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12 Attorneys for Plaintiff SIMPSON STRONG-TIE
13 COMPANY INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 SIMPSON STRONG-TIE COMPANY
17 INC.,

18 Plaintiff,

19 v.

20 OZ-POST INTERNATIONAL, LLC dba
21 OZCO BUILDING PRODUCTS,

22 Defendant.

Case No.

**COMPLAINT FOR DECLARATORY
JUDGMENT OF NON-INFRINGEMENT
OF PATENT**

DEMAND FOR JURY TRIAL

23 Plaintiff Simpson Strong-Tie Company Inc. ("Simpson") hereby complains against
24 Defendant Oz-Post International, LLC dba Ozco Building Products ("Ozco") as follows:

25 **NATURE OF THE ACTION**

26 1. This is an action for declaratory judgment of non-infringement and/or invalidity
27 of United States Design Patent No. D798,701 ("the '701 Patent"). A true and correct copy of the
28 '701 Patent is attached hereto as Exhibit A.

THE PARTIES

2. Simpson is a California corporation with its principal place of business in
Pleasanton, Alameda County, California. Simpson is engaged in the design and manufacture of
connectors, anchors, and other products for the construction industry.

3. On information and belief, Defendant Ozco is a Texas limited liability company.
According to its website, Defendant manufactures and sells products for home outdoor

1 construction projects.

2 **JURISDICTION**

3 4. This action arises under the laws of the Patent Act under Title 35 of the United
4 States Code.

5 5. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§
6 1331 and 1338(a) because the action arises under the Federal Declaratory Judgment Act, 28
7 U.S.C. § 2201 *et seq.*, and the Patent Act of the United States 35 U.S.C. § 101 *et seq.*

8 6. An actual controversy exists between Plaintiff and Defendant through
9 Defendant's assertion of its patent rights against certain of Plaintiff's products. In particular,
10 Defendant asserts that Simpson's Outdoor Accents structural wood screw and hex-head washer
11 (the "Accused Products") infringe the '701 Patent, which issued on October 3, 2017. Simpson
12 contends that the Accused Products do not infringe Defendant's patent and that it has the right to
13 make, use, sell and/or offer to sell the Accused Products in the United States and elsewhere.

14 7. The Court has personal jurisdiction over Defendant because, among other things,
15 Defendant has established minimum contacts within the forum such that the exercise of
16 jurisdiction over Defendant will not offend traditional notions of fair play and substantial justice.
17 Defendant conducts business throughout the United States, and actively transacts business in this
18 judicial district by selling its products through retailers in this district, including dealers in San
19 Rafael and Sunnyvale, California, as well as to consumers here through retailers' websites,
20 including Home Depot and Lowes.

21 8. The Court has specific jurisdiction over Defendant because the cause of action
22 arises directly from Defendant's contacts with California. Defendant contacted Simpson, a
23 California corporation, in California, by sending demand letters to Simpson, first to its
24 Pleasanton, California headquarters on February 15, 2017, and then to its counsel in San
25 Francisco on January 31, 2018, accusing Simpson of patent infringement.

26 **VENUE**

27 9. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 because a
28 substantial part of the events giving rise to the claim occurred in this district and the Defendant is

1 subject to the court’s personal jurisdiction with respect to this action.

2 **INTRADISTRICT ASSIGNMENT**

3 10. Pursuant to Civil L.R. 3-2(c) Intellectual Property actions are assigned on a
4 district-wide basis.

5 **GENERAL ALLEGATIONS**

6 11. On or about February 15, 2017, Defendant sent Simpson a demand letter to its
7 Pleasanton, California headquarters, asserting that Simpson’s Outdoor Accents “Mission
8 Collection” decorative hardware infringed Defendant’s trade dress rights, and provided a list of
9 its patents and pending patent applications, which Defendant stated “may be relevant to one or
10 more of your products.”

11 12. Simpson responded that Defendant lacked any trade dress rights and sought
12 clarification as to whether Defendant alleged that Simpson infringed any of the patents
13 Defendant identified in its letter.

