

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

GENERAL TECHNOLOGIES, INC.

Plaintiff,

Case No. 4:24-cv-866

v.

JURY TRIAL DEMANDED

POST TECH MANUFACTURING, LLC,

Defendant.

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff General Technologies, Inc. (“Plaintiff” or “GTI”) hereby complains and alleges that Defendant Post Tech Manufacturing, LLC (“PTM” or “Defendant”) infringes one or more claims of U.S. Patent No. 12,083,579, U.S. Patent No. 9,194,155, and U.S. Patent No. 9,644,392 as follows:

I. NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.*, to enjoin and obtain damages resulting from Defendant’s unauthorized manufacture, use, sale, offer to sell, and/or importation into the United States for subsequent use or sale of devices, methods, and/or systems that infringe one or more claims of U.S. Patent Nos. 12,083,579; 9,194,155; and 9,644,392, (collectively, the “Asserted Patents”).

II. THE PARTIES

2. Plaintiff General Technologies, Inc. is a corporation, formed under the laws of the State of Texas, with its registered and principal office at 13022 Trinity Drive, Stafford, TX 77477.

3. On information and belief, Defendant Post Tech Manufacturing, LLC is a limited liability corporation formed under the law of the State of Texas, with its registered and principal office at 3725 Cockrell Ave, Fort Worth, TX 76110. Upon information and belief, Defendant may be served through its registered agent, Evan E. Langston, 3725 Cockrell Ave, Fort Worth, TX 76110.

III. JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code.

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Defendant is subject to specific and personal jurisdiction of this Court pursuant to due process and the Texas Long-Arm Statute because it engages in continuous, systematic, and substantial business in the State of Texas and this District and division, maintains a principal place of business in the State of Texas and this District and division, and regularly transacts business in this District and division by, among other things, offering its products and services to customers, business affiliates and partners located in this District and division. Defendant offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in the State of Texas and in this District and division.

7. In addition, Defendant has committed acts of direct infringement, contributory infringement, and/or inducement of infringement, of one or more of the claims of one or more of the Asserted Patents in the State of Texas and in this District and Division.

8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because Defendant is subject to personal jurisdiction in this District and has committed acts of infringement in this District.

IV. FACTUAL ALLEGATIONS

PLAINTIFF GTI

9. Plaintiff GTI is a leading manufacturer of concrete post-tensioning systems, related components, field equipment and custom-built plant production equipment for extrusion and fabrication. Its products are technically advanced and are recognized globally for performance, reliability and durability. Plaintiff has been investing in providing technological advancements in post-tensioning since at least as early as 1988 and has over 200 issued patents.

10. Plaintiff GTI manufactures, offers for sale, and sells strand cutters and tendon finishing tools, which include clamp assemblies and cutter assemblies, as detailed on its website at: <https://gti-usa.net/power-hydraulics/field-equipment/gti-tendon-finishing-tools/>.

11. Plaintiff GTI also manufactures, offers for sale, and sells barrier cable systems, including its GRABB-IT Rail system, as detailed on its website at: <https://gti-usa.net/post-tensioning/barrier-cable/>.

12. Plaintiff GTI is the assignee in and to the Asserted Patents and has all substantial rights in the Asserted Patents including all rights to sue for past, present, and future infringement.

13. To the extent that any marking is required, Plaintiff has complied with the patent marking provisions of 35 U.S.C. § 287(a). For example, Plaintiff GTI provides a listing of its patents and licensed patents, including the Asserted Patents, on its website at: <https://gti-usa.net/patents/>.

DEFENDANT PTM

14. Upon information and belief, Defendant PTM was founded by Evan Langston who is a former employee of Precision Hayes International and Actuant-Precision Sure-Lock.

15. Defendant PTM is a competitor of GTI in concrete post-tensioning, including, for example, strand cutters, including clamp assemblies, and barrier cable systems.

16. Defendant PTM markets a strand cutter claim assembly product on its website (<https://pt-mfg.com/product/quick-clamp/>) referred to as “Quick Clamp Assembly” or “QCA” (“Defendant’s Quick Clamp Assembly”). This product can be used with strand cutters such as Defendant’s Minimax and Minimax Ultra cable shears (*see, e.g.,* <https://pt-mfg.com/product/drill-shear/> and <https://pt-mfg.com/product/minimax-ultra-cable-shear/>) as well as its post-tension cable shear device (*see, e.g.,* <https://pt-mfg.com/product/post-tension-cable-shear/>). Upon information and belief, Defendant’s Quick Clamp Assembly competes with Plaintiff’s products as well as infringes one or more claims of the Asserted Patents.

17. Images of Defendant’s Quick Claim Assembly from Defendant’s website are reproduced below:





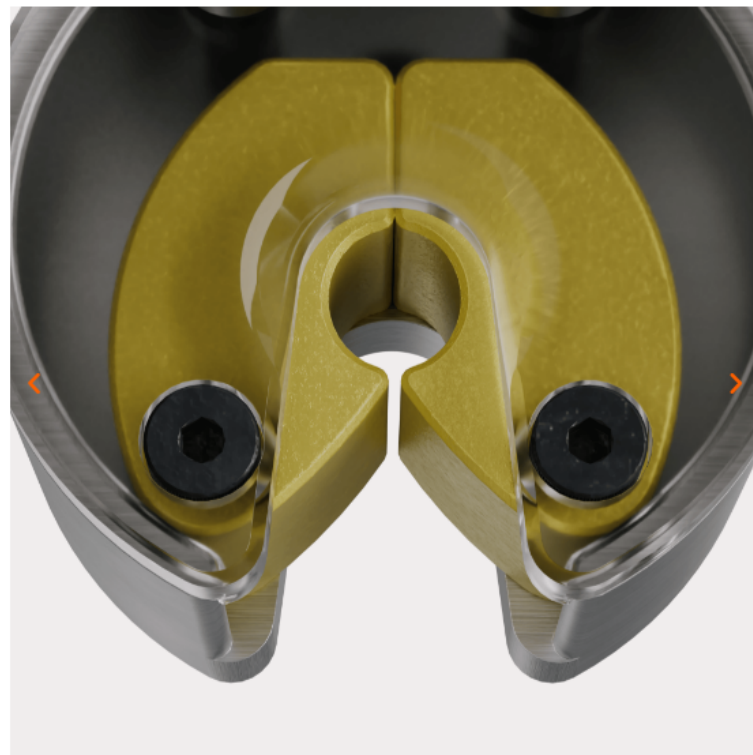
QUICK CLAMP ASSEMBLY (QCA)

Quick Clamp Assembly (QCA) -

SPECS

WEIGHT	2 Lbs
DIMENSIONS	3.25" dia x 2.3"
MOUNTING HOLE PATTERN	Works both on Minimax, Minimax Ultra, and traditional rotary shear

[GET A QUOTE](#)



QUICK CLAMP ASSEMBLY (QCA)


Quick Clamp Assembly (QCA) -

SPECS

WEIGHT	2 Lbs
DIMENSIONS	3.25" dia x 2.3"
MOUNTING HOLE PATTERN	Works both on Minimax, Minimax Ultra, and traditional rotary shear


[GET A QUOTE](#)


KEY FEATURES




**CLEAR
FACE** ✨

**HELPS
REDUCE
BLADE
WEAR**



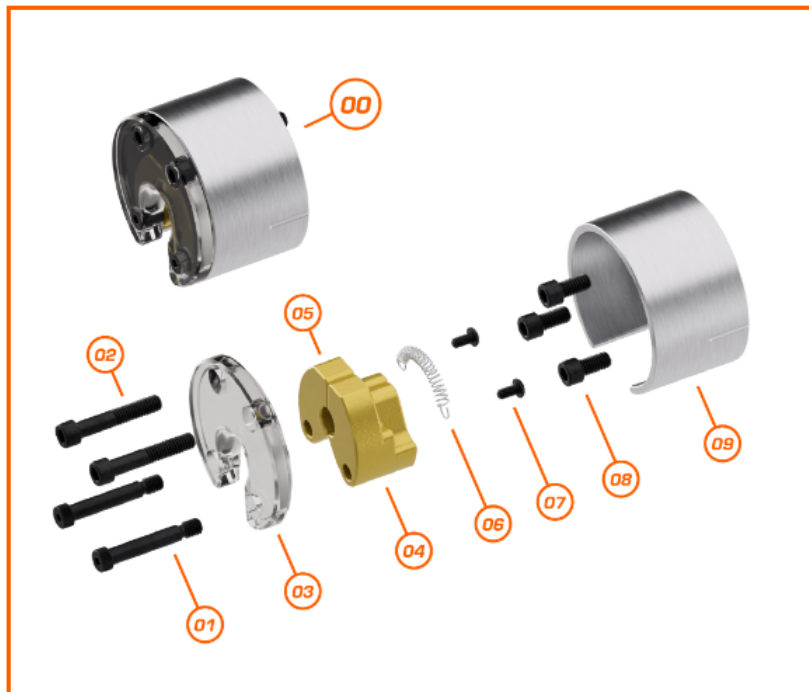


**CLAMPS
INSTANTLY**



**LIGHT
WEIGHT**

REPLACEMENT PARTS

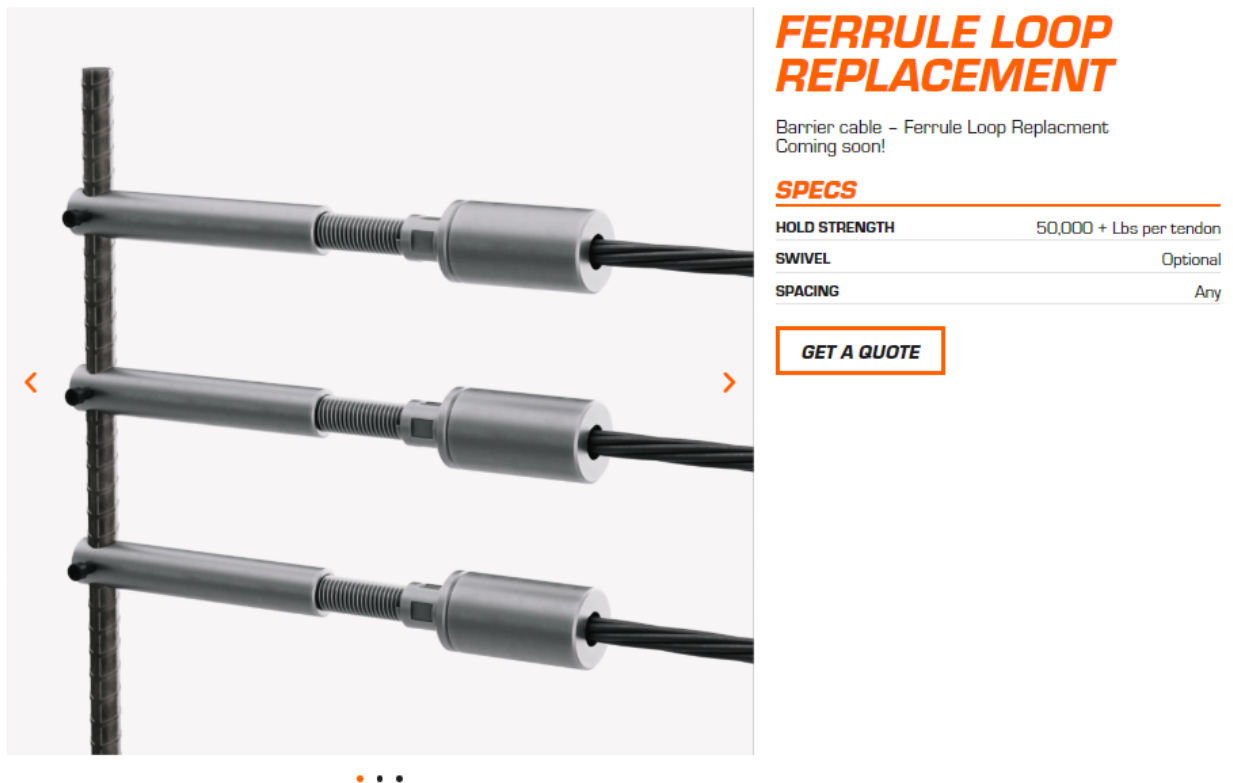


#	NAME	PART ID	QUANTITY
00	ASSEMBLY	P010097	1
01	SHOULDER BOLT	P010098	2
02	5/16-18 X 2	P010099	2
03	QUICK CLAMP LID	P010096	1
04	QUICK CLAMP - RIGHT	P010093	1
05	QUICK CLAMP - LEFT	P010094	1
06	SPRING	P010100	1
07	M5-0.8 X 10 BHCS	P010037	2
08	5/16-18 X 5/8	P010034	3
09	QUICK CLAMP HOUSING	P010095	1

