

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

REV AMBULANCE GROUP ORLANDO, INC.,)	
)	CASE NO.
Plaintiff,)	
)	JUDGE:
vs.)	
)	COMPLAINT
BRAUN INDUSTRIES, INC.,)	
)	JURY TRIAL DEMANDED
Defendant.)	

Plaintiff REV Ambulance Group Orlando, Inc. (“REV”), by its counsel, alleges as follows for its Complaint against Braun Industries, Inc. (“Braun”).

NATURE OF THE CASE

1. This is an action for patent infringement under the patent laws of the United States, 35 U.S.C. § 100 *et seq.*, including 35 U.S.C. § 271, arising from Braun’s actions, including making, using, selling, offering for sale and/or importing into the United States one or more products that infringe U.S. Patent No. 11,896,534 (“the ‘534 Patent”), including emergency vehicles having an external condenser box and light assembly (“Accused Products”).

THE PARTIES

2. REV is a for profit corporation organized under the laws of the State of Florida and has its principal place of business at 2737 North Forsyth Road, Winter Park, Florida 32792. REV is a subsidiary of REV Group, Inc.

3. Upon information and belief, Braun is a for profit corporation organized under the laws of the State of Ohio and has its principal place of business at 1170 Production Drive, Van Wert, Ohio 45891.

JURISDICTION AND VENUE

4. REV's claim 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. This Court has personal jurisdiction over Braun because its principal place of business is located in this judicial district at 1170 Production Drive, Van Wert, Ohio 4589. Braun further conducts business and has committed acts of infringement, and/or has induced acts of infringement by others in this judicial district and/or has contributed to infringement by others in this judicial district and elsewhere in the United States.

7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b) because, among other things, Braun is subject to personal jurisdiction in this judicial district, maintains a regular place of business in this judicial district, has regularly conducted business in this judicial district, and certain of the acts complained of herein occurred in this judicial district.

GENERAL ALLEGATIONS

8. REV is an innovative company that is an industry leader in the custom development of ambulances and related aftermarket parts and services. Among the products REV designs and manufactures is a Cool Bar® external condenser box for air conditioning units housed on emergency vehicles.

9. REV has invested substantially to develop its Cool Bar® technology. REV's innovative technology includes mechanisms and methods for enhancing the performance of the emergency vehicle's air conditioning system and allows the condenser housing to serve as a light

assembly on which emergency vehicle lights are mounted. REV's Cool Bar® technology has made REV a market leader in the ambulance industry.

10. REV has protected its technologies through a broad range of intellectual property rights, including patents related to the Cool Bar® technology for emergency vehicle applications.

11. Specifically, REV is the sole owner of certain U.S. patents related to its Cool Bar® technology and applicable to the present dispute, including (i) the '534 Patent; (ii) U.S. Patent No. 8,899,059 ("the '059 Patent"); (iii) U.S. Patent No. 11,007,096 ("the '096 Patent"), (iv) U.S. Patent No. 9,561,142 ("the '142 Patent"); and (v) U.S. Patent No. 10,413,458 ("the '458 Patent"), each entitled "External Condenser and Light Assembly" (collectively, "the Cool Bar Patents").

12. The '534 Patent was duly and legally issued by the United States Patent and Trademark Office on February 13, 2024. A true and complete copy of the '534 Patent is attached to the Complaint as Exhibit A. The '534 Patent is valid and enforceable.

13. The '059 Patent was duly and legally issued by the United States Patent and Trademark Office on December 2, 2014. A true and complete copy of the '059 Patent is attached to the Complaint as Exhibit B. The '059 Patent is valid and enforceable.

14. The '096 Patent was duly and legally issued by the United States Patent and Trademark Office on May 18, 2021. A true and complete copy of the '096 Patent is attached to the Complaint as Exhibit C. The '096 Patent is valid and enforceable.

15. The '142 Patent was duly and legally issued by the United States Patent and Trademark Office on February 7, 2017. A true and complete copy of the '142 Patent is attached to the Complaint as Exhibit D. The '142 Patent is valid and enforceable.

16. The '458 Patent was duly and legally issued by the United States Patent and Trademark Office on September 17, 2019. A true and complete copy of the '458 Patent is attached to the Complaint as Exhibit E. The '458 Patent is valid and enforceable.

17. As the owner of the Cool Bar Patents, REV is authorized and has standing to bring legal action to enforce all rights arising from the Cool Bar Patents.

18. The Cool Bar Patents are directed to an external automotive condenser and light assembly for mounting on a body of a vehicle.

19. The most effective air conditioning solution available for an emergency vehicle is to include the air conditioning system as an external condenser, as it provides for better air conditioner performance. Ambulance users prefer to install warning lights on the front face of the emergency vehicle's modular body, which is impossible on many emergency vehicles on which an external condenser is mounted. A condenser box and light assembly is important in such applications as the air conditioning condenser is not sufficiently capable of having warning lights attached thereto.

20. On information and belief, Braun has made, used, offered to sell, sold and/or imported into the United States the Accused Products. At least one of an unknown number of the Accused Products designed, manufactured and sold by Braun meets each element of at least one claim of the '534 Patent.

