

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

INVISAFLOW, LLC

Plaintiff,

v.

**EURAMAX INTERNATIONAL, INC.
and EURAMAX HOLDINGS, INC.**

Defendants.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Invisaflow, LLC (“Plaintiff” or “Invisaflow”), by its attorneys, files this Complaint for Patent Infringement against Defendants Euramax International, Inc. (“Euramax”), including its division Amerimax Home Products, and Euramax Holdings Inc. (“Euramax Holdings”) (also referred to collectively as “the Defendants”), based upon actual knowledge as to itself and its own actions, and upon information and belief as to all other persons and events, as follows:

Nature of the Action

1. This is an action for patent infringement under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

The Parties

2. Plaintiff Invisaflo is a limited liability company organized and existing under the laws of the State of Georgia, with its principal place of business at 1350 Bluegrass Lakes Parkway, Alpharetta, Georgia 30004.

3. Upon information and belief, Defendant Euramax is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 303 Research Drive, Suite 400 Norcross, GA 30092.

4. Upon information and belief, until about 2012, Amerimax Home Products, Inc. was a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 303 Research Drive, Suite 400 Norcross, GA 30092. Upon information and belief, by about 2012, Amerimax Home Products, Inc. merged with and integrated into Defendant Euramax. Upon information and belief, since the merger and integration, Amerimax Home Products now operates as a division of Defendant Euramax.

5. Upon information and belief, Defendant Euramax Holdings is a company organized and existing under the laws of Delaware, having a principal place of business at 303 Research Drive, Suite 400 Norcross, GA 30092.

6. Upon information and belief, Defendant Euramax is a wholly owned subsidiary of Defendant Euramax Holdings.

Jurisdiction and Venue

7. This claim arises under the United States patent laws, 35 U.S.C. § 1, *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. Defendant Euramax is subject to personal jurisdiction in Georgia because, among other things, it has, directly or through intermediaries, committed acts within Georgia giving rise to this action and/or regularly does business, derives substantial revenues, and has established minimum contacts with Georgia such that the exercise of jurisdiction would not offend traditional notions of fair play and justice.

9. Defendant Euramax Holdings is subject to personal jurisdiction in Georgia because, among other things, it has, directly or through intermediaries, committed acts within Georgia giving rise to this action and/or regularly does business, derives substantial revenues, and has established minimum contacts with Georgia such that the exercise of jurisdiction would not offend traditional notions of fair play and justice.

10. Venue is proper in this District and Division pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). Upon information and belief, the Defendants each

have maintained a regular and established place of business and are doing business in this judicial district, and have committed acts of infringement arising out of their contacts in and are causing injury to Plaintiff Invisaflo in this judicial district.

Factual Background

11. Plaintiff Invisaflo has been in business since 2008 manufacturing and selling innovative products in the drainage industry, including low-profile water emitting attachments.

12. On October 15, 2013, United States Patent No. 8,556,195 (“the ‘195 Patent”), entitled “Low Profile Attachment for Emitting Water,” was duly and legally issued to inventor Sloan Haynes, Jr. The ‘195 Patent has been duly and legally assigned to Plaintiff Invisaflo. A true and correct copy of the ‘195 Patent is attached hereto as Exhibit A.

13. Plaintiff Invisaflo is the owner by assignment of the ‘195 Patent, and has the full and exclusive right to bring suit to enforce the ‘195 Patent, and recover for any and all infringement thereof.

14. Upon information and belief, the Defendants have infringed the ‘195 Patent by making, offering for sale, selling, importing, and/or using products in the United States that embody the patented inventions described and claimed in the ‘195 Patent. Upon information and belief, these infringing products include, but are not limited to, the “Extend-A-Spout v2 Low Profile Drainage System” product

as marketed in various stores and online at <http://www.amerimax.com/solutions/rainwater-diversion>. Exhibit B.

15. As a result of the infringement of the '195 Patent, Plaintiff Invisaflo has been damaged, will be further damaged, and is entitled to be compensated for such damages, pursuant to 35 U.S.C. § 284, in an amount to be determined at trial, but no less than a reasonable royalty.

16. Plaintiff Invisaflo contacted and met with the Defendants on June 3, 2014 informing them of the '195 Patent and requested that the Defendants cease and desist from all manufacturing, marketing, distribution, uses, offers for sale, and sales of the "Extend-A-Spout" product. The Defendants have continued to manufacture, market, distribute, use, offer for sale, import, and/or sell the "Extend-A-Spout v2" product. Accordingly, the Defendants' wrongful activities will continue unless enjoined by the Court.

17. Upon information and belief, Defendants purposefully continued manufacturing, marketing, distribution, use, offers for sale, imports, and/or sales of the "Extend-A-Spout v2" product despite knowledge of the '195 Patent and despite an objectively high likelihood that their actions constituted infringement of one or more valid claims of the '195 Patent (as Defendants knew or should have known), warranting an award of increased damages, a finding of willful infringement, and a finding that this case is "exceptional" pursuant to 35 U.S.C. §§ 284 and 285.

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