

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

_____)	
ANCRA INTERNATIONAL LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. <u>22-58 C</u>
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	
_____)	

COMPLAINT

Plaintiff Ancra International LLC (“Ancra”), through its undersigned counsel, brings this action against the United States (“Defendant” or “Government”) under 28 U.S.C. § 1498(a). In support of this action, Ancra states and alleges as follows:

NATURE OF ACTION

1. This is an action against the Government pursuant to 28 U.S.C. § 1498(a) for infringement of one or more claims of Ancra’s U.S. Patent Number 8,646,820 (“’820 Patent”), issued February 11, 2014, and U.S. Patent Number 9,394,935 (“’935 Patent”), issued July 19, 2016, both entitled “Hook Assembly with Variable Angular Hook Orientation.” Both Patents were duly and legally issued by the United States Patent and Trademark Office (“PTO”) to Ancra. A true and correct copy of the ’820 Patent is attached as Exhibit A hereto, and a true and correct copy of the ’935 Patent is attached as Exhibit B hereto.

2. The facts detailed below, when stated to be “upon information and belief,” constitute allegations that are likely to have further evidentiary support after a reasonable opportunity for further investigation or discovery.

3. Upon information and belief, the Government, through the Defense Logistics Agency Aviation (“DLA Aviation”) for use by the United States Air Force (“USAF”), has infringed and is infringing one or more of the claims of the ’820 Patent and the ’935 Patent through the use of the inventions of such claims by or for the United States under one or more government contracts.

4. Through this action, Ancra seeks recovery of reasonable and entire compensation for the use and manufacture without license from Ancra or lawful right, by and for the Government, of inventions described in and covered by the ’820 Patent and the ’935 Patent.

JURISDICTION AND VENUE

5. This is an action for unauthorized use of patented inventions under 28 U.S.C. § 1498(a). This Court has jurisdiction over the subject matter of this action and venue is proper in this Court pursuant to 28 U.S.C. § 1498(a).

PARTIES

6. Ancra is a limited liability company organized under the laws of the state of Delaware with its principal place of business at 601 S. Vincent Avenue, Azusa, CA 91702.

7. Ancra has had no more than five hundred employees at any time during the five-year period preceding the use of the patented inventions by or for the United States.

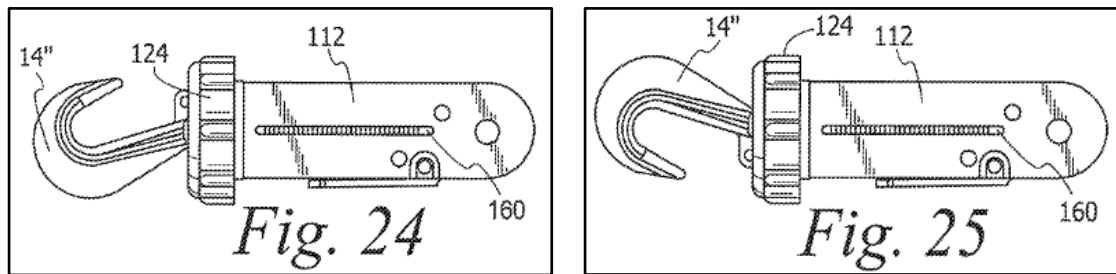
8. Defendant is the United States, acting through DLA Aviation and the USAF.

FACTUAL ALLEGATIONS

I. ANCRA IS THE SOLE OWNER OF THE '820 PATENT AND THE '935 PATENT.

9. For more than a decade, Ancra has been manufacturing and selling hook assemblies with associated chains and chain tensioners to DLA Aviation for use by the USAF.