14 13. On or about January 31, 2018, Defendant wrote Simpson a second demand letter,
15 informing Simpson that it owns the ’701 Patent, which issued on October 3, 2017, and
16 specifically accusing Simpson of patent infringement. Defendant asserted that “Simpson’s
17 structural screw and hex-head washer installation infringes the ’701 Patent.” Simpson denies
18 that the Accused Products infringe the ’701 Patent and continues to sell the Accused Products.
19 Based on Defendant’s letters and accusations of patent infringement, an actual controversy exists
20 between the parties regarding Simpson’s non-infringement of the ’701 Patent.

21 **FIRST CAUSE OF ACTION**

22 **Declaratory Relief Regarding Non-Infringement of the ’701 Patent**

23 14. Simpson incorporates herein the allegations of paragraphs 1-13.

24 15. An actual and justiciable controversy exists between Simpson and Defendant as to
25 the non-infringement of the ’701 Patent.

26 16. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*,
27 Simpson requests the Court declare that Simpson does not infringe and has not infringed the ’701
28 Patent.

SECOND CAUSE OF ACTION

Invalidity of the '701 Patent

17. Simpson incorporates herein the allegations of paragraphs 1-16.

18. An actual and justiciable controversy exists between Simpson and Defendant as to the invalidity of the '701 patent.

19. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, Simpson requests the Court declare that the '701 patent is invalid under the Patent Act, 35 U.S.C. § 101 *et seq.*, including, but not limited to, sections 102 and 103.

PRAYER FOR RELIEF

Simpson requests the Court to enter a declaratory judgment in its favor against Defendant as follows:

1. An order entering judgment in favor of Simpson and against Defendant;
2. An order declaring Simpson has not directly or indirectly infringed and is not directly or indirectly infringing the '701 Patent;
3. An order declaring that the '701 Patent is invalid;
4. That Simpson be awarded its costs, expenses, and reasonable attorney fees in this action pursuant to 35 U.S.C. § 285; and
5. An order granting any further relief as is just and proper.

DEMAND FOR JURY

Simpson demands a trial by jury for all issues so triable.

Dated: February 23, 2018

SHARTSIS FRIESE LLP

By: /s/ Arthur J. Shartsis
ARTHUR J. SHARTSIS

Attorneys for Plaintiff SIMPSON STRONG-TIE
COMPANY INC.

8141800

EXHIBIT A



US00D798701S

(12) **United States Design Patent**
Hill

(10) **Patent No.:** **US D798,701 S**

(45) **Date of Patent:** **** Oct. 3, 2017**

(54) **SIMULATED BOLTED HARDWARE**

(71) Applicant: **Oz-Post International, LLC,**
Richardson, TX (US)

(72) Inventor: **Ian A. Hill,** Plano, TX (US)

(73) Assignee: **Oz-Post International, LLC,**
Richardson, TX (US)

(**) Term: **15 Years**

(21) Appl. No.: **29/584,197**

(22) Filed: **Nov. 11, 2016**

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Related U.S. Application Data

(60) Continuation of application No. 14/820,757, filed on Aug. 7, 2015, which is a division of application No. 13/918,227, filed on Jun. 14, 2013, now Pat. No. 9,133,874.

(51) **LOC (10) Cl.** **08-08**

(52) **U.S. Cl.** **D8/397**
USPC

(58) **Field of Classification Search**
USPC D8/397, 394, 382, 349; 411/427, 374
CPC A61B 17/0401; E04D 13/1476; E04G
25/065; F16B 41/002; F16B 23/0061;
F16B 37/14; F16B 35/00

See application file for complete search history.