18. Defendant PTM also markets a barrier cable product on its website (<https://pt-mfg.com/product/ferrule-loop-replacement/>) referred to as “Ferrule Loop Replacement” (“Defendant’s Ferrule Loop Replacement Barrier Cable product”). Upon information and belief,

Defendant's product competes with Plaintiff's products as well as infringes one or more claims of the Asserted Patents.

19. Images of Defendant's Ferrule Loop Replacement Barrier Cable product from Defendant's website are reproduced below:



FERRULE LOOP REPLACEMENT

Barrier cable - Ferrule Loop Replacement
Coming soon!

SPECS

HOLD STRENGTH	50,000 + Lbs per tendon
SWIVEL	Optional
SPACING	Any

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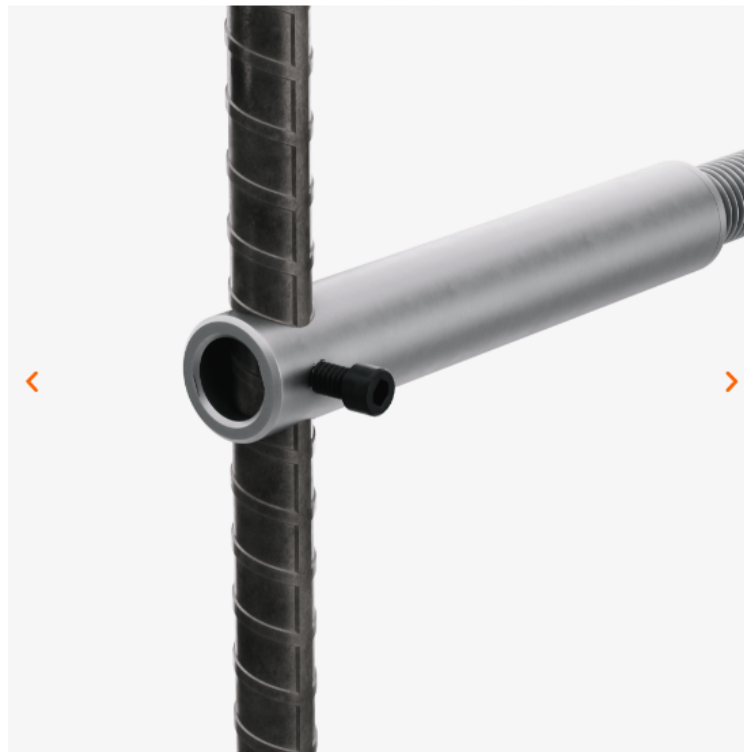
FERRULE LOOP REPLACEMENT

Barrier cable - Ferrule Loop Replacement
Coming soon!

SPECS

HOLD STRENGTH	50,000 + Lbs per tendon
SWIVEL	Optional
SPACING	Any

[GET A QUOTE](#)



FERRULE LOOP REPLACEMENT

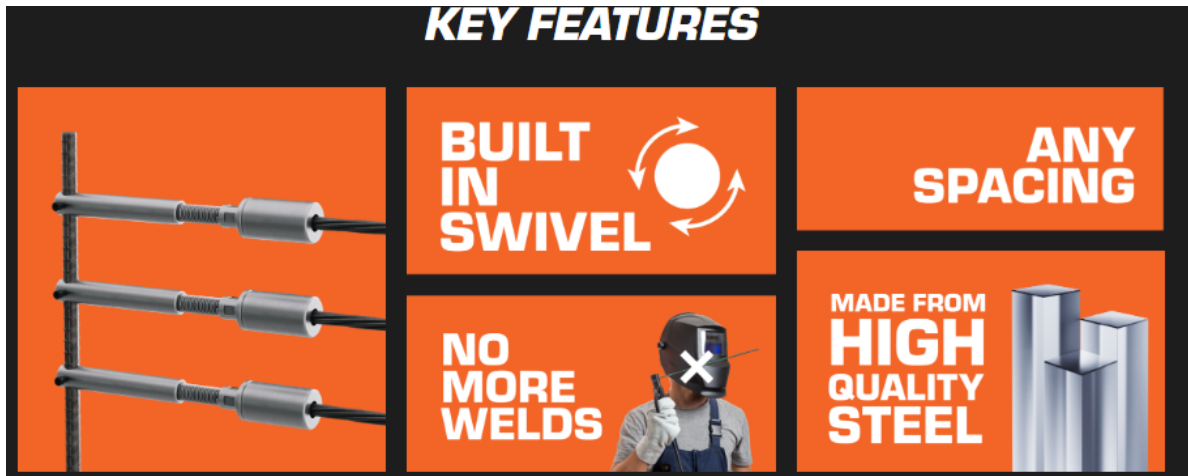
Barrier cable - Ferrule Loop Replacement
Coming soon!

SPECS

HOLD STRENGTH	50,000 + Lbs per tendon
SWIVEL	Optional
SPACING	Any

[GET A QUOTE](#)





V. CLAIMS

COUNT ONE - INFRINGEMENT OF U.S. PATENT NO. 12,083,579

20. Plaintiff incorporates the preceding paragraphs herein by reference as if fully restated in this paragraph.

21. This cause of action arises under the patent laws of the United States, and, in particular, 35 U.S.C. §§ 271, *et seq.*

22. U.S. Patent No. 12,083,579 (“the ’579 Patent”) is entitled “Strand Cutter Clamp” and issued on September 10, 2024. The ’579 Patent is valid, enforceable, and was duly and legally issued by the United States Patent and Trademark Office after examination of the patent application thereof. A copy of the ’579 Patent is attached hereto as Exhibit A.

23. The ’579 Patent describes and claims a strand cutter clamp.

24. The ’579 Patent was originally assigned to inventor Felix Sorkin.

25. Plaintiff is the assignee of the ’579 Patent and has the legal right to enforce the ’579 Patent, sue for infringement, and seek equitable relief and damages.

26. Plaintiff is entitled to recover damages adequate to compensate for the infringement.

27. The '579 Patent has 12 total claims including two independent claims: claims 1 and 7.

28. Independent claim 1 of the '579 Patent recites:

A strand clamp, comprising:

a clamp housing;

a right clamp arm;

a left clamp arm;

a spring configured to urge the right and left clamp arms together around a strand axis; and

a cover plate with a U-shaped opening for a strand wherein the cover plate is configured to enclose the strand clamp at a distal end;

wherein: the right and left clamp arms are configured to cooperate to define:

(a) a strand channel between opposing curved strand-receiving groove faces on the right and left clamp arms, the strand channel being parallel to the strand axis, and

(b) a clamp entry between opposing guide faces on the right and left clamp arms; wherein the spring has a first and second end and wherein the first end bears on the right clamp arm and the second end bears on the left clamp arm.

29. Independent claim 7 of the '579 Patent recites:

A method for clamping a strand, comprising:

a) providing a strand clamp attached to a strand cutter, the strand clamp comprising:

a clamp housing;

a right clamp arm;

a left clamp arm;

a spring configured to urge the right and left clamp arms together around a strand axis wherein the spring has a first and second end and wherein the first end bears on the right clamp arm and the second end bears on the left clamp arm; and

a cover plate with a U-shaped opening for a strand wherein the cover plate is configured to enclose the strand clamp at a distal end;

wherein: the right and left clamp arms are configured to cooperate to define:

(a) a strand channel between opposing curved strand-receiving groove faces on the right and left clamp arms, the strand channel being parallel to the strand axis, and

(b) a clamp entry between opposing guide faces on the right and left clamp arms,

b) aligning the clamp entry with the strand;

c) pushing the strand cutter against the strand such that a pushing force is created sufficient to overcome a spring force urging the right and left clamp arms together; and

d) receiving the strand within the strand channel wherein the spring force causes the right and left clamp arms to create a pinching force on the strand.

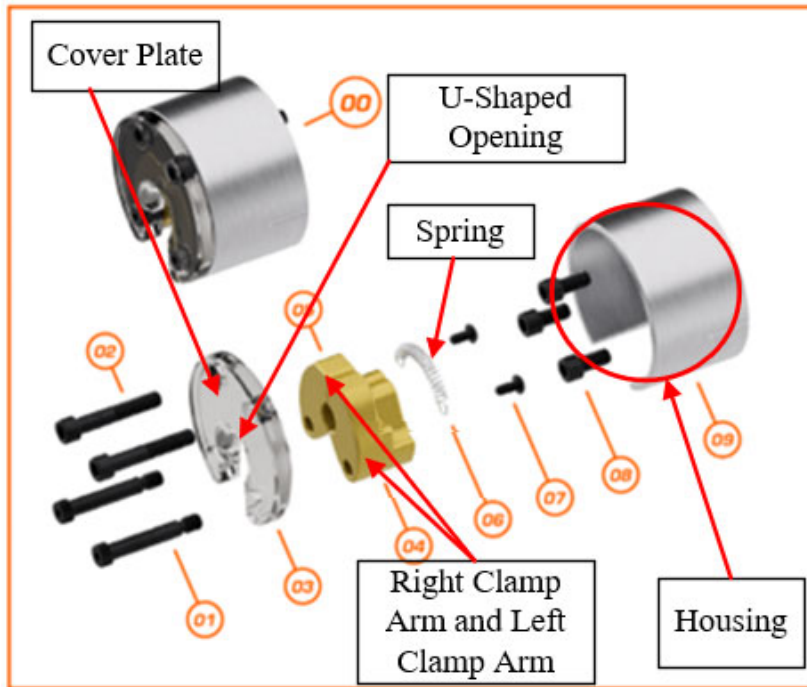
30. Upon information and belief, Defendant's Quick Clamp Assembly, as marketed and sold by Defendant and described above in paragraphs 16 and 17, when used for its intended purpose and used as part of a strand cutter or a post-tension cable shear, infringes one or more of the claims of the '579 Patent, including claims 1 and 7.