21. Upon information and belief, the photograph below shows Braun's prefabricated remount, with an external condenser box and light assembly, that is attached to a vehicle in order to create an emergency vehicle.



22. Upon information and belief, the photograph below shows the external condenser box and light assembly of a customized emergency vehicle that Braun manufactured for a customer.



23. By way of example and not limitation, claim 1 of the '534 Patent recites:

1. An external automotive condenser and light assembly for mounting on a body of a vehicle, the condenser and light assembly comprising:

a condenser housing having a top portion defining at least one top opening and a bottom portion defining at least one bottom opening;

wherein each of said top opening and said bottom opening is configured to permit air flow through the top opening and the bottom opening;

wherein said condenser housing includes a front face to permit at least one warning light to be affixed thereto, and wherein said condenser housing is configured to face a direction of travel of the vehicle,

wherein said condenser housing includes a right face extending rearward from the front face,

wherein said condenser housing includes a left face extending rearward from the front face,

at least one warning light affixed to an exterior of the front face.

24. The Accused Product meets each element of claim 1 of the '534 Patent, as explained below.

25. The Accused Product is an external automotive condenser and light assembly for mounting on a body of a vehicle.

26. The Accused Product includes a condenser housing that has a top portion defining at least one top opening and a bottom portion defining at least one bottom opening.

27. Each of the top opening and bottom opening of the Accused Product's condenser housing is configured to permit air flow through the top opening and the bottom opening.

28. The Accused Product's condenser housing includes a front face to permit at least one warning light to be affixed thereto and is configured to face a direction of travel of the vehicle.

29. The Accused Product's condenser housing includes a right face extending rearward from the front face.

30. The Accused Product's condenser housing includes a left face extending rearward from the front face.

31. The Accused Product has at least one warning light affixed to an exterior of the front face.

32. Braun does not have authority to make, use, offer to sell, or sell the Accused Products within the United States, or to import into the United States, any invention claimed in the '534 Patent.

33. Braun directly infringes claims 1-20 of the '534 Patent by making, using, offering to sell, selling within the United States and/or importing into the United States the Accused Products.

34. Braun induces infringement of claims 1-20 of the '534 Patent by actively encouraging distributors, customers, and others to sell, offer for sale, use and/or import the Accused Products.

35. REV notified Braun of its infringement of the '534 Patent on May 16, 2024.

36. Upon information and belief, Braun was aware of the '534 Patent no later than May 16, 2024.

37. Braun is aware that its manufacture, use, offer for sale, sale, and/or importing of the Accused Products, and inducement of others to use, sell, offer for sale, sell and/or import the Accused Products, infringe the '534 Patent at least through the notice of infringement provided by REV to Braun on or about May 16, 2024.

FIRST CAUSE OF ACTION

(Federal Patent Infringement of U.S. Patent No. 11,896,543)

38. REV realleges and incorporates by reference each of the allegations contained in the previous paragraphs of this Complaint as if fully set forth herein.

39. REV has the right to enforce the '534 Patent and the right to recover damages for infringement.

40. Braun has infringed the '534 Patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing the Accused Products.

41. Braun has infringed the '534 Patent by inducing others to make, use, offer to sell, sell and/or import the Accused Products.

42. Braun knew that making, using, offering to sell, selling, and/or importing the Accused Products would infringe the '534 Patent. Braun's past and continued infringement of the '534 Patent has been and continues to be willful and deliberate.

43. Because of Braun's infringement of the '534 Patent, REV has suffered and will continue to suffer irreparable harm and monetary damages, which continue to accrue, in an amount to be determined at trial.

44. Braun's willful infringement will continue unless enjoined by this Court.

45. Braun's conduct makes this an exceptional case; REV should therefore be awarded enhanced damages and its reasonable attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285, and other applicable rules, statutes, and law.

PRAYER FOR RELIEF

WHEREFORE, REV respectfully prays that upon trial on the merits this Court render judgment in REV's favor and against Braun as follows:

- A. Judgment that Braun has infringed the '534 Patent under 35 U.S.C. § 271;
- B. A preliminary and permanent injunction pursuant to 35 U.S.C. § 283, preventing Braun, its officers, agents, servants, employees, successors, assignees, parents, subsidiaries, affiliated or related companies, attorneys, and all others in active concert or participation with any of them from further infringing the '534 Patent;

- C. An award of damages adequate to compensate REV for Braun's patent infringement, and no less than the damages provided for under 35 U.S.C. § 284;
- D. An award for enhanced damages under 35 U.S.C. § 284;
- E. An award for attorneys' fees under 35 U.S.C. § 285;
- F. An award of pre-judgment interest, post-judgment interest, and all costs associated with this action; and
- G. Any other relief as the Court deems appropriate and just under the circumstances.

JURY DEMAND

REV demands a trial by jury on all matters and issues properly tried to a jury pursuant to Federal Rules of Civil Procedure 38 and 39, and other applicable federal and state law.

Date: December 27th, 2024

Respectfully submitted,

/s/ Philip S. Heebsh

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