

FOR THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HANOVER PREST-PAVING CO. t/a	:	
HANOVER ARCHITECTURAL	:	
PRODUCTS,	:	CIVIL ACTION
Plaintiff	:	
	:	
vs.	:	
	:	
ETERNO IVICA S.R.L.	:	
Defendant	:	

COMPLAINT

Plaintiff Hanover Prest-Paving Company, trading as Hanover Architectural Products (“Hanover”) hereby brings this Complaint for damages and injunctive relief against Defendant Eterno Ivica S.R.L., and hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement under 35 U.S.C. § 271. Eterno Ivica S.R.L. (“Eterno”) has infringed and continues to infringe on United States Patent Nos. 8,438,805; 7,918,059; and 8,381,461.
2. Accordingly, Hanover now brings this action against Defendant for patent infringement under 35 U.S.C. § 271.

THE PARTIES

3. Hanover is a Pennsylvania Corporation having a principal place of business at 5000 Hanover Road, Hanover, Pennsylvania 17331.

4. Eterno is an Italian company with a principal place of business at Austria 25/E-35128, Padova, Italy.

JURISDICTION AND VENUE

5. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331, 1332 and 1338(a).

6. This Court has personal jurisdiction over Eterno by virtue of the fact that Eterno conducts substantial business in Pennsylvania.

7. Eterno purposefully avails itself to the privilege of conducting business in the Commonwealth of Pennsylvania, and it is its advertising and sale of products in Pennsylvania that gives rise to this action, in part.

8. Moreover, Eterno's unlawful conduct complained of herein has caused, and continues to cause, injury to Hanover within Pennsylvania and this District.

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

FACTUAL BACKGROUND

10. Hanover is a 50-year-old manufacturer of quality concrete unit paving products.

11. Hanover designed and developed a unique paver pedestal assembly system that provides rigid support for pavers, which it patented under United States Patent Nos. 8,438,805; 7,918,059; and 8,381,461. (the “Hanover Patents”).

12. Hanover has invested significant time, energy, and money advertising, promoting, and selling the product that is patented under the Hanover Patents, as well as ensuring the high quality of products it sells under the Hanover Patents.

13. Eterno manufactures and sell products, namely a paver pedestal system that provides rigid support for pavers as shown in Exhibit A, which infringes on the Hanover Patents (the “Infringing Product”).

14. Eterno has offered to sell and sold the Infringing Product within the United States.

15. Hanover Patent 8,438,805 (the “805 Patent”) is generally directed to a pedestal 22 useful for supporting blocks 12, pavers, tiles, or panels, as may be

useful in providing an elevated surface spaced a distance above an underlying surface. A copy of the '805 Patent is attached hereto as Exhibit B.

16. Claims 1, 9, 11, 13, and 14 of the '805 Patent read on the Infringing Product.

17. Independent claim 1 of the '805 patent reads a pedestal for supporting blocks, pavers, tiles, or panels a spaced distance above an underlying surface, comprising:

a support including a support plate having an upper major surface with a plurality of upstanding walls extending upward from the upper major surface thereof to define quadrants on the support plate for receiving a section of the blocks, pavers, tiles, or panels and a fitting section recessed from the upper major surface and extending into the support plate;

a sound-deadening pad wholly positioned and secured in the fitting section between the plurality of upstanding walls such that sections of the sound-deadening pad extend into different quadrants on the support plate and having a support surface for supporting the section of the blocks, pavers, tiles, or panels and extending above the upper major surface of the support plate, the pad being non-movable within the support to prevent any relative movement between the support plate and the pad;

wherein the support plate and the pad are connected by a boss and recess connection arrangement there between such that the boss and recess connection arrangement cooperate to provide a self locking connection.

18. Defendant sells the Infringing Product which includes each and every element of claim 1 and therefore infringes claim 1.

19. Independent claim 9 of the '805 Patent reads a pedestal for supporting blocks, pavers, tiles, or panels a spaced distance above an underlying surface, comprising:

a support including a support plate having a recessed area that extends from an upper major surface and into a body of the support plate and a plurality of upstanding walls extending upward from the upper major surface of the support plate and define quadrants for receiving a section of the blocks, pavers, tiles, or panels;

a coating wholly disposed and secured along a bottom surface of the recessed area having a support surface for supporting the section of the blocks, pavers, tiles, or panels and extending above the upper major surface of the support plate, the coating being non-movable on the support to support the blocks, pavers, tiles, or panels and prevent any relative movement between the support plate and the blocks, pavers, tiles, or panels; and

a boss and recess connection arrangement located in the recessed area and formed by the coating and a through hole extending through the support plate such that the boss and recess connection arrangement cooperate to provide a fixed self locking connection.

20. Defendant sells the Infringing Product which includes each and every element of claim 9 and therefore infringes claim 9.

