IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MASTERCOOL, INC.,	)	
	)	
Plaintiff,	)	
	)	C.A. No. _____
v.	)	
	)	**JURY TRIAL DEMANDED**
IRWIN INDUSTRIAL TOOL COMPANY,	)	
	)	
Defendant.	)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Mastercool, Inc. ("Mastercool"), for its complaint against the Defendant, alleges as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Mastercool is a New Jersey corporation with its principal place of business at One Aspen Drive, Randolph, New Jersey 07869.

2. Defendant Irwin Industrial Tool Company ("Defendant") is a Delaware corporation with its principal place of business at 3 Glenlake Parkway, Atlanta Georgia 30328 and with its Registered Agent's address at 2711 Centerville Rd., Suite 400, Wilmington, Delaware 19808.

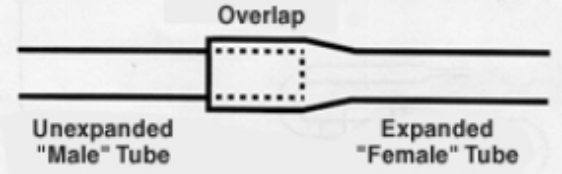
3. This action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court has original subject matter jurisdiction over this action under 28 U.S.C. § 1338.

4. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(b) because Defendant is organized under the laws of Delaware and, on information and belief, is doing business in this District and has directed its infringing conduct into this District.

BACKGROUND FACTS

5. Mastercool is a family owned company that has designed, manufactured, sold and distributed tools, equipment and related products used in the automotive industry and in the heating, ventilating, air conditioning and refrigeration ("HVAC/R") industry for more than thirty years. Mastercool's products include, among others, diagnostic equipment, gauges, pressure regulators, valves, tubes and tools for manipulating, cutting and joining tubing materials.

6. An operation that is commonly required in the installation and repair of HVAC/R systems is the joining together of metallic cylindrical tubing, such as copper tubing. A common method of doing so is by expanding one section of tubing so that the other section can be inserted into it, as depicted below:



7. Mastercool has developed an innovative hydraulic tool for expanding a section of tubing, referred to as a hydraulic flaring and expanding tool, that is handheld, lightweight and easy to use. For several years, Mastercool has sold different models of its hydraulic flaring and expanding tool that have been highly popular in the HVAC/R industry. One such model is shown below.



8. Mastercool's hydraulic flaring and expanding tool is patented as United States Patent No. 6,619,099, entitled "Hydraulically Powered Flaring Hand Tool" (the "'099 Patent"), a copy of which is attached as Exhibit A. Mastercool is the assignee and owner of the '099 Patent.

9. Upon information and belief, Defendant designs, manufactures, sells and distributes tools used in the HVAC/R industry through an unincorporated division or other affiliate named Hilmor Tool ("Hilmor").

10. On information and belief, Hilmor manufactures and sells a tool named Compact Swage Tool (herein, the "Hilmor Swage Tool"), shown below, that is covered by one or more claims of the '099 Patent.



CLAIM FOR RELIEF – PATENT INFRINGEMENT
UNDER 35 U.S.C. § 271 OF U.S. PATENT NO. 6,619,099

11. Mastercool incorporates by reference the allegations of paragraphs 1-10 of this Complaint.

12. The Hilmor Swage Tool infringes at least claim 1 of the '099 Patent in violation of 35 U.S.C. § 271. The Hilmor Swage Tool is "[a] hydraulically powered flaring hand tool for

flaring of a hollow malleable cylindrical tubing comprising" all of the limitations of claim 1 as set forth in Paragraphs 13 through 17 below.

13. The Hilmor Swage Tool has "a manual hydraulic pump for producing movement of a shaft."

14. The Hilmor Swage Tool has "an adjuster member coupled to the manual hydraulic pump, permitting the shaft to slide through the adjuster member."

15. The Hilmor Swage Tool has "an expander having a round conical shape coupled to the shaft end."

16. The Hilmor Swage Tool has "a die set having a plurality of die elements, the die set coupled to the adjuster member."

17. The Hilmor Swage Tool is capable of operating such that "wherein movement of the expander by actuation of the manual hydraulic pump contacts the die elements so as to move the die elements radially outward to flare the hollow malleable cylindrical tubing, the axial movement of the expander is controlled by positioning the adjuster member whereby over expansion and excessive stress to the die set is prevented."

18. Mastercool has at all relevant times been in compliance with 35 U.S.C. § 287.

19. Defendant will continue its acts of infringement unless and until enjoined by this Court.

20. Defendant's infringement has caused and, unless enjoined by this Court, will continue to cause serious and irreparable damage to Mastercool for which Mastercool has no adequate remedy at law.

21. Defendant's infringement also caused damage to Mastercool for which Mastercool should be compensated by Defendant.

WHEREFORE, Mastercool prays:

a) that Defendant be found to have infringed the '099 Patent;

b) that Defendant, its officers, directors, employees, agents, and affiliated entities, and all other parties in active participation or privity with them, be preliminarily and permanently enjoined from infringing the '099 Patent;

c) that Defendant be required to deliver up and/or to destroy any and all products that infringe the '099 Patent, together with all tools, molds, plates and other means of producing the same;

e) that Defendant be ordered to pay Mastercool damages adequate to compensate it for the infringement described in this Complaint; and

f) that Mastercool have such other and further relief as this Court may deem just and proper.

JURY DEMAND

Mastercool demands trial by jury for all claims and issues thus triable by right.

Respectfully submitted,

POTTER ANDERSON & CORROON LLP

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