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Primary Examiner — Cynthia Underwood

(74) *Attorney, Agent, or Firm* — Gardere Wynne Sewell LLP; Andre M. Szuwalski; John Jacob May

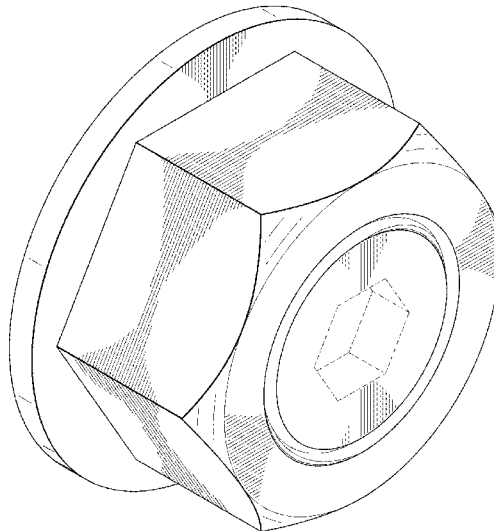
(57) **CLAIM**

The ornamental design for a simulated bolted hardware, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a simulated bolted hardware; FIG. 2 is a top plan view of the simulated bolted hardware; FIG. 3 is a bottom plan view of the simulated bolted hardware; FIG. 4 a front elevation view of the simulated bolted hardware, the rear elevation view is a mirror image thereof; and, FIG. 5 is a right side elevation view of the simulated bolted hardware, the left side elevation view is a mirror image thereof. The broken lines in FIGS. 1 and 2 form no part of the claimed design.

1 Claim, 5 Drawing Sheets



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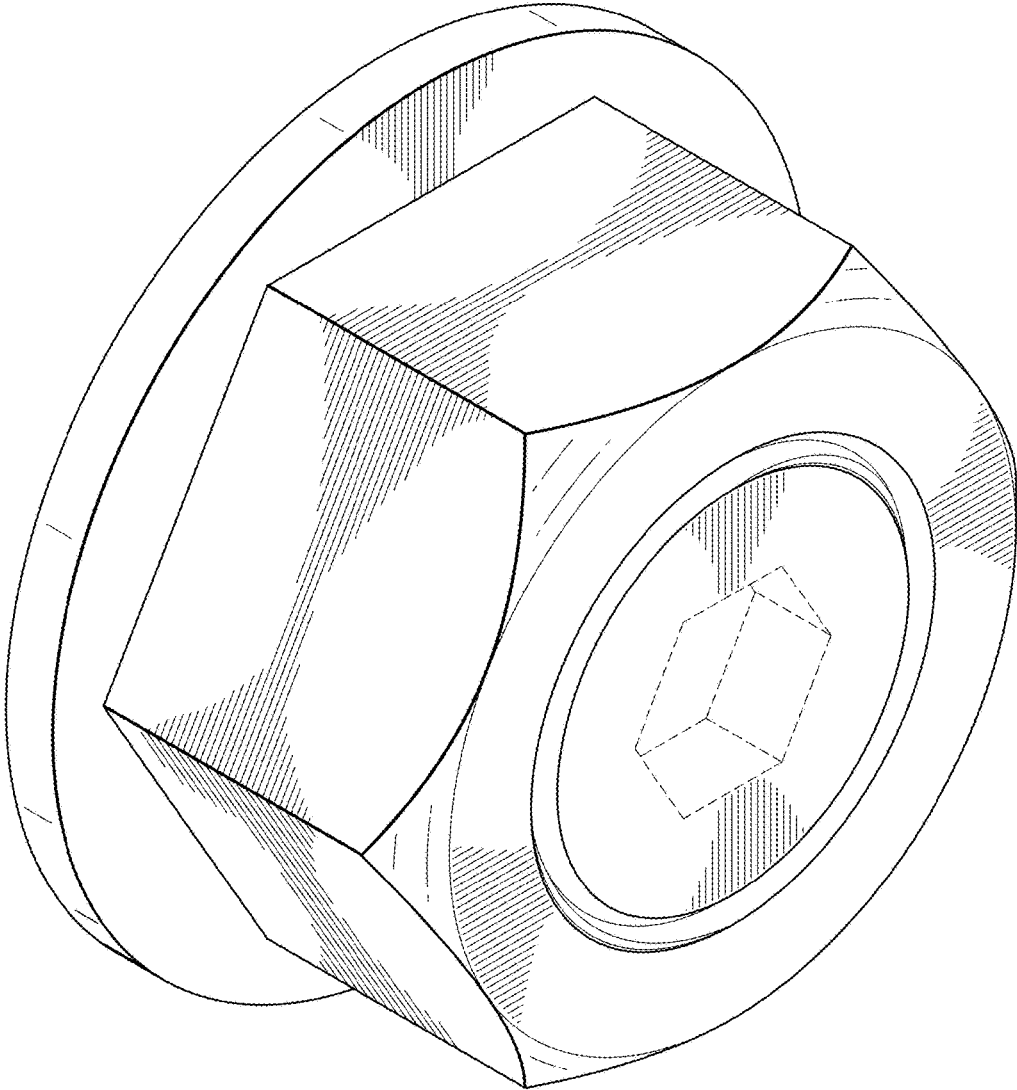