31. Upon information and belief, Defendant's Quick Clamp Assembly is material to practicing the inventions claimed by the '579 Patent and has no substantial non-infringing use.

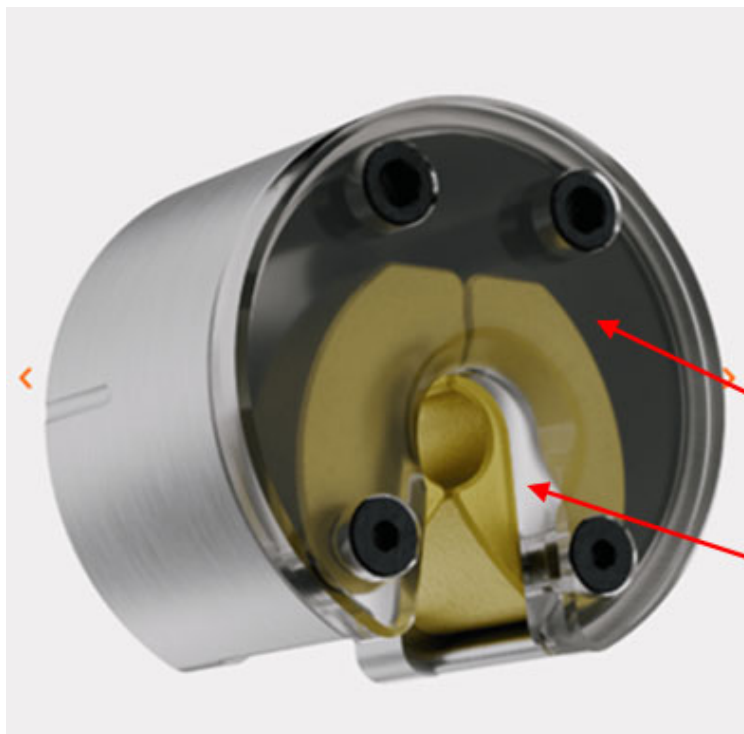
32. Upon information and belief, Defendant's Quick Clamp Assembly is a strand clamp.

33. Upon information and belief, Defendant's Quick Clamp Assembly has a clamp housing; a right clamp arm; a left clamp arm; a spring configured to urge the right and left clamp arms together around a strand axis; and a cover plate with a U-shaped opening for a strand wherein the cover plate is configured to enclose the strand clamp at a distal end. These elements are indicated in the below images from Defendant's website (with annotations added).

REPLACEMENT PARTS



#	NAME	PART ID	QUANTITY
00	ASSEMBLY	EQ10097	1
01	SHOULDER BOLT	EQ10098	2
02	5/16-18 X 2	EQ10099	2
03	QUICK CLAMP LID	EQ10096	1
04	QUICK CLAMP - RIGHT	EQ10093	1
05	QUICK CLAMP - LEFT	EQ10094	1
06	SPRING	EQ10100	1
07	M5-0.8 X 10 BHCS	EQ10097	2
08	5/16-18 X 5/8	EQ10094	3
09	QUICK CLAMP HOUSING	EQ10095	1



QUICK CLAMP ASSEMBLY (QCA)

Quick Clamp Assembly (QCA) -

SPECS

WEIGHT	2 lbs
DIMENSIONS	3.25" dia x 2.3"
MOUNTING HOLE PATTERN	Works both on Minimax, Minimax Ultra, and traditional rotary shear

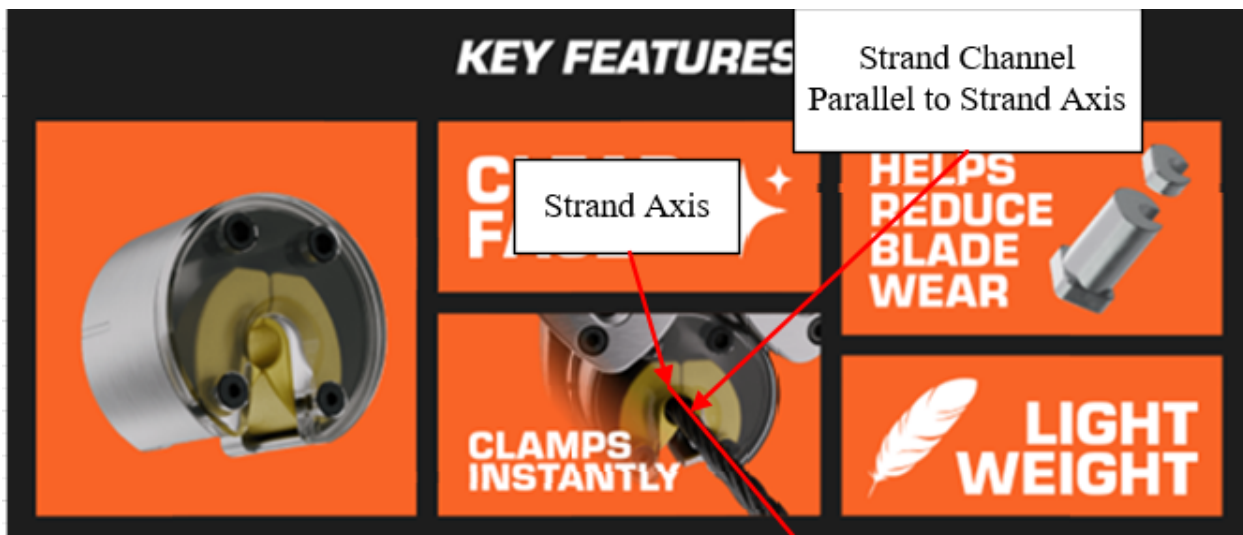
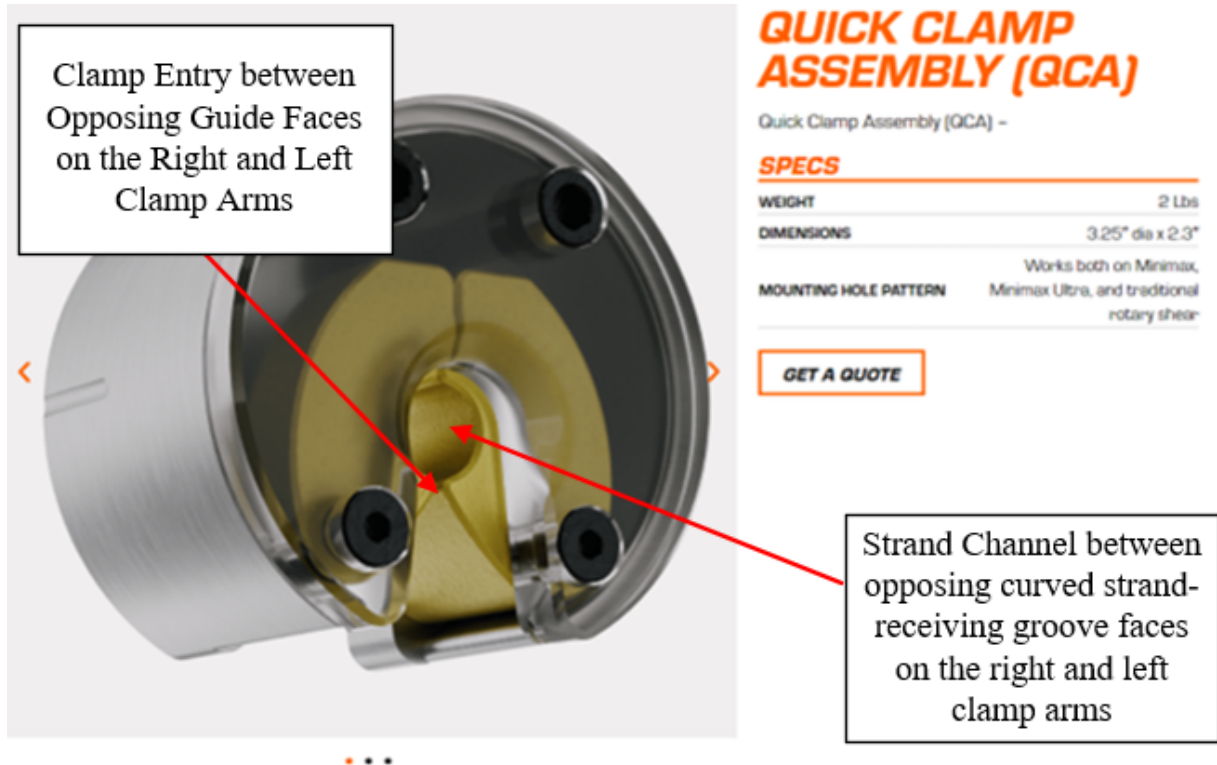
GET A QUOTE

Cover Plate

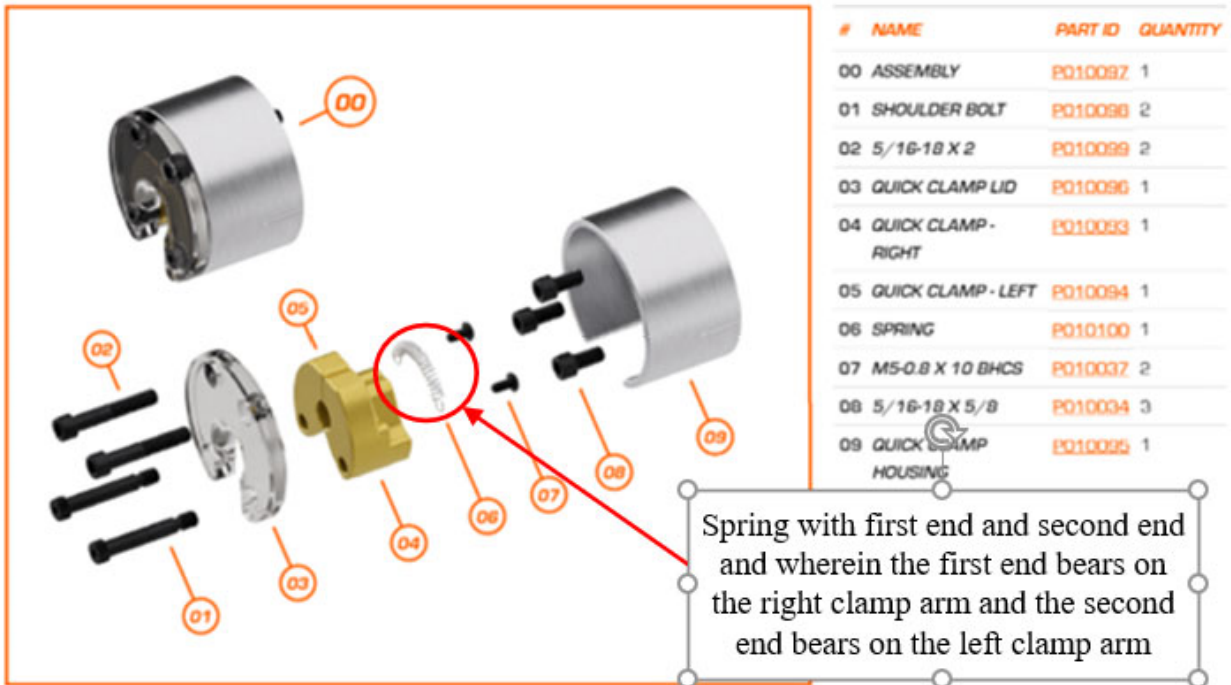
U-Shaped Opening

34. Upon information and belief, in Defendant's Quick Clamp Assembly, the right and left clamp arms are configured to cooperate to define: (a) a strand channel between opposing

curved strand-receiving groove faces on the right and left clamp arms, the strand channel being parallel to the strand axis, and (b) a clamp entry between opposing guide faces on the right and left clamp arms; wherein the spring has a first and second end and wherein the first end bears on the right clamp arm and the second end bears on the left clamp arm. These elements are indicated in the below images from Defendant's website (with annotations added):



REPLACEMENT PARTS



35. Upon information and belief, there is a method for using Defendant’s Quick Clamp Assembly. The method, which includes use of Defendant’s Quick Clamp Assembly as part of a strand cutter device (e.g., Defendant’s Minimax device and Defendant’s Minimax Ultra device) is demonstrated, for example, in the YouTube video entitled “Minimax How to video,” which can be found on Defendant’s YouTube channel and at: <https://www.youtube.com/watch?v=OV8svDXw0y4&t=1s>. Defendant’s website includes information pertaining Defendant’s Quick Clamp Assembly’s use with its products at, for example, at <https://pt-mfg.com/product/drill-shear/>, <https://pt-mfg.com/product/minimax-ultra-cable-shear/>, <https://pt-mfg.com/product/quick-clamp/>, and <https://pt-mfg.com/product/post-tension-cable-shear/>).