21. Independent claim 11 of the '805 patent reads a pedestal for supporting blocks, pavers, tiles, or panels a spaced distance above an underlying surface, comprising:

a support including a support plate having an upper major surface with a plurality of upstanding walls extending upward from the upper major surface and defining sections for receiving the blocks, pavers, tiles, or panels and a fitting section recessed from the upper major surface and extending into the support plate;

a sound-deadening pad wholly positioned and secured within the fitting section between the plurality of upstanding walls and having a support surface for supporting a section of the blocks, pavers, tiles, or panels and extending above the upper major surface of the support plate, the pad being non-movable within the support to prevent any relative movement between the support plate and the pad;

wherein the support plate and the pad are connected by interaction of bosses and recesses positioned in a recess area of the support such that the boss and recess connection arrangement cooperate to provide a self locking connection.

22. Defendant sells the Infringing Product which includes each and every element of claim 11 and therefore infringes claim 11.

23. Independent claim 13 of the '805 patent reads a pedestal for supporting blocks, pavers, tiles, or panels a spaced distance above an underlying surface, comprising:

a support including a support plate having a plurality of upstanding walls extending upward from an upper major surface thereof and defining sections for receiving the blocks, pavers, tiles, or panels and a fitting section recessed from the upper major surface and extending into the support plate; and

a sound-deadening pad wholly positioned and secured in the fitting section between the plurality of upstanding walls and being non-movable within the support to prevent any relative movement between the support plate and the pad, the pad having a support surface for supporting a section of the blocks, pavers, tiles, or panels that extends above the upper surface of the support plate, as shown in the above provided images.

24. Defendant sells the Infringing Product which includes each and every element of claim 13 and therefore infringes claim 13.

25. Independent claim 14 of the '805 patent reads a pedestal for supporting blocks, pavers, tiles, or panels a spaced distance above an underlying surface, comprising:

a support including: a support plate having a plurality of upstanding walls extending upward from an upper major surface thereof and defining sections for receiving the blocks, pavers, tiles, or panels and a fitting section recessed from the upper major surface and extending into the support plate; and

a non-movable layer of elastomeric material wholly positioned and secured in the fitting section and having a support surface for supporting a section of the blocks, pavers, tiles, or panels that extends above the upper surface of the support plate;

a base at a lower end thereof having a plate extending outward from a post; and

a height adjustable connection member being assembled between the support and the base.

26. Defendant sells the Infringing Product which includes each and every element of claim 14 and therefore infringes claim 14.

27. Hanover Patent 7,918,059 (the “‘059 Patent”) is generally directed to a pedestal system for supporting blocks, pavers, tiles, or panels, as may be useful in providing an elevated surface spaced a distance above an underlying surface. A copy of the ‘059 Patent is attached hereto as Exhibit C.

28. Claims 1, 7, and 9 of the ‘059 Patent read on the Infringing Product.

29. Independent claim 1 of the ‘059 patent reads a pedestal for supporting blocks, pavers, tiles, or panels a spaced distance above an underlying surface, comprising:

a base at a lower end thereof having a plate extending outward from a post;

a reinforcement wall extending between the plate and the post and having a first eyelet formed therein, the first eyelet is located at a corner where the post interconnects with the reinforcement wall;

a support at an upper end thereof for supporting the blocks, pavers, tiles, or panels thereon, the support being adjustably mounted relative to the base for altering an overall height of the pedestal;

a coupler being adjustably located between the support and the base for further altering the overall height of the pedestal;

a flange that extends circumferentially about the coupler; and,

a plurality of spaced-apart second eyelets extending through the flange.

30. Defendant sells the Infringing Product which includes each and every element of claim 1 and therefore infringes claim 1.

31. Independent claim 7 of the '059 patent reads a pedestal system for supporting blocks, pavers, tiles, or panels a spaced distance above an underlying surface, comprising:

a plurality of pedestals each having a base;
each base having a plate located on the underlying surface extending outward from a post, a reinforcement wall extending between the plate and the post, and a base eyelet located at a corner where the post interconnects with the reinforcement wall;
a support at an upper end of each pedestal for supporting the blocks, pavers, tiles, or panels thereon, the support being adjustably mounted relative to the base for altering an overall height of the pedestal;
couplers being adjustably located between the supports and the bases for further altering the overall height of the pedestals;
a flange extending circumferentially about each coupler;
a plurality of spaced-apart securement eyelets extending through each flange; and,

wire bracing extending between the base and securement eyelets such the bracing spans an area extending downward from the couplers to the plates of the bases on the underlying surface.

32. Defendant sells the Infringing Product which includes each and every element of claim 7 and therefore infringes claim 7.

33. Independent claim 9 of the '059 patent reads a pedestal for supporting blocks, pavers, tiles, or panels a spaced distance above an underlying surface, comprising:

a base at a lower end thereof having a plate extending outward from a hollow post;

a reinforcement wall extending between the plate and the post and having a first eyelet formed therein;

a support at an upper end thereof for supporting the blocks, pavers, tiles, or panels thereon, the support being adjustably mounted relative to the base for altering an overall height of the pedestal;

a coupler being adjustably located between the support and the base for further altering the overall height of the pedestal;

a flange that extends circumferentially about the coupler;

a plurality of spaced-apart second eyelets extending through the flange;
and

drainage openings formed in the base, wherein at least one of the drainage openings is in communication with the first eyelet and an inside of the hollow post.