FIG. 1

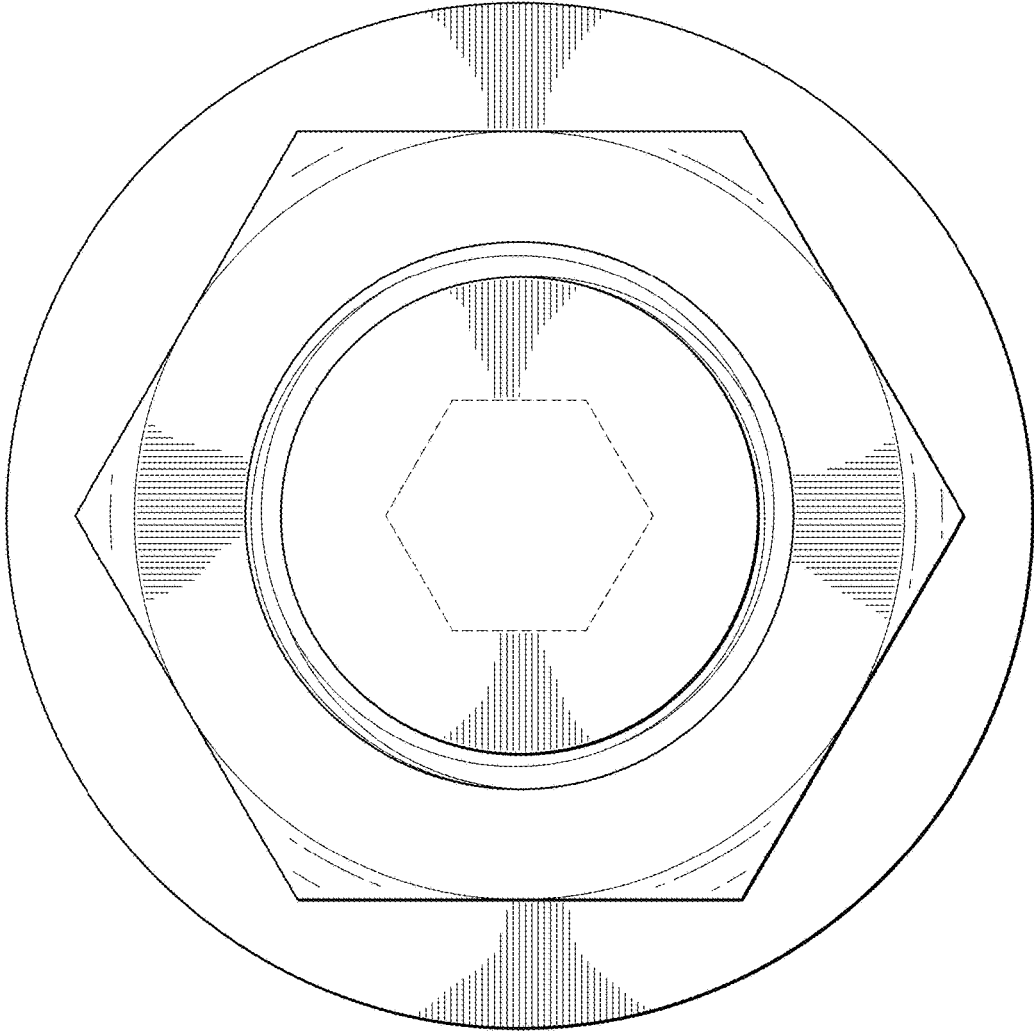


FIG. 2