36. Upon information and belief, the method for using Defendant’s Quick Clamp Assembly includes: the step of providing a strand clamp attached to a strand cutter, the strand

clamp comprising: a clamp housing; a right clamp arm; a left clamp arm; a spring configured to urge the right and left clamp arms together around a strand axis wherein the spring has a first and second end and wherein the first end bears on the right clamp arm and the second end bears on the left clamp arm; and a cover plate with a U-shaped opening for a strand wherein the cover plate is configured to enclose the strand clamp at a distal end. These elements are shown in the preceding paragraphs 33 and 34, and the elements can also be seen, in use, in the YouTube video available at <https://www.youtube.com/watch?v=OV8svDXw0y4&t=1s>.

37. Upon information and belief, in Defendant's Quick Clamp Assembly the right and left clamp arms are configured to cooperate to define: (a) a strand channel between opposing curved strand-receiving groove faces on the right and left clamp arms, the strand channel being parallel to the strand axis, and (b) a clamp entry between opposing guide faces on the right and left clamp arms. This step is demonstrated in the YouTube video available at <https://www.youtube.com/watch?v=OV8svDXw0y4&t=1s>.

38. Upon information and belief the method for using Defendant's Quick Clamp Assembly further includes the step of aligning the clamp entry with the strand. This step is demonstrated in the YouTube video available at <https://www.youtube.com/watch?v=OV8svDXw0y4&t=1s>.

39. Upon information and belief the method for using Defendant's Quick Clamp Assembly further includes the step of pushing the strand cutter against the strand such that a pushing force is created sufficient to overcome a spring force urging the right and left clamp arms together. This step is demonstrated in the YouTube video available at <https://www.youtube.com/watch?v=OV8svDXw0y4&t=1s>.

40. Upon information and belief the method for using Defendant's Quick Clamp Assembly further includes the step of receiving the strand within the strand channel wherein the spring force causes the right and left clamp arms to create a pinching force on the strand. This step is demonstrated in the YouTube video available at <https://www.youtube.com/watch?v=OV8svDXw0y4&t=1s>. Further, upon information and belief, a pinching force is necessary to hold the strand to prevent it from rotating during the cutting process.

41. Upon information and belief, Defendant directly infringes, literally or under the doctrine of equivalents, one or more claims of the '579 Patent in this District and elsewhere in the State of Texas and the United States.

42. Upon information and belief, Defendant directly infringes, either by itself or via its agent(s), one or more claims of the '579 Patent as set forth under 35 U.S.C. § 271(a) by performing one or more of making, using (including, but not limited to, testing and other internal uses), selling, offering to sell, and/or importing Defendant's Quick Clamp Assembly, marketed as "Quick Clamp Assembly" or "QCA," and available at: <https://pt-mfg.com/product/quick-clamp/>.

43. Upon information and belief, in addition and/or in the alternative to direct infringement, Defendant indirectly infringes one or more claims of the '579 Patent by knowingly and intentionally inducing others, including its customers and/or other end users, to directly infringe the '579 Patent.

44. Upon information and belief, Defendant has had knowledge of the '579 Patent at least since service of this Complaint. Upon information and belief, since receiving notice of infringement, Defendant has actively induced, and continues to actively induce, the direct

infringement of its customers and/or other end users as set forth under 35 U.S.C. § 271(b). Such inducement has been committed with the knowledge, or with willful blindness to the fact, that the acts induced constitute infringement of the '579 Patent. Defendant has intended to cause, continues to intend to cause, and has taken, and continues to take, affirmative steps to induce infringement by, among other things, creating and disseminating advertisements and instructive materials that promote the infringing use of Defendant's Quick Clamp Assembly with its strand cutter products, such as the Minimax and Minimax Ultra, including marketing materials, its website (e.g., <https://pt-mfg.com/product/drill-shear/>, <https://pt-mfg.com/product/minimax-ultra-cable-shear/>, <https://pt-mfg.com/product/quick-clamp/>, and <https://pt-mfg.com/product/post-tension-cable-shear/>), and its Youtube channel (e.g., <https://www.youtube.com/@MiniMax-PTM>; <https://www.youtube.com/watch?v=OV8svDXw0y4&t=1s>; <https://www.youtube.com/watch?v=U5ePgD16qOs>; <https://www.youtube.com/watch?v=koqbx58kT8k>) that specifically teach and encourage customers and other end users to use Defendant's Quick Clamp Assembly in an infringing manner. By providing such instructions and support, Defendant knows (and has known), or should know (and should have known), that its actions have actively induced, and continue to actively induce, infringement of the '579 Patent.

45. Upon information and belief, the actions of Defendant constitute contributory infringement of the '579 Patent under 35 U.S.C. § 271(c), and Defendant is therefore liable as a contributory infringer.

46. Upon information and belief, Defendant has been and is continuing to contributorily infringe the '579 Patent under 35 U.S.C. § 271(c) by selling or offering to sell Defendant's Quick Clamp Assembly. Upon information and belief, Defendant knew it to be

especially made or especially adapted for practicing the invention of the '579 Patent and is not a staple article or commodity of commerce suitable for substantial non-infringing use.

47. Plaintiff has been damaged as a result of Defendant's infringing conduct described in this Count. Thus, Defendant is liable to Plaintiff in an amount that adequately compensates it for Defendant's infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

48. Upon information and belief, Defendant's infringement continues to be willful and egregious entitling Plaintiff to increased damages under 35 U.S.C. § 284.

COUNT TWO - INFRINGEMENT OF U.S. PATENT NO. 9,194,155

49. Plaintiff incorporates the preceding paragraphs herein by reference as if fully restated in this paragraph.

50. This cause of action arises under the patent laws of the United States, and, in particular, 35 U.S.C. §§ 271, et seq.

51. U.S. Patent No. 9,194,155 ("the '155 Patent") is entitled "Barrier Cable Anchor Rail" and issued on November 24, 2015. The '155 Patent is valid, enforceable, and was duly and legally issued by the United States Patent and Trademark Office after examination of the patent application thereof. A copy of the '155 Patent is attached hereto as Exhibit B.

52. The '155 Patent describes and claims a barrier cable anchor rail assembly.

53. The '155 Patent was originally assigned to Actuant Corporation and is presently assigned to Precision Hayes International, Inc.

54. Plaintiff is the current assignee of the '155 Patent and has the legal right to enforce the '155 Patent, sue for infringement, and seek equitable relief and damages.

55. Plaintiff is entitled to recover damages adequate to compensate for the infringement.

56. The '155 Patent has 23 total claims, comprising three independent claims (*i.e.*, claims 1, 10, and 20).

57. Independent claim 1 of the '155 Patent recites:

A barrier cable anchor rail assembly encapsulated in a column of concrete and adapted to engage a plurality of cables to provide a barrier between the column of concrete and a successive column of concrete in a structure, the assembly comprising:

an elongated first rail member of a certain length and made from material that bonds to concrete; and

a plurality of threaded connectors, each threaded connector being internally or externally threaded, having a central axis, a proximal end, and a distal end, and being adapted to engage an end of one of the plurality of cables;

each of the plurality of threaded connectors being attached to the first rail member in the same orientation and along the length of the first rail member, with a predetermined spacing between the central axes of the plurality of threaded connectors, and such that the threads of the connectors are at least partially exposed to the outside of the column of concrete in which the barrier cable anchor rail assembly is encapsulated, the first rail member maintaining said predetermined spacing and orientation and providing structural support to the column of concrete in which the barrier cable anchor rail assembly is encapsulated.

58. Independent claim 10 of the '155 Patent recites:

A barrier cable assembly adapted to form a barrier between a first concrete column and a second concrete column spaced apart from the first concrete column, the cable barrier assembly comprising:

a plurality of cables;

a first cable anchor rail assembly comprising:

an elongated first rail member of a certain length made from material that bonds to concrete and adapted to provide support to the concrete column in which the first rail member is encapsulated;

a plurality of threaded connectors, each threaded connector being internally or externally threaded, having a central axis, a proximal end, and a distal end;

each of the plurality of threaded connectors being attached to the first rail member along the length of the first rail member, such that a predetermined spacing exists between the central axes of each successive threaded connector of the plurality of threaded connectors; and

the first cable anchor rail assembly being encapsulated in and providing support to the first concrete column, the threads of the plurality of threaded connectors associated with the first cable anchor rail assembly being at least partially exposed to the outside of the first concrete column, and the plurality of cables engaging the plurality of threaded connectors of the first cable anchor rail assembly in the first concrete column and the second concrete column.