34. Defendant sells the Infringing Product which includes each and every element of claim 9 and therefore infringes claim 9.

35. Hanover Patent 8,381,461 (the “‘461 Patent”) is generally directed to a stabilizing system for a deck having a plurality of pedestals that support corner portions of adjacent blocks, pavers, or panels, such that they are spaced a distance above an underlying structure that is generally parallel to the blocks, pavers or panels. A copy of the ‘461 Patent is attached as Exhibit D.

36. The Infringing Product meets the limitations of the support plates of the claimed pedestal systems, and Eterno may provide a stabilizing member as required in each of independent claims 1 and 16 of the ‘461 patent. Such a stabilizing member is to be secured to and extending between at least two of the plurality of pedestals in the stabilizing system.

37. Accordingly, Defendant sells the Infringing Product which infringes claims 1 through 16.

38. Eterno has been aware of the Hanover Patents and its infringement thereof since at least July 2023, when undersigned counsel sent Eterno correspondence which specifically identified the Hanover Patents and the Infringing Product.

39. At the time Defendant chose to produce, manufacture, advertise, and sell the Infringing Product, it was well-aware of Hanover's rights and its infringement.

40. Eterno has nevertheless willfully refused to take any action to abate its continuing infringements and violations of Hanover's rights.

41. Defendant continues to produce and market its Infringing Product.

42. Defendant's conduct is willful and represents a conscious disregard for Hanover's rights.

COUNT ONE: PATENT INFRINGEMENT

43. Hanover repeats and realleges all foregoing paragraphs as if fully set forth herein.

44. Upon information and belief, Defendant has made, imported, used, offered to sell, sold and may now or in the future make, use and/or sell, in the United States, an invention described and claimed by the Hanover Patents, with the manufacture and sale of Infringing Product shown in Exhibit A.

45. Defendant's activities in connection with the above-identified acts constitute infringement of the Hanover Patents pursuant to the provisions of 35 U.S.C. § 1, et seq.

46. Defendant has infringed the Hanover Patents by, inter alia, making, importing, using, offering to sell and selling in the United States the invention described and claimed in at least one claim of each of the Hanover Patents without the authority or approval of Hanover.

47. Defendant is liable for direct infringement, contributory infringement and inducing infringement of the Hanover Patents pursuant to 35 U.S.C. § 271.

48. Defendant's infringement of the Hanover Patents has been and continues to be willful under 35 U.S.C. § 284 because Defendant has acted with knowledge of the Hanover Patents and knowledge and notice that its actions constitute infringement of the Hanover Patents, or have at least acted with knowledge of an objectively high likelihood that their actions constitute infringement of the Hanover Patents.

49. Defendant's actions render this an exceptional case under 35 U.S.C. § 285.

50. Hanover has complied with the statutory requirement of giving notice of the Hanover Patents to Defendants by sending correspondence in July 2023, in which Hanover identified and provided a copy of the Hanover Patents and alleged that the Infringing Product infringed on the Hanover Patents.

CLAIM FOR RELIEF

Hanover respectfully requests that this Court award the following relief:

- A. Enter a permanent injunction enjoining and restraining Defendant from manufacturing, producing, advertising, or selling the Infringing Product;
- B. This Court enter a judgment that Defendant has infringed U.S. Patent No. 8,438,805.
- C. This Court enter a judgment that Defendant has infringed U.S. Patent No. 7,918,059.
- D. This Court enter a judgment that Defendant has infringed U.S. Patent No. 8,381,461.
- E. That Defendant, their successors, privies and all through or under them and all those acting for them or on their behalf, be preliminarily and thereafter permanently enjoined from infringing U.S. Patent No. 8,438,805.
- F. That Defendant, their successors, privies and all through or under them and all those acting for them or on their behalf, be preliminarily and thereafter permanently enjoined from infringing U.S. Patent No. 7,918,059.

G. That Defendant, their successors, privies and all through or under them and all those acting for them or on their behalf, be preliminarily and thereafter permanently enjoined from infringing U.S. Patent No. 8,381,461.

H. That Defendant be required to account to Hanover for all damages suffered by Hanover resulting from the infringement of U.S. Patent No. 8,438,805, and that the recovered damages be trebled because of the willful nature of the infringement;

I. That Defendant be required to account to Hanover for all damages suffered by Hanover resulting from the infringement of U.S. Patent No. 7,918,059, and that the recovered damages be trebled because of the willful nature of the infringement;

J. That Defendant be required to account to Hanover for all damages suffered by Hanover resulting from the infringement of U.S. Patent No. 8,381,461, and that the recovered damages be trebled because of the willful nature of the infringement.

K. That Hanover be granted such other and further relief which this Court may seem just and proper, together with the costs and disbursements of this action, including attorney's fees.

BARLEY SNYDER

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