Court has jurisdiction of the subject matter under 28 U.S.C. §§ 1331 and 1338(a).
4. Upon information and belief, Yin Le is subject to the personal jurisdiction of this Court because Yin Le resides in Queens, State of New York. Yin Le is further subject to personal

jurisdiction of this Court and in this District as a result of having done, and currently doing, business in this District, including offering for sale, selling and distributing products (the “Accused Products”) which infringe one or more of Tiger Tool’s patents identified herein, directly to New York consumers with actual knowledge and/or expectation that the Accused Products would be sold in New York and purchased by and/or will be used by consumers in New York.

5. Therefore, the exercise of jurisdiction over Yin Le is proper under the applicable jurisdictional statutes and would not offend traditional notions of fair play and substantial justice.

6. Venue is proper in this Court under 28 U.S.C. § 1400(b) and 28 U.S.C. § 1391(b) because Yin Le resides in and conducts business in New York, including business related to offering for sale, selling and distributing the Accused Products, such that Yin Le has sufficient minimum contacts with the State of New York and has committed acts of infringement in this District by way of Yin Le’s actual knowledge and/or expectation that the Accused Products have been sold in New York and purchased by consumers in York, and/or will be used by consumers in New York.

FACTUAL BACKGROUND

7. Throughout its more than thirty-year history, Tiger Tool has made substantial investments to research, develop, engineer, and manufacture an array of technically innovative and commercially successful and reliable products.

8. This commitment to research, development, engineering, and quality manufacturing processes, gave rise to Tiger Tool’s brand of high-quality suspension, driveline, and steering tool products, including The Pin and Bushing Service System and the King Pin Press product lines, which have become staples of the heavy equipment, trucking, and duty-vehicle service and repair industries in the United States.

9. Tiger Tool acts diligently and aggressively to secure protection for the fruits of its ongoing investments. Tiger Tool has numerous issued United States and international patents for its innovations including, but not limited to, United States Patent: 9,511,488 (the “488 patent”) (the “Asserted Patent”).

10. Tiger Tool has consistently and continuously marked its products which practice the Asserted Patent in compliance with 35 U.S.C. § 287.

11. Tiger Tool has never licensed the Asserted Patent to third parties.

12. As the popularity and goodwill associated with Tiger Tool’s brand of high-quality suspension, driveline, and steering tool products grew, so too did the number of foreign and U.S.-based operations attempting to capitalize on Tiger Tool’s investments and innovations. Tiger Tool encountered numerous “knock-off” and other low-quality variations of Tiger Tool’s brand of high-quality suspension, driveline, and steering tool products in the U.S. marketplace.

13. As with many companies who manufacture and sell products, Tiger Tool created proprietary SKU numbers which specifically identify its products.

14. For instance, for Tiger Tool’s King Pin Press, which is an embodiment of Tiger Tool’s ’488 patent, Tiger Tool assigned the SKU number “90150.”

15. In all instances where Tiger Tool’s King Pin Press SKU designation of 90150 appears in its tangible and electronic marketing (including but not limited to print catalogues and Tiger Tool’s online website), Tiger Tool includes notice that its King Pin Press is protected under United States patent laws by indicating by identifying that the product is covered and the design protected by the ’488 patent.

16. Upon information and belief, Yin Le is aware of the ’488 patent, as Yin Le advertises the Accused Product using the same numerical designation, 90150, which is the

proprietary SKU number Tiger Tool assigns to the King Pin Press, such that Yin Le’s knowledge and use of Tiger Tool’s proprietary SKU evidences Yin Le obtained Tiger Tool’s SKU number through review of Tiger Tool materials which identify the King Pin Press as covered and protected by the ’488 patent. In fact, Yin Le markets the Accused Product to “[r]eplace OEM 90150 King Pin Press,” and further refers references Tiger Tool’s SKU by brazenly stating “Manufacturer Part Number – 90150” when marketing the Accused Product.

17. Upon information and belief, Yin Le is also aware that the Accused Product infringes the ’488 Patent, as the Accused Product is a direct copy, albeit of sub-standard quality materials and tolerances, as Tiger Tool’s King Pin Press (which again uses the same 90150 SKU number and is in all cases marked with and advertised product as covered and protected by the ’488 patent.