59. Independent claim 20 of the '155 Patent recites:

A barrier cable anchor rail assembly encapsulated in a column of concrete and adapted to engage a plurality of cables to provide a barrier between the column of concrete and a successive column of concrete in a structure, the assembly comprising:

an elongated first rail member of a first length made from material that bonds to concrete and adapted to provide support to the column of concrete;

an elongated second rail member of a second length and made from material that bonds to concrete and adapted to provide support to the column of concrete;

a plurality of threaded connectors, each threaded connector being internally or externally threaded, having a central axis, a proximal end, and a distal end, and being adapted to engage an end of one of the plurality of cables; and

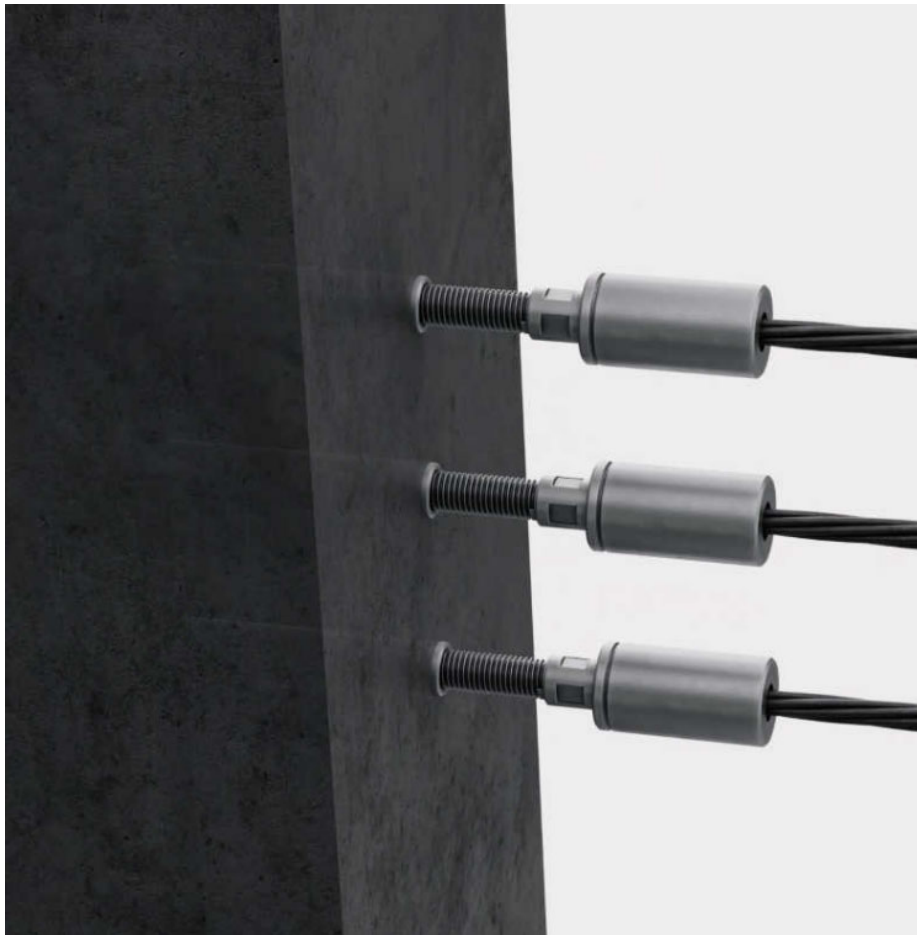
a support bar for supporting the plurality of threaded connectors;

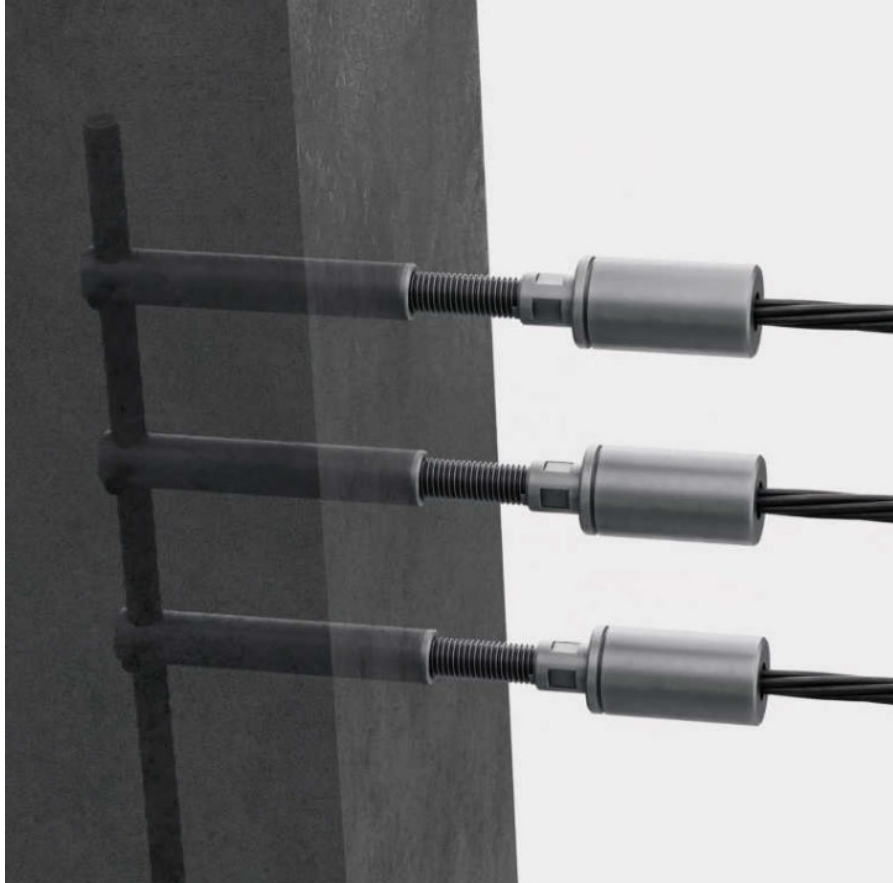
each of the plurality of threaded connectors being attached to the first rail member and the second rail member at the distal end of each threaded connector, along the first length of the first rail member and along the second length of the second rail member, in the same orientation, and with a predetermined spacing between the central axes of the plurality of threaded connectors, the support bar being attached to each of the plurality of threaded connectors at the proximal end of each threaded connector, the threads of the connectors being at least partially exposed to the outside of the column of concrete in which the barrier cable anchor rail assembly is encapsulated, and the first rail member and the second rail member maintaining said predetermined spacing and orientation.

60. Upon information and belief, Defendant's Ferrule Loop Replacement Barrier Cable product, as marketed and sold by Defendant, when used for its intended purpose and encapsulated in concrete, infringes one or more of the claims of the '155 Patent, including claims 1, 10, and 20.

61. Upon information and belief, Defendant's Ferrule Loop Replacement Barrier Cable product is material to practicing the inventions claimed by the '155 Patent and has no substantial non-infringing use.

62. Upon information and belief, Defendant's Ferrule Loop Replacement Barrier Cable product is a barrier cable anchor rail assembly marketed and sold to be encapsulated in a column of concrete and adapted to engage a plurality of cables to provide a barrier between the column of concrete and a successive column of concrete in a structure. The images below are from Defendant's website.









63. Upon information and belief, Defendant's Ferrule Loop Replacement Barrier Cable product has an elongated first rail member of a certain length and made from material that bonds to concrete, including steel or steel rebar. The images below are from Defendant's website (with annotations added).