10. In 2011, in response to a change in USAF specifications in a solicitation that required the hook assemblies to have variable angular hook orientations, Ancra developed a novel solution having a spring-based indexing mechanism that permitted the hook to be rotated between a hook-up orientation and a hook-down orientation (and vice-versa) and locked in place. Figures 24 (hook-up orientation) and 25 (hook-down orientation) of the '820 Patent and the '935 Patent are representative:



11. Ancra's versatile hook assemblies, with variable angular hook orientations, beneficially provide users with the option of maintaining at or hauling to/from a usage site a smaller inventory of hook assemblies, as multiple hook assemblies with different, fixed angular hook orientations are no longer necessary. Among other advantages, a smaller inventory of hook assemblies requires less transportation and/or storage space and reduces overall inventory weight, while otherwise maintaining or increasing efficiencies due to the variable hook orientations.

12. This new Ancra hook assembly was qualified for use by the USAF in February

2014, and DLA Aviation first awarded a contract to Ancra for the purchase of its new hook assembly in July 2014.

13. Ancra filed U.S. Provisional Patent Application No. 61/482,321 at the PTO on May 4, 2011 (“’321 application”), and U.S. Provisional Patent Application No. 61/508,779, on July 18, 2011 (“’779 application”).

14. Thereafter, Ancra filed U.S. Non-Provisional Patent Application No. 13/460,907 at the PTO on May 1, 2012 (“’907 application”), claiming the benefit of the ’321 application and the ’779 application. The ’907 application issued as the ’820 Patent on February 11, 2014.

15. Additionally, Ancra filed U.S. Continuation Patent Application No. 14/020,287 at the PTO on September 6, 2013 (“’287 application”), claiming priority to the ’907 application, and the benefit of the ’321 application and the ’779 application. The ’287 application issued as the ’935 Patent on July 19, 2016.

16. Each of the ’820 Patent and the ’935 Patent is a lawfully issued, valid, and enforceable United States Patent.

17. Since the issuance of the ’820 Patent and the ’935 Patent, Ancra has continued to engage in the manufacture and sale of chain tensioners covered by one or more claims of the ’820 Patent and the ’935 Patent, including the manufacture and sale of its Aircraft Chain Tensioner, Part No. 50096-10, for DLA Aviation and use by the USAF.

II. THE GOVERNMENT BEGAN INFRINGING ANCRA’S PATENTS.

18. On information and belief, in April 2017, the USAF approved purchase of hook assemblies of another company, Davis Aircraft Products Co, Inc. (“Davis”).

19. On information and belief, Davis is a corporation organized under the laws of the State of New York with its principal place of business at 1150 Walnut Ave, Bohemia, NY,

11716.

20. Since then, DLA Aviation has repeatedly rejected Ancra's bids on its contracts for additional hook assemblies with variable angular hook orientations, and on information and belief, has contracted to purchase tens of thousands of units from Davis instead.

21. On information and belief, Davis is selling its hook assemblies with variable angular hook orientations to DLA Aviation at prices lower than the prices offered by Ancra to DLA Aviation.

22. On information and belief, Davis has been manufacturing, marketing, and selling in the United States several hook assemblies as part of the Davis FDC5723 and FDC853A series chain gear products, including product No. FDC5723M15, illustrated below, to DLA Aviation for use by the USAF.

23. On information and belief, Davis' FDC5723 and FDC853A series chain gear products, and particularly part No. FDC5723M15, directly infringe Ancra's '820 Patent and '935 Patent, as illustrated below in paragraphs 27 to 54.

24. On July 22, 2020, DLA Aviation issued a new solicitation, SPE4A7-20-R-0818 (the "Solicitation"), for the purchase of additional chain tensioner units with the same specifications in prior contracts—*i.e.*, hook assemblies with variable angular hook orientations.

25. The Solicitation, similar to other previous DLA Aviation contracts for the same chain tensioner units, contains Federal Acquisition Regulation ("FAR") 52.227-1 "Authorization and Consent," wherein the Government "authorizes and consents to all use and manufacture, in performing this contract or any subcontract at any tier, of any invention described in and covered by a United States patent . . . Embodied in the structure or composition of any article the delivery of which is accepted by the Government under this

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.