18. Yin Le has knowledge of the Asserted Patent, as well as knowledge of Yin Le’s infringement of the Asserted Patent, at least insofar as Yin Le obtained a sample of Tiger Tool’s King Pin Press for the purpose of copying the product (which is marked with the ’488 patent number in compliance with 35 U.S.C. § 287) and/or Yin Le obtained marketing materials and/or viewed Tiger Tool’s website to obtain Tiger Tool’s proprietary SKU designation number, which marketing materials and website all identify the King Pin Press as covered and protected by the ’488 patent.

19. On or about February 5, 2024, using the product marketplace eBay, Tiger Tool purchased the Accused Product from Yin Le.

20. Yin Le used the eBay seller identification name “opallinternational” in order to advertise the Accused Product on the eBay marketplace platform, as well as to facilitate Yin Le’s sale of the Accused Product in the United States.

21. Upon information and belief (*see* fn.1, *infra*), Yin Le has sold a total of thirty-five (35) Accused Products in the United States through the eBay marketplace platform.

22. Upon information and belief, Yin Le imported and continues to import, marketed and continues to market, offered for sale and continues to offer for sale, and sold and/or sells the Accused Products which incorporate, without license, the invention developed by Tiger Tool and protected by the Asserted Patent.

COUNT I - INFRINGEMENT OF THE '488 PATENT

23. Tiger Tool incorporates paragraphs 1 through 22 above by reference.

24. The '488 patent, entitled "King Pin Removal Tool," issued December 6, 2016 to inventors Michael Andrews and Kirk Jansen.

25. Tiger Tool owns all right, title, and interest to the '488 patent, a copy of which is attached to this Complaint as Exhibit A.

26. Yin Le has infringed at least claim 1 of the '488 patent in this District and throughout the United States by importing, using, selling and/or offering for sale the Accused Product. Each Accused Product meets each and every limitation of at least claim 1 of the '488 patent. Yin Le has infringed literally and/or under the doctrine of equivalents.

27. For example, Yin Le marketed, offered for sale, and sold, as well as currently markets, offers for sale, and sells, through Yin Le's online profile "opallinternational" on the eBay marketplace platform, the Accused Product, which contains each element of and infringes at least claim 1 of the '488 patent, which recites the following:

A king pin removal tool for displacing a king pin along a king pin axis relative to an axle member and a knuckle assembly, the king pin removal tool comprising:
a drive plate defining a drive opening;
an anchor plate;
a first drive member;
a spacing system comprising first and second spacing rods; and

a stabilizing system comprising first and second stabilizer plates, and first and second stabilizer bolts; whereby the spacing system supports the drive plate and the anchor plate relative to the king pin such that the first drive member is aligned with the king pin axis; the first drive member engages the drive plate such that rotation of the first drive member relative to the drive plate displaces the first drive member through the drive opening and along the king pin axis to displace the king pin along the king pin axis relative to the axle member and the knuckle assembly; the first spacing rod extends through the first stabilizer plate; the second spacing rod extends through the second stabilizer plate; the first stabilizer plate support the first stabilizer bolt; the second stabilizer plate supports the second stabilizer bolt; and the first and second stabilizer plates are arranged such that the first and second stabilizer bolts apply opposing forces on the axle member such that the stabilizing system prevents rotation of the drive plate relative to the axle member when the first drive member is rotated relative to the drive plate.