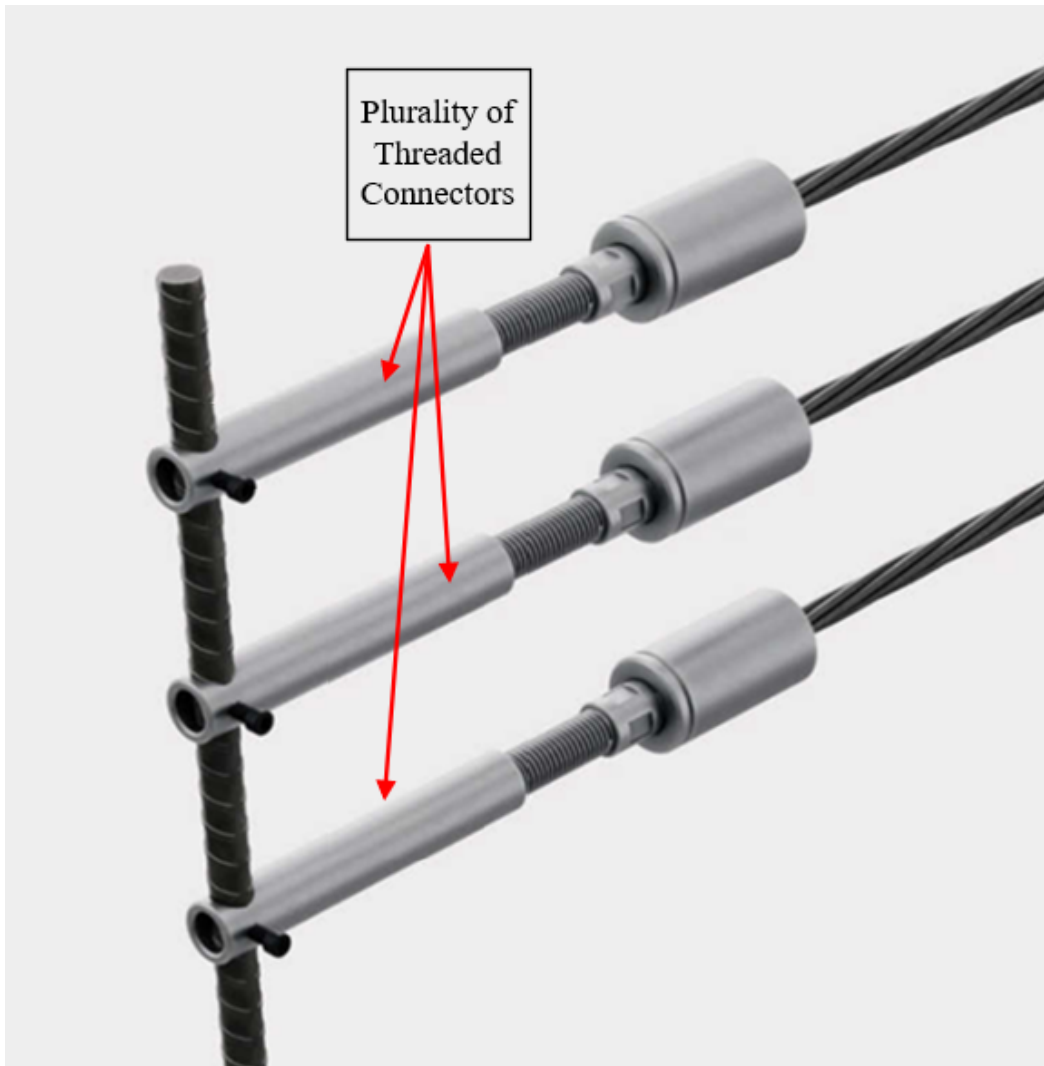


KEY FEATURES

	BUILT IN SWIVEL 	ANY SPACING
	NO MORE WELDS 	MADE FROM HIGH QUALITY STEEL 

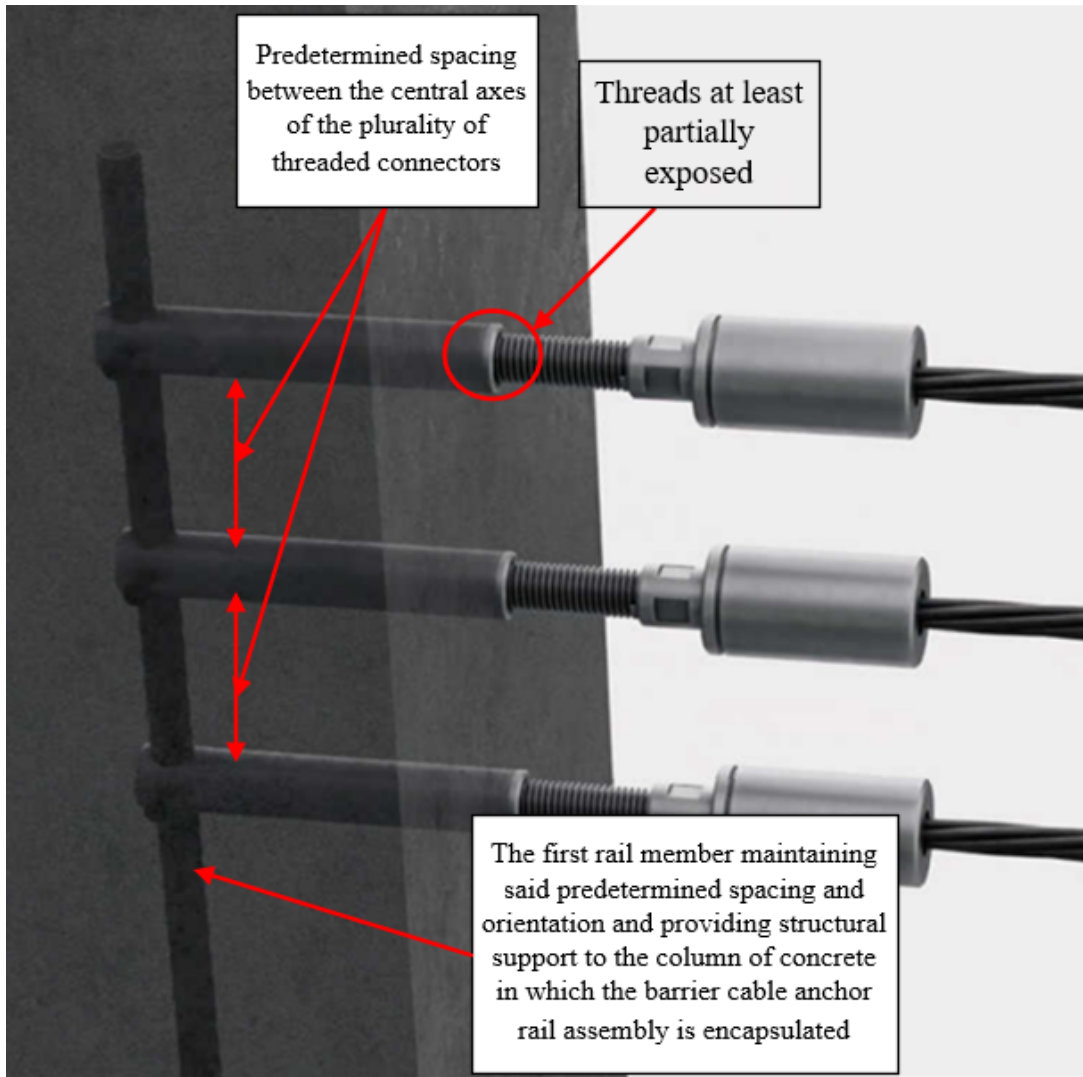
64. Upon information and belief, Defendant's Ferrule Loop Replacement Barrier Cable product has a plurality of threaded connectors, each threaded connector being internally or externally threaded, having a central axis, a proximal end, and a distal end, and being adapted to

engage an end of one of the plurality of cables. The image below is from Defendant's website (with annotations added).



65. Upon information and belief, in Defendant's Ferrule Loop Replacement Barrier Cable product, each of the plurality of threaded connectors is attached to the first rail member in the same orientation and along the length of the first rail member, with a predetermined spacing between the central axes of the plurality of threaded connectors, and such that the threads of the connectors are at least partially exposed to the outside of the column of concrete in which the barrier cable anchor rail assembly is encapsulated, the first rail member maintaining said predetermined spacing and orientation and providing structural support to the column of concrete

in which the barrier cable anchor rail assembly is encapsulated. The image below is from Defendant's website (with annotations added).



66. Upon information and belief, Defendant's Ferrule Loop Replacement Barrier Cable product is a barrier cable assembly adapted to form a barrier between a first concrete column and a second concrete column (or a successive concrete column) spaced apart from the first concrete column.

67. Upon information and belief, Defendant directly infringes, literally or under the doctrine of equivalents, one or more claims of the '155 Patent in this District and elsewhere in the State of Texas and the United States.

68. Upon information and belief, Defendant directly infringes, either by itself or via its agent(s), one or more claims of the '155 Patent as set forth under 35 U.S.C. § 271(a) by performing one or more of making, using (including, but not limited to, testing and other internal uses), selling, offering to sell, and/or importing Defendant's Ferrule Loop Replacement Barrier Cable product, marketed as "Ferrule Loop Replacement" and available at: <https://pt-mfg.com/product/ferrule-loop-replacement/>.

69. Upon information and belief, in addition and/or in the alternative to direct infringement, Defendant indirectly infringes one or more claims of the '155 Patent by knowingly and intentionally inducing others, including its customers and/or other end users, to directly infringe the '155 Patent.

70. Upon information and belief, Defendant has had knowledge of the '155 Patent at least since service of this Complaint. Upon information and belief, since receiving notice of infringement, Defendant has actively induced, and continues to actively induce, the direct infringement of its customers and/or other end users as set forth under 35 U.S.C. § 271(b). Such inducement has been committed with the knowledge, or with willful blindness to the fact, that the acts induced constitute infringement of the '155 Patent. Defendant has intended to cause, continues to intend to cause, and has taken, and continues to take, affirmative steps to induce infringement by, among other things, creating and disseminating advertisements and instructive materials that promote the infringing use of Defendant's Ferrule Loop Replacement Barrier Cable product, including marketing materials and its website that specifically teach and

encourage customers and other end users to use Defendant's Ferrule Loop Replacement Barrier Cable product in an infringing manner. By providing such instructions and support, Defendant knows (and has known), or should know (and should have known), that its actions have actively induced, and continue to actively induce, infringement of the '155 Patent.

71. Upon information and belief, the actions of Defendant constitute contributory infringement of the '155 Patent under 35 U.S.C. § 271(c), and Defendant is therefore liable as a contributory infringer.

72. Upon information and belief, Defendant has been and is continuing to contributorily infringe the '155 Patent under 35 U.S.C. § 271(c) by selling or offering to sell Defendant's Ferrule Loop Replacement Barrier Cable product. Upon information and belief, Defendant knew it to be especially made or especially adapted for practicing the invention of the '155 Patent and is not a staple article or commodity of commerce suitable for substantial non-infringing use.

73. Plaintiff has been damaged as a result of Defendant's infringing conduct described in this Count. Thus, Defendant is liable to Plaintiff in an amount that adequately compensates it for Defendant's infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

74. Upon information and belief, Defendant's infringement continues to be willful and egregious entitling Plaintiff to increased damages under 35 U.S.C. § 284.

COUNT THREE - INFRINGEMENT OF U.S. PATENT NO. 9,644,392

75. Plaintiff incorporates the preceding paragraphs herein by reference as if fully restated in this paragraph.

76. This cause of action arises under the patent laws of the United States, and, in particular, 35 U.S.C. §§ 271, et seq.

77. U.S. Patent No. 9,644,392 (“the ’392 Patent”) is entitled “Barrier Cable Anchor Rail” and issued on May 9, 2007. The ’392 Patent is valid, enforceable, and was duly and legally issued by the United States Patent and Trademark Office after examination of the patent application thereof. The ’392 Patent is a continuation of the ’155 Patent asserted in Count One. A copy of the ’392 Patent is attached hereto as Exhibit C.

78. The ’392 Patent describes and claims a barrier cable anchor rail assembly.

79. The ’392 Patent was originally assigned to Actuant Corporation and is presently assigned to Precision Hayes International, Inc.

80. Plaintiff is the current assignee of the ’392 Patent and has the legal right to enforce the ’392 Patent, sue for infringement, and seek equitable relief and damages.

81. Plaintiff is entitled to recover damages adequate to compensate for the infringement.

82. The ’392 Patent has 21 total claims, comprising four independent claims (*i.e.*, claims 1, 9, 14, and 20).

83. Independent claim 1 of the ’392 Patent recites:

A barrier cable assembly adapted to form a barrier between a first concrete column and a second concrete column spaced apart from the first concrete column, the cable barrier assembly comprising:
a plurality of cables, each of the plurality of cables including a first end and a second end;
a first cable anchor rail assembly comprising:
a first elongated member;
a first plurality of connectors coupled to the first elongated member such that a predetermined spacing exists between each adjacent connector; and
wherein the first cable anchor rail assembly is at least partially cast in the first concrete column, at least a portion of each of the first plurality of connectors positioned outside of the first concrete column, and the first end of each of the

plurality of cables engaging one of the first plurality of connectors of the first cable anchor rail assembly in the first concrete column; and
a second cable anchor rail assembly comprising:
a second elongated member;
a second plurality of connectors coupled to the second elongated member such that a predetermined spacing exists between each adjacent connector; and
wherein the second cable anchor rail assembly is at least partially cast in the second concrete column, at least a portion of each of the second plurality of connectors positioned outside of the second concrete column, and the second end of each of the plurality of cables engaging one of the second plurality of connectors of the second cable anchor rail assembly in the second concrete column.

84. Independent claim 9 of the '392 Patent recites:

A barrier cable anchor rail assembly cast in a column of concrete and adapted to engage a plurality of cables to provide a barrier between the column of concrete and a successive column of concrete in a structure, the assembly comprising:
an elongated first rail member defining a rail length;
an elongated second rail member parallel to the first rail member;
a plurality of connectors being adapted to each engage an end of one of the plurality of cables, each of the plurality of connectors being coupled to the first rail member along the rail length and coupled to the second rail member, each of the plurality of connectors positioned in the same orientation, each of the plurality of connectors is spaced apart from an adjacent one of the plurality of connectors by a predetermined distance, a portion of each of the plurality of connectors positioned outside of the column of concrete in which the barrier cable anchor rail assembly is cast; and
a support bar for supporting the plurality of connectors.

85. Independent claim 14 of the '392 Patent recites:

A barrier cable anchor rail assembly adapted to be cast in a concrete column and engage a plurality of cables to provide a barrier between the column and another column of concrete in a structure, the assembly comprising:
a first rail member; and
a plurality of connectors coupled to the first rail member, each of the plurality of connectors adapted to engage an end of one of the plurality of cables, each of the plurality of connectors is positioned and dimensioned to be partially exposed to the outside of the column of concrete in which the barrier cable anchor rail assembly is cast,
wherein each of the plurality of connectors defines a central axis, the central axis being perpendicular to the length of the first rail member.