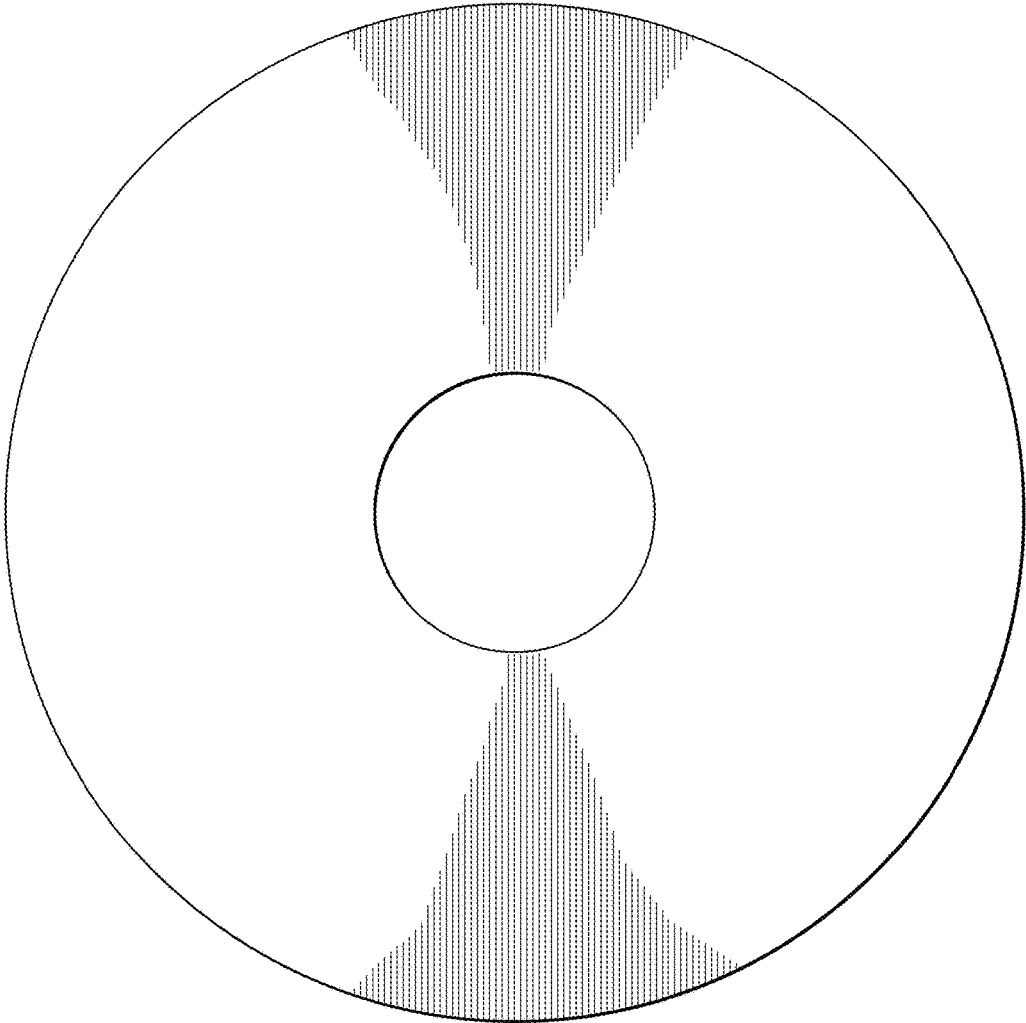


FIG. 3

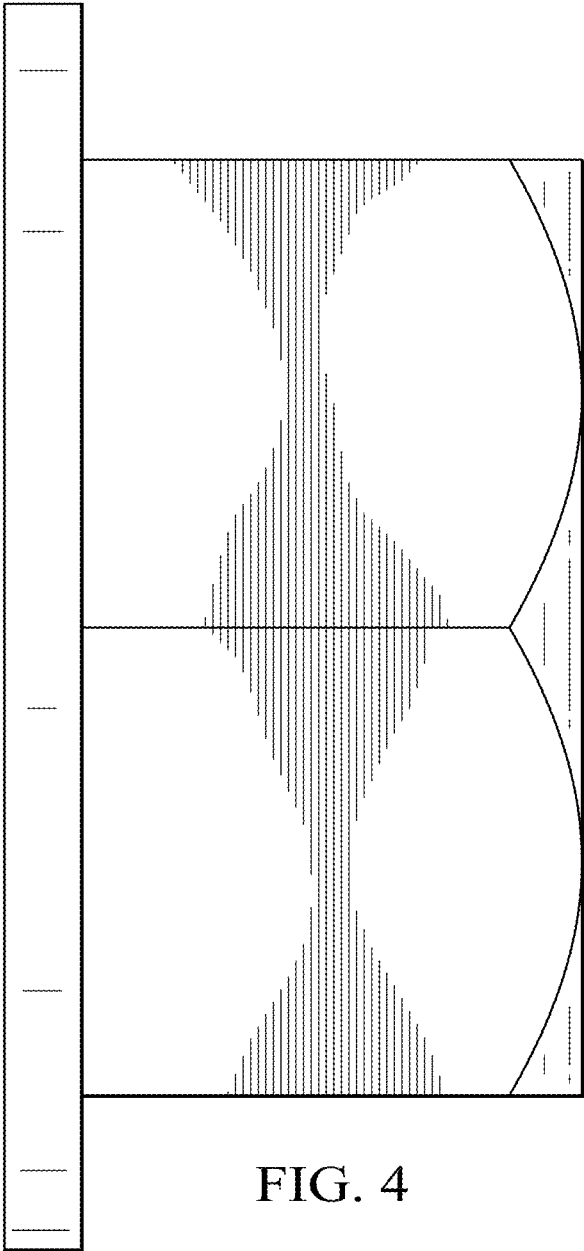