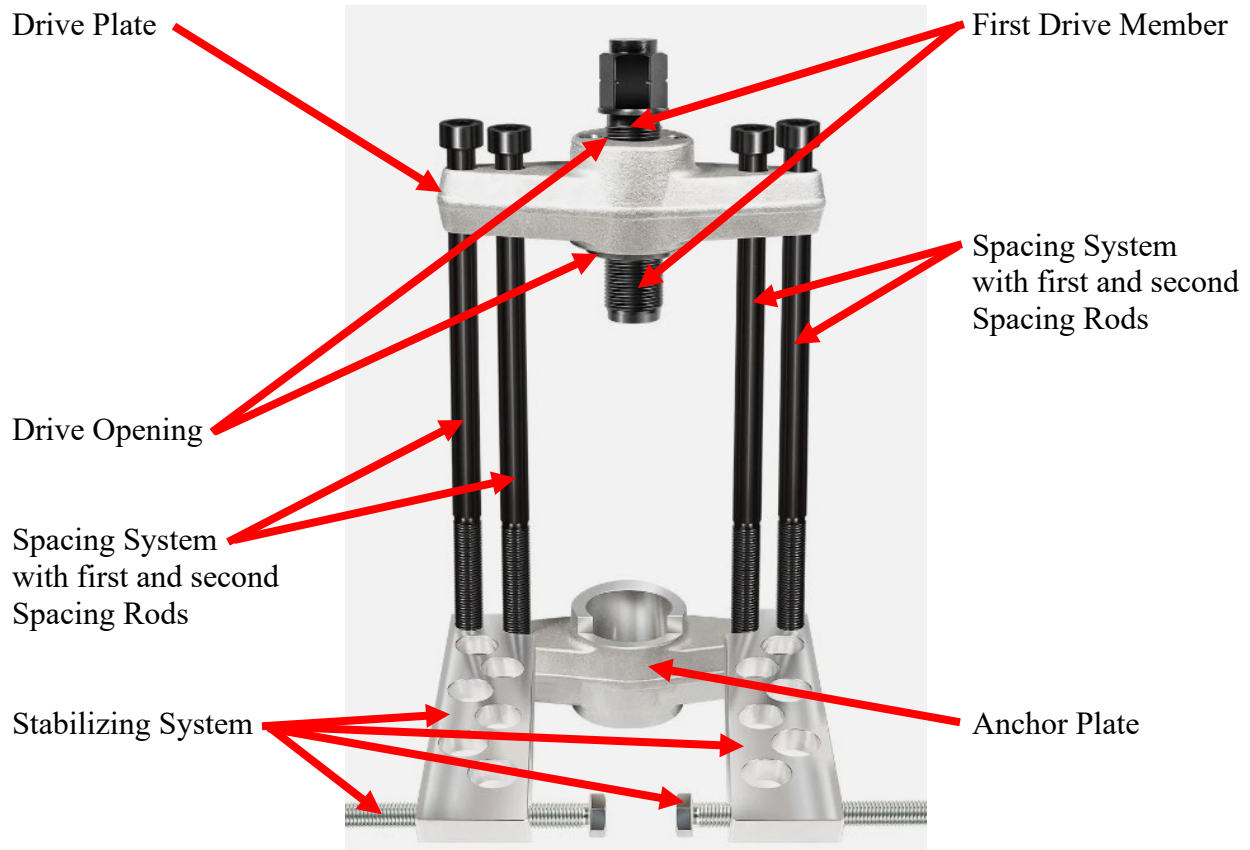
28. As confirmed by at least the following images and cited references, the Accused Product is a king pin removal tool for displacing a king pin axis relative to an axle member and a knuckle assembly.

29. Yin Le advertised/advertises the Accused Product on its eBay shop as a “90150 King Pin Press for Medium and Heavy Duty Trucks, King Pin Removal Tool.”¹

30. The Accused Product is comprised of a drive plate defining a drive opening, an anchor plate, a first drive member, a spacing system comprising first and second spacing rods, and a stabilizing system, as shown: ²

¹ Exhibit B – Yin Le’s eBay marketplace profile marketing the Accused Product for sale and indicating 35 units sold as on June 13, 2024. *See also* <https://www.ebay.com/itm/395021699383> (last visited 2024.6.13).