86. Independent claim 20 of the '392 Patent recites:

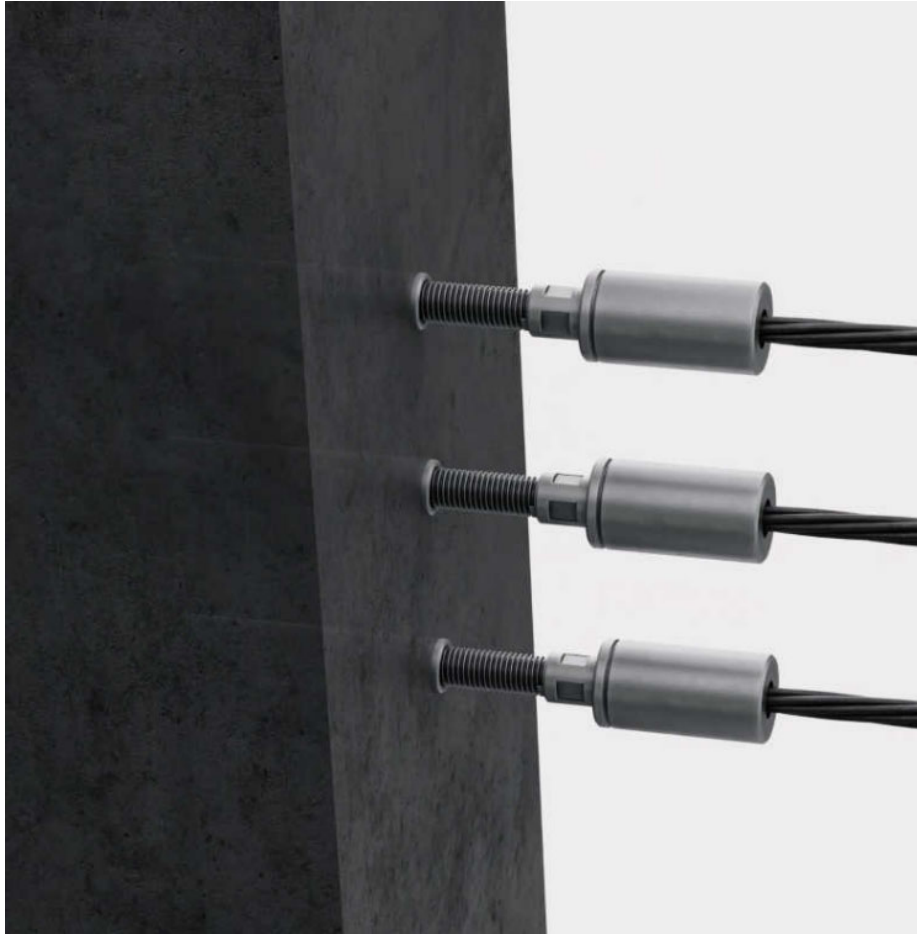
A barrier cable anchor rail assembly adapted to be cast in a concrete column and engage a plurality of cables to provide a barrier between the column and another column of concrete in a structure, the assembly comprising:
a first rail member; and
a plurality of connectors coupled to the first rail member, each of the plurality of connectors adapted to engage an end of one of the plurality of cables, each of the plurality of connectors is positioned and dimensioned to be partially exposed to the outside of the column of concrete in which the barrier cable anchor rail assembly is cast,
wherein each of the plurality of connectors includes a proximal end and a distal end, and further comprising a support bar attached to the proximal end of each of the plurality of connectors, wherein the first rail member is attached to the distal end of each of the plurality of connectors.

87. Upon information and belief, Defendant's Ferrule Loop Replacement Barrier Cable product, as marketed and sold by Defendant, when used for its intended purpose and encapsulated in concrete, infringes one or more of the claims of the '392 Patent, including claims 1, 9, 14, and 20.

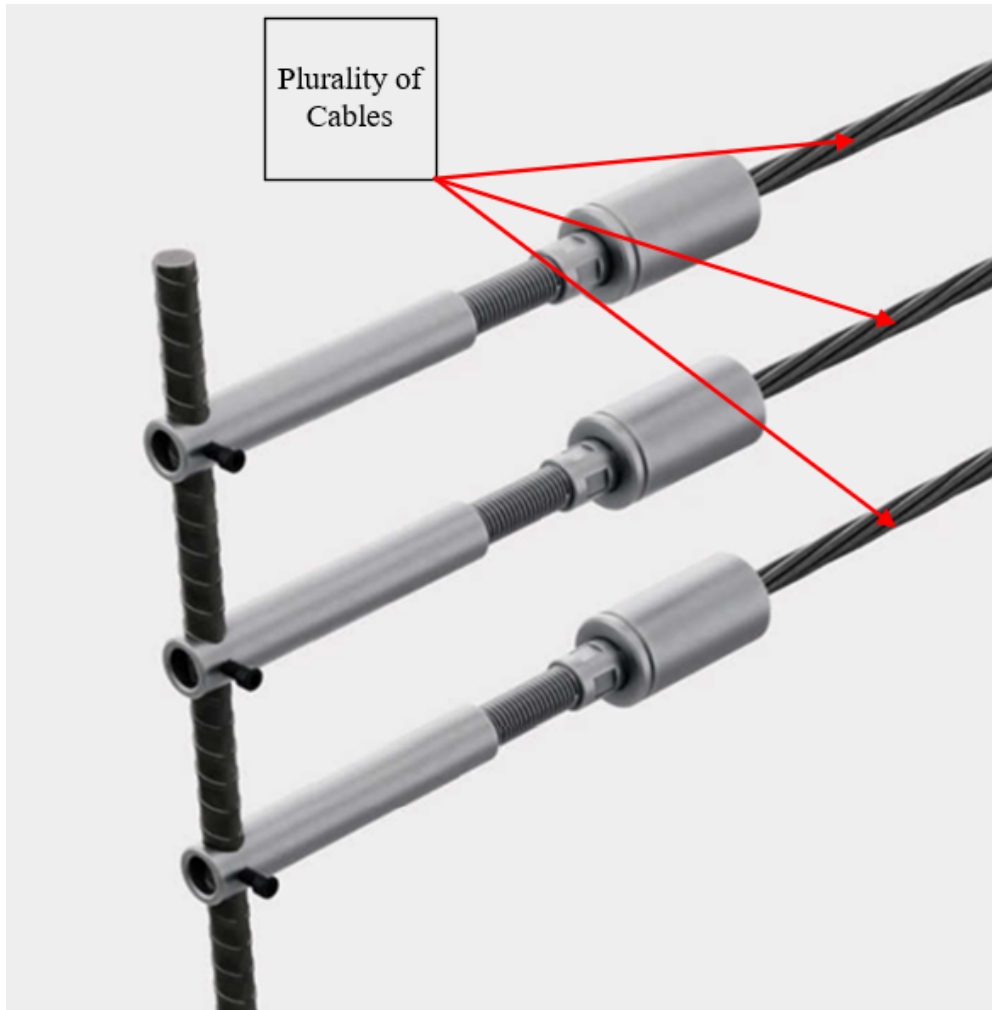
88. Upon information and belief, Defendant's Ferrule Loop Replacement Barrier Cable product is material to practicing the inventions claimed by the '392 Patent and has no substantial non-infringing uses.

89. Specifically, upon information and belief, Defendant's Ferrule Loop Replacement Barrier Cable product is a barrier cable assembly marketed and sold to form a barrier between a first concrete column and a second concrete column spaced apart from the first concrete column.

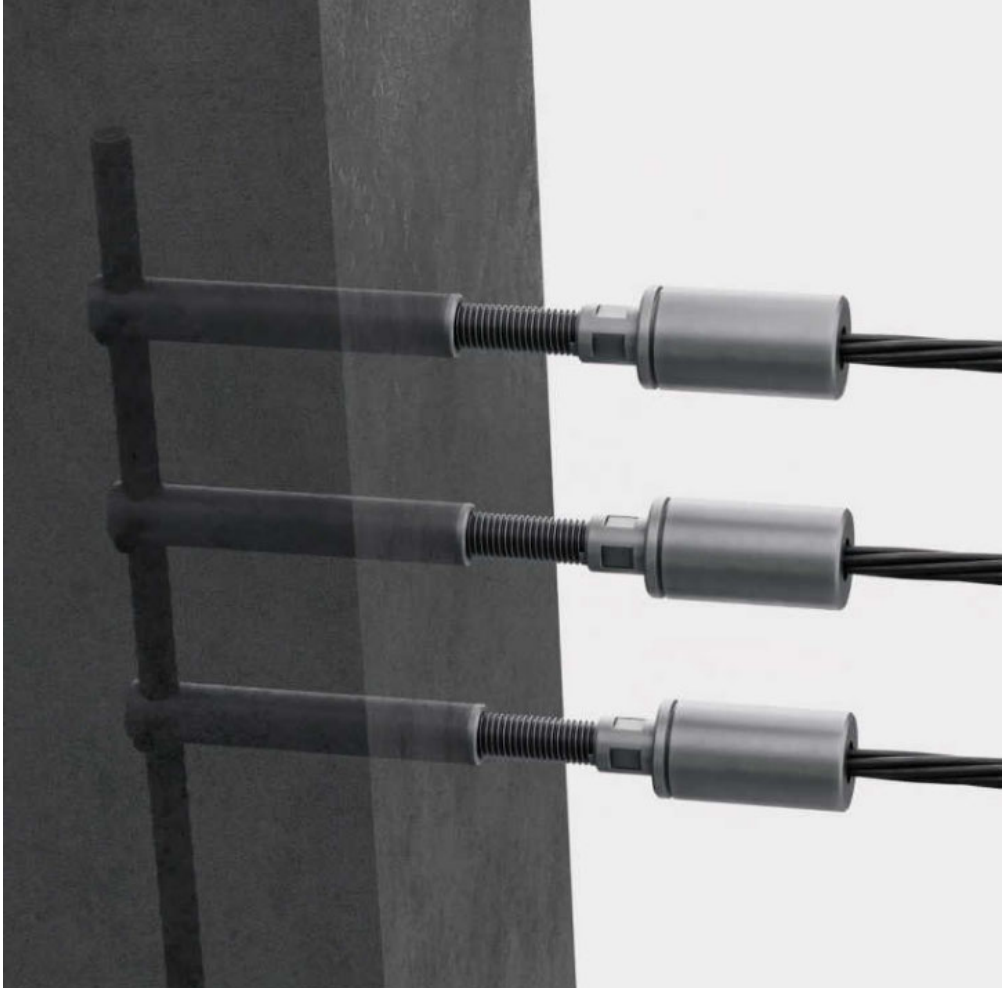
The images below are from Defendant's website.