FIG. 4

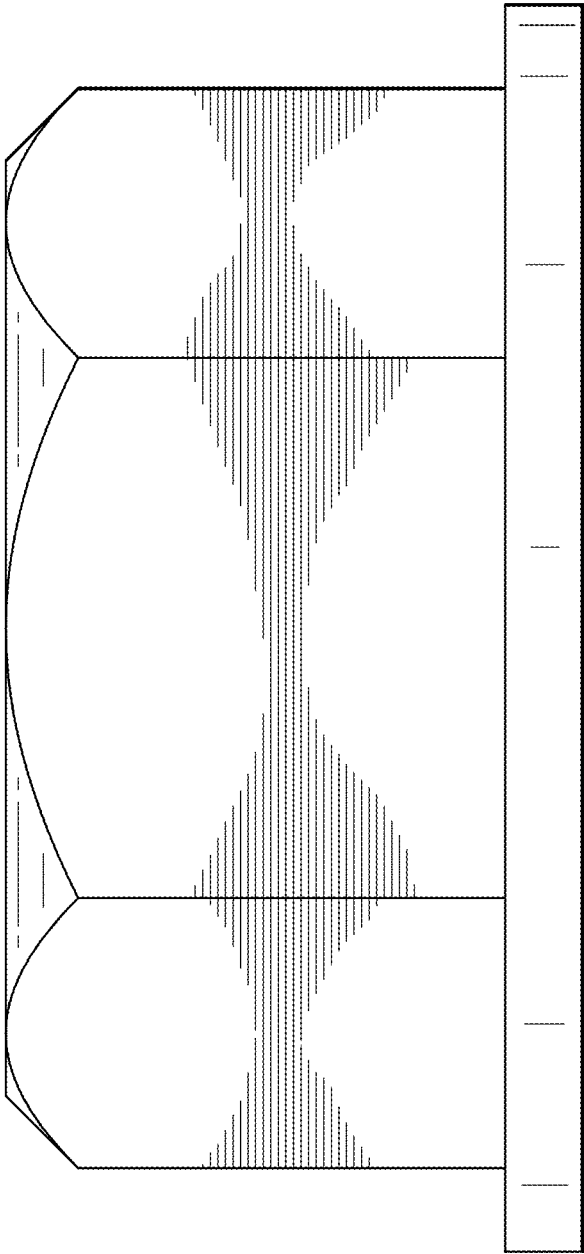


FIG. 5