² *Id.*



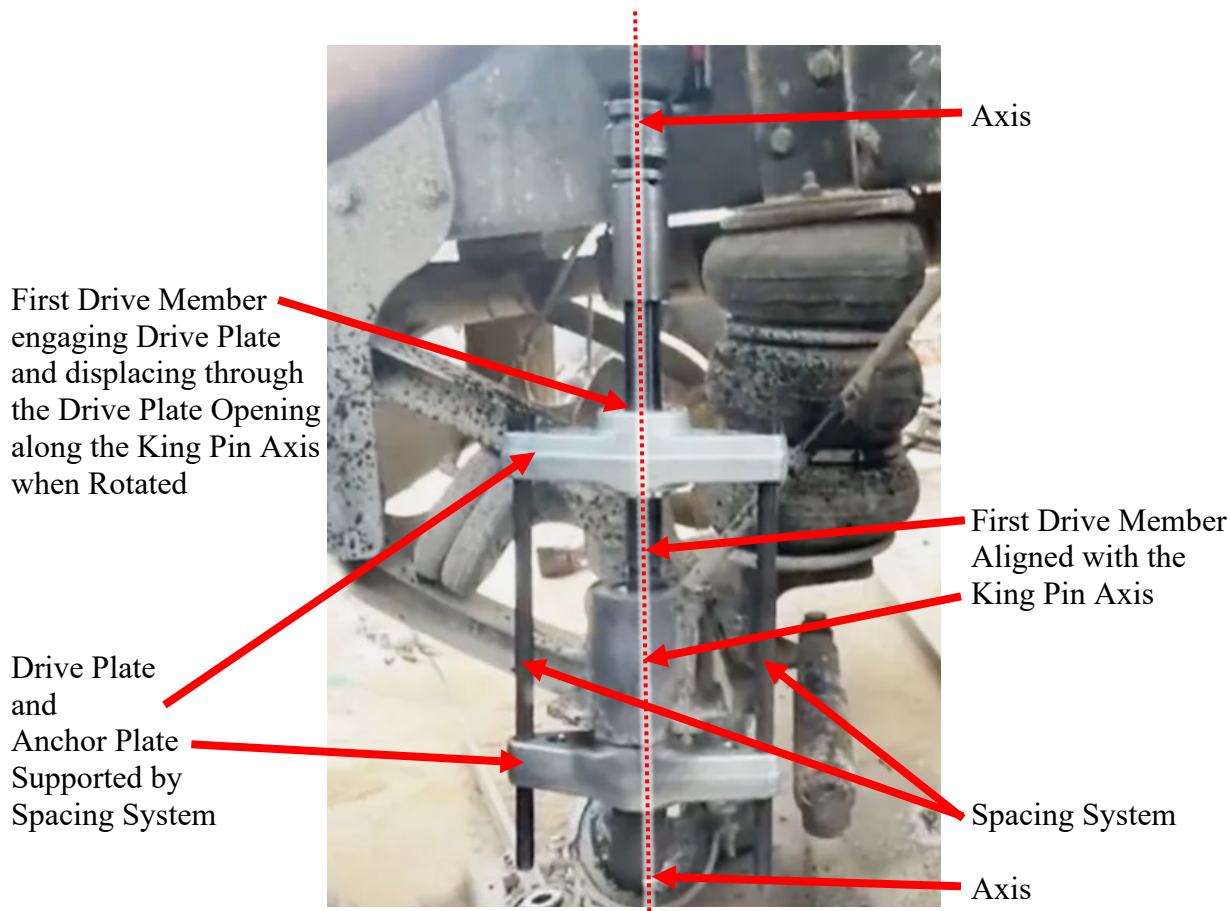
31. The Accused Product's stabilizing system is comprised of a first and second stabilizer plates, and first and second stabilizer bolts, as shown:³



32. The Accused Product's spacing system supports the drive plate and the anchor plate relative to the king pin such that the first drive member is aligned with the king pin axis, as shown:⁴