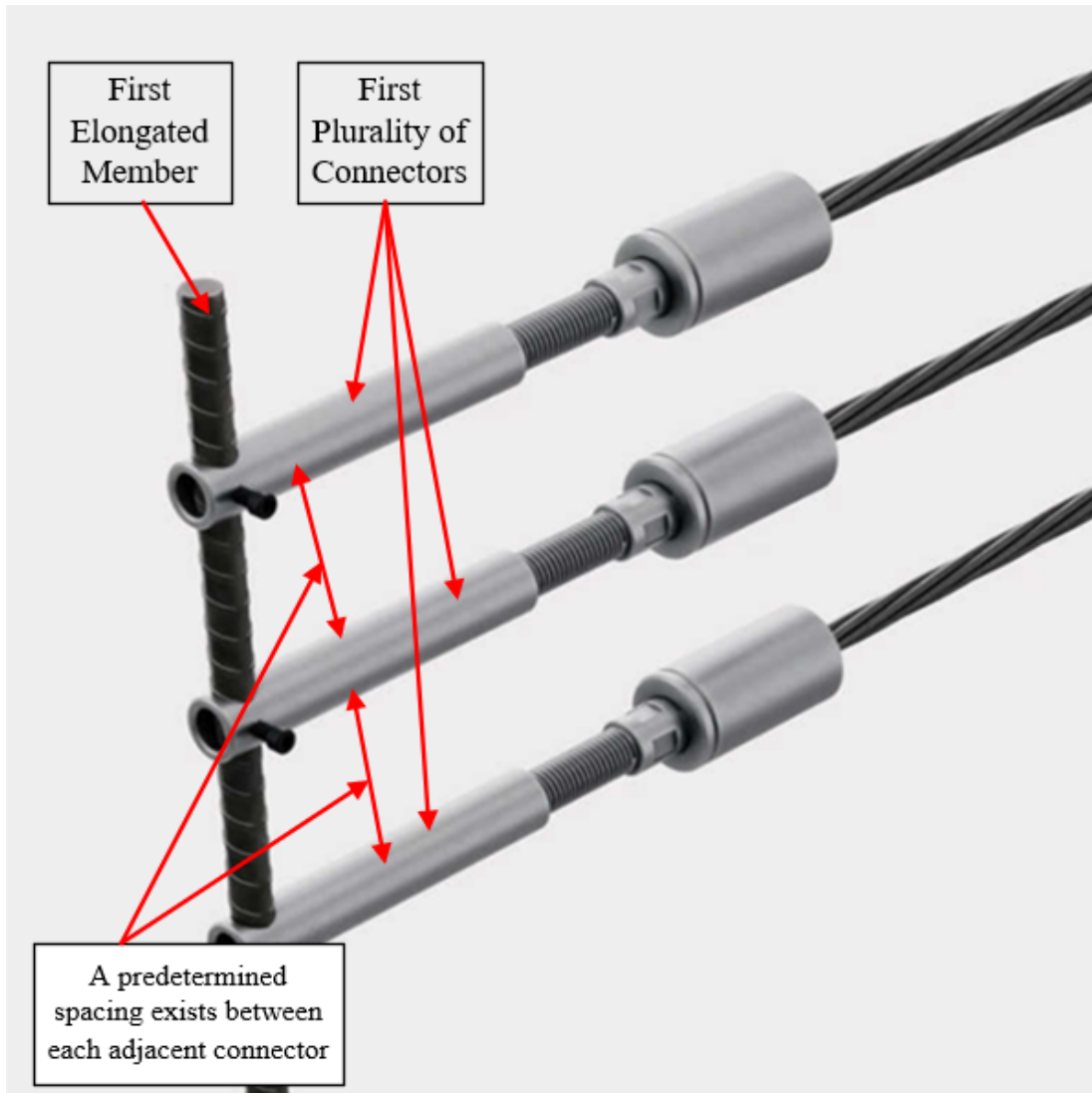


90. Upon information and belief, Defendant's Ferrule Loop Replacement Barrier Cable product has a plurality of cables, each of the plurality of cables including a first end and a second end. The first end is depicted in the image below and the second end would be opposite this end at the other end of the cables depicted. The image below is from Defendant's website (with annotations added).



91. Upon information and belief, Defendant's Ferrule Loop Replacement Barrier Cable product has a first cable anchor rail assembly that has a first elongated member; a first plurality of connectors coupled to the first elongated member such that a predetermined spacing exists between each adjacent connector; and wherein the first cable anchor rail assembly is at least partially cast in the first concrete column, at least a portion of each of the first plurality of connectors positioned outside of the first concrete column, and the first end of each of the plurality of cables engaging one of the first plurality of connectors of the first cable anchor rail assembly in the first concrete column. The images below are from Defendant's website (with annotations added).





92. Upon information and belief, Defendant's Ferrule Loop Replacement Barrier Cable product has a second cable anchor rail assembly having a second elongated member; a second plurality of connectors coupled to the second elongated member such that a predetermined spacing exists between each adjacent connector; and wherein the second cable anchor rail assembly is at least partially cast in the second concrete column, at least a portion of each of the second plurality of connectors positioned outside of the second concrete column, and the second end of each of the plurality of cables engaging one of the second plurality of connectors of the second cable anchor rail assembly in the second concrete column. This element

is met, for example, by the opposite end of Defendant's Ferrule Loop Replacement Barrier Cable product depicted in the images in paragraphs 89-91.

93. Upon information and belief, Defendant's Ferrule Loop Replacement Barrier Cable product is a barrier cable anchor rail assembly cast in a column of concrete and adapted to engage a plurality of cables to provide a barrier between the column of concrete and a successive column of concrete in a structure. This is depicted, for example, in the images of Defendant's Ferrule Loop Replacement Barrier Cable product depicted in the images in paragraphs 89-91 which depict one end of the product in a column of concrete and the opposite end would be in a successive column of concrete.

94. Upon information and belief, Defendant's Ferrule Loop Replacement Barrier Cable product has a plurality of connectors being adapted to each engage an end of one of the plurality of cables, each of the plurality of connectors being coupled to the first rail member along the rail length and coupled to the second rail member, each of the plurality of connectors positioned in the same orientation, each of the plurality of connectors is spaced apart from an adjacent one of the plurality of connectors by a predetermined distance, a portion of each of the plurality of connectors positioned outside of the column of concrete in which the barrier cable anchor rail assembly is cast; and a support bar for supporting the plurality of connectors. This is depicted, for example, in the images of Defendant's Ferrule Loop Replacement Barrier Cable product depicted in the images in paragraphs 89-91.

95. Upon information and belief, Defendant's Ferrule Loop Replacement Barrier Cable product is a barrier cable anchor rail assembly adapted to be cast in a concrete column and engage a plurality of cables to provide a barrier between the column and another column of concrete in a structure. This is depicted, for example, in the images of Defendant's Ferrule Loop

Replacement Barrier Cable product depicted in the images in paragraphs 89-91 which depict one end of the product in a column of concrete and the opposite end would be in another column of concrete..

96. Upon information and belief, Defendant's Ferrule Loop Replacement Barrier Cable product has a plurality of connectors coupled to the first rail member, each of the plurality of connectors adapted to engage an end of one of the plurality of cables, each of the plurality of connectors is positioned and dimensioned to be partially exposed to the outside of the column of concrete in which the barrier cable anchor rail assembly is cast, wherein each of the plurality of connectors defines a central axis, the central axis being perpendicular to the length of the first rail member. This is depicted, for example, in the images of Defendant's Ferrule Loop Replacement Barrier Cable product depicted in the images in paragraphs 89-91.

97. Upon information and belief, Defendant's Ferrule Loop Replacement Barrier Cable product is barrier cable anchor rail assembly adapted to be cast in a concrete column and engage a plurality of cables to provide a barrier between the column and another column of concrete in a structure. This is depicted, for example, in the images of Defendant's Ferrule Loop Replacement Barrier Cable product depicted in the images in paragraphs 89-91 which depict one end of the product in a column of concrete and the opposite end would be in another column of concrete..

98. Upon information and belief, Defendant's Ferrule Loop Replacement Barrier Cable product has a first rail member; and a plurality of connectors coupled to the first rail member, each of the plurality of connectors adapted to engage an end of one of the plurality of cables, each of the plurality of connectors is positioned and dimensioned to be partially exposed to the outside of the column of concrete in which the barrier cable anchor rail assembly is cast,

wherein each of the plurality of connectors includes a proximal end and a distal end, and further comprising a support bar attached to the proximal end of each of the plurality of connectors, wherein the first rail member is attached to the distal end of each of the plurality of connectors. This is depicted, for example, in the images of Defendant's Ferrule Loop Replacement Barrier Cable product depicted in the images in paragraphs 89-91.

99. Upon information and belief, Defendant directly infringes, literally or under the doctrine of equivalents, one or more claims of the '392 Patent in this District and elsewhere in the State of Texas and the United States.

100. Upon information and belief, Defendant directly infringes, either by itself or via its agent(s), one or more claims of the '392 Patent as set forth under 35 U.S.C. § 271(a) by performing one or more of making, using (including, but not limited to, testing and other internal uses), selling, offering to sell, and/or importing Defendant's Ferrule Loop Replacement Barrier Cable product, marketed as "Ferrule Loop Replacement" and available at: <https://pt-mfg.com/product/ferrule-loop-replacement/>.

101. Upon information and belief, in addition and/or in the alternative to direct infringement, Defendant indirectly infringes one or more claims of the '392 Patent by knowingly and intentionally inducing others, including its customers and/or other end users, to directly infringe the '392 Patent.

102. Upon information and belief, Defendant has had knowledge of the '392 Patent at least since service of this Complaint. Upon information and belief, since receiving notice of infringement, Defendant has actively induced, and continues to actively induce, the direct infringement of its customers and/or other end users as set forth under 35 U.S.C. § 271(b). Such inducement has been committed with the knowledge, or with willful blindness to the fact, that

the acts induced constitute infringement of the '392 Patent. Defendant has intended to cause, continues to intend to cause, and has taken, and continues to take, affirmative steps to induce infringement by, among other things, creating and disseminating advertisements and instructive materials that promote the infringing use of Defendant's Ferrule Loop Replacement Barrier Cable product, including marketing materials and its website that specifically teach and encourage customers and other end users to use Defendant's Ferrule Loop Replacement Barrier Cable product in an infringing manner. By providing such instructions and support, Defendant knows (and has known), or should know (and should have known), that its actions have actively induced, and continue to actively induce, infringement of the '392 Patent.

103. Upon information and belief, the actions of Defendant constitute contributory infringement of the '392 Patent under 35 U.S.C. § 271(c), and Defendant is therefore liable as a contributory infringer.

104. Upon Information and belief, Defendant has been and is continuing to contributorily infringe the '392 Patent under 35 U.S.C. § 271(c) by selling or offering to sell the '392 Patent, its barrier cable system. Upon information and belief, Defendant knew it to be especially made or especially adapted for practicing the invention of the '392 Patent and is not a staple article or commodity of commerce suitable for substantial non-infringing use.

105. Plaintiff has been damaged as a result of Defendant's infringing conduct described in this Count. Thus, Defendant is liable to Plaintiff in an amount that adequately compensates it for Defendant's infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284. Upon information and belief, Defendant's infringement continues to be willful and egregious entitling Plaintiff to increased damages under 35 U.S.C. § 284.

VI. JURY DEMAND

Plaintiff demands a trial by jury of all matters to which it is entitled to trial by jury, pursuant to Fed. R. Civ. P. 38(b).

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant, granting Plaintiff the following relief:

A. That this Court adjudge and decree that Defendant has infringed the Asserted Patents as alleged above;

B. That this Court permanently enjoin Defendant, its affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors, assigns, and all others in active concert or participation with them from infringing the Asserted Patents;

C. That this Court order an accounting to determine the damages to be awarded to Plaintiff as a result of Defendant's infringement;

D. That this Court order an award to Plaintiff of such damages as it shall prove at trial against Defendant that are adequate to compensate Plaintiff for Defendant's infringement, said damages to be no less than a reasonable royalty together with interest and costs;

E. That this Court assess pre-judgment and post-judgment interest and costs against Defendant, together with an award of such interest and costs, in accordance with 35 U.S.C. § 284;

F. That this Court render a finding that this case is "exceptional" and award to Plaintiff its costs and reasonable attorneys' fees, as provided by 35 U.S.C. § 285;

G. That this Court award Plaintiff up to three times the damages pursuant to 35 U.S.C. § 284 as enhanced damages; and

H. That this Court grant such other and further relief as the Court may deem proper and just.

Dated: September 11, 2024

Respectfully submitted,

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