³ *Id.*

⁴ *Id.*

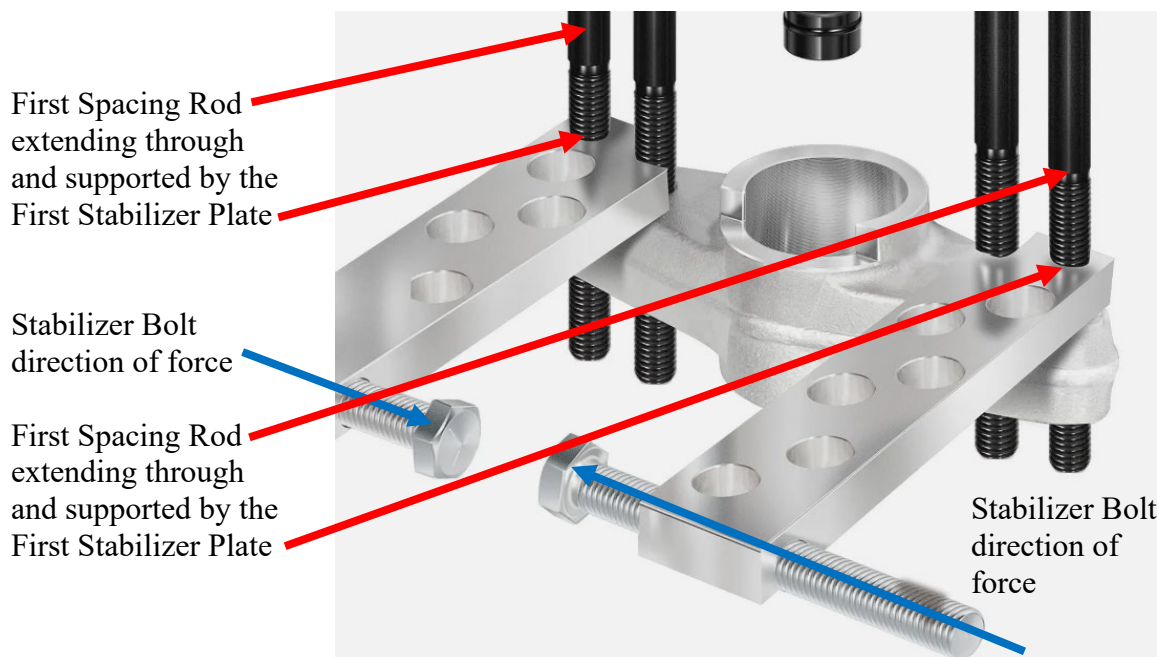


33. As shown above, ¶ 32, the Accused Product's first drive member engages the drive plate such that rotation of the first drive member relative to the drive plate displaces the first drive member through the drive opening and along the king pin axis to displace the king pin along the king pin axis relative to the axle member and the knuckle assembly. ⁵

34. The Accused Product's first spacing rod extends through the first stabilizer plate, and the second spacing rod extends through the second stabilizer plate, as shown: ⁶

⁵ *Id.*

⁶ *Id.*



35. As shown above, ¶ 34, the Accused Product's first stabilizer plate supports the first stabilizer bolt and the second stabilizer plate supports the second stabilizer bolt, and the first and second stabilizer plates are arranged such that the first and second stabilizer bolts apply opposing forces on the axle member such that the stabilizing system prevents rotation of the drive plate relative to the axle member when the first drive member is rotated relative to the drive plate.⁷

36. Yin Le has never been licensed or otherwise authorized to practice the claims of the '488 patent.

37. Yin Le's infringement of the '488 patent has been willful, with Yin Le having not only knowledge of the '488 patent, but also actual knowledge that the Accused Product in fact infringes the '488 patent.

38. In violation of 35 U.S.C. § 271(a), Yin Le has infringed and will continue to infringe one or more claims of the '488 patent, including at least claim 1, by selling, offering for sale, and/or importing into the United States the Accused Product.

⁷ *Id.*

39. Tiger Tool has never licensed the invention of the '488 patent and is the only entity authorized to sell products which practice the '488 patent.

40. Upon information and belief, but for Yin Le's thirty-five (35) infringing sales of the Accused Product, Tiger Tool would have made thirty-five (35) sales of its own product which embodies the invention of the '488 patent.

41. As a direct and proximate cause of Yin Le's infringement of the '488 patent, and specifically Yin Le's sales of thirty-five (35) infringing products Tiger Tool has suffered lost profits and thus been injured in a sum-certain amount totaling \$49,751.80 and will suffer irreparable harm unless Yin Le is enjoined from infringing the '488 Patent.

JURY DEMAND

Tiger Tool demands a jury trial on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Tiger Tool prays that this Court enter judgment and provide relief as follows:

- A. That Yin Le has infringed the '488 patent;
- B. That the '488 patent is valid and enforceable;
- C. That Yin Le be ordered to account for and pay to Tiger Tool its lost profits damages resulting from Yin Le's infringement of the '488 patent in an amount no less than \$49,751.80, together with interest and costs, and all other damages permitted by 35 U.S.C. § 284, including enhanced damages up to three times the amount of damages found or measured, but in any event no less than a reasonable royalty;
- D. That Yin Le be enjoined from importing, marketing, offering for sale or lease, and selling or leasing its King Pin Press and King Pin Removal Tool products practicing the '488 patent into the United States or otherwise causing such products to be exported to the United States.
- E. That this action be adjudicated an exceptional case and Tiger Tool be awarded its attorneys' fees, expenses, and costs pursuant to 35 U.S.C. § 285;
- F. That Tiger Tool be awarded pre-judgment interest and post judgment interest, and; That Tiger Tool be awarded such other equitable or legal relief as this Court deems just and proper under the circumstances.

Dated: June 14, 2024

Respectfully submitted,

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