UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.:

SAFETY SUPPLY CORPORATION,

Plaintiff,

v.

ABEL UNLIMITED, INC.,

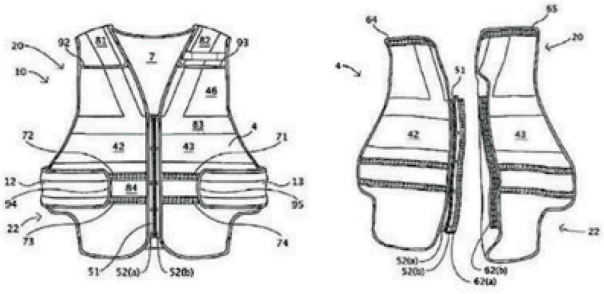
Defendant.
_____/

COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR JURY TRIAL

Plaintiff SAFETY SUPPLY CORPORATION ("Plaintiff" or "SSC"), by and through its undersigned counsel, brings this complaint for Patent Infringement against Defendant ABEL UNLIMITED, INC., a Florida corporation, d/b/a IRONWEAR ("Defendant" or "IRONWEAR"), and in support alleges as follows:

NATURE OF THE LAWSUIT

1. This is an action for patent infringement by Defendant of: U.S. Pat. No. 7,735,151 (the "'151 Patent"), for an invention entitled "Breakaway Vest," that was duly and legally issued in the name of Phillip Young and Tamara I. Joyce on Jun. 15, 2010 (the "'151 Patent") (**Exhibit A**) arising under the patent laws of the United States. *See,* 35 U.S.C. §§ 1 et seq.



2. By virtue of proper assignment, SSC has acquired and duly owns all right, title, and interest in this patent, including the right to sue and recover for infringement thereof.

JURISDICTION AND VENUE

3. This Court has original and exclusive subject matter jurisdiction pursuant to: 28 U.S.C. § 1331; 28 U.S.C. § 1338; and, 35 U.S.C. § 271.

4. This Court has personal jurisdiction over Defendant pursuant to, *inter alia*, Fla. Stat. § 48.193 (the "Florida Long Arm Statute"), as Defendant: a) operates, conducts, engages in, and carries on business in Florida and/or has an office or agency in Florida; b) has committed one or more tortious acts within Florida; c) and is engaged in substantial and not isolated activity within Florida; and d) has purposely availed itself of the laws, services and/or other benefits of the State of Florida and therefore should reasonably anticipate being hailed into one or more of the courts within the State of Florida.

5. Upon information and belief, Defendant resides in this district under 28 U.S.C. § 1391 and 28 U.S.C. § 1400. In particular, Defendant does business in this district and part of the events giving rise to the claims in this case occurred in this district.

THE PARTIES

6. SSC is a corporation formed under the laws of the State of Nevada. SSC's principal place of business is located at 880 N. Hills Blvd., Suite 505, Reno, NV 89506.

7. Upon information and belief, Defendant is a Florida corporation with a principal place of business located at 2020 Seabird Way, Riviera Beach, Florida 33404.

8. All conditions precedent to bringing the action have occurred or have been waived.

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COUNT I - INFRINGEMENT OF THE '151 PATENT

9. Plaintiff realleges paragraphs 1-8, as fully and completely as if set forth verbatim herein.

10. On June 15, 2010, Carolina Safety Sport International, LLC, a safety vest manufacturer then owned by Philip Young and Tamara L. Joyce, started providing general notice of the '151 Patent by replacing the labels of all its Zip-N-Rip breakaway safety vest inventory with labels which contained the patent number. All Zip-N-Rip breakaway safety vests sold and shipped on June 15, 2010 and thereafter included a label with the patent number. *See* Affidavit of Philip Young, a copy of which is attached hereto as **Exhibit B**.

11. The Defendant infringed and continues to infringe the '151 Patent by manufacturing, using, offering to sell, selling, and/or importing safety vests embodying one or more of the inventions claimed therein within the United States, or by supplying infringing products to others to use, thereby inducing and/or contributing to the infringement of the '151 Patent, and will continue to do so unless enjoined by this Court. Specifically, Ironwear's 1293-BRK-LZ Mesh Class 3 Lime Reflective Safety Vest (the "Accused Product") was acquired and inspected by SSC, and infringes the '151 Patent.

12. According to Defendant:



1293-BRK-LZ Mesh Class 3 Lime Reflective Safety Vest

- 100% polyester
- Features high visibility silver reflective tape in suspender pattern over top of shoulders as well as 360° Continuous reflective bands encircling the torso
- Meets ANSI/ISEA 107-2015 Class 3 standards
- 2 front lower pockets
- 2 inside lower pockets
- 2 front chest pockets
- 2 radio clip

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13. A front panel of the Accused Product is pictured below:



14. A rear panel of the Accused Product is pictured below:



15. SSC suspects that Defendant also sold\sells other infringing safety vests.

16. Defendant infringes at least representative Claims 1, 2, 14, 15, and 16 of the '151 Patent.

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17. The Accused Product is a safety upper torso garment.

18. The Accused Product includes a front panel extending from about the waist and hip region to about the shoulders.

19. The front panel of the Accused Product includes a front upper portion in the vicinity of said shoulder region and a front lower portion in the vicinity of said hip region.

20. The front panel of the Accused Product includes at least a pair of separating sections being configured to extend from about said waist and hip region to about said shoulder.

21. The front panel of the Accused Product includes a donning fastener including two complementary sides configured to releasably fasten to each other, wherein one side of the donning fastener is separable from the garment, wherein said donning fastener is positioned in between said at least a pair of separating sections, wherein said donning fastener extends from about said waist and hip region to about the chest region, and wherein said donning fastener is configured to facilitate donning, securing, and removing the garment.

22. The front panel of the Accused Product has a hook and loop fastener including two sides configured to releasably connect to each other, wherein one side of said hook and loop fastener is connected to said donning fastener and extends substantially along the length of said donning fastener and wherein the other side is connected to one of said separating sections, wherein said hook and loop fastener is configured to allow said front panel sections to separate under tension above a pre-determined breakaway threshold when said donning fastener is in a closed position.

23. The Accused Product also has a back panel having a back upper portion and a back lower portion and coupled to said front panel.

24. The donning fastener of the Accused Product is a zipper.

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25. The panels of the Accused Product include a high-visibility coloring.

26. The panels of the Accused Product include panels include a reflective portion.

27. The Accused Product is a vest.

28. By reason of Defendant's acts of infringement, SSC has suffered and is suffering damages, including impairment of the value of the '151 Patent, in an amount yet to be determined.

29. Defendant's acts of infringement are causing irreparable harm to SSC and will continue to cause irreparable harm unless enjoined by this Court.

30. Upon information and belief, Defendant's acts have been committed willfully and with knowledge of SSC's patent rights and have resulted, and may be resulting in substantial unjust profits and unjust enrichment on the part of Defendant in an amount yet to be determined.

31. Pursuant to 35 U.S.C. § 284, SSC is entitled to recover damages from the Defendant for all infringing vests sold after June 15, 2010.

WHEREFORE, SSC respectfully demands judgment that:

A. Defendant, its officers, directors, agents, servants, employees, attorneys, confederates, and all persons and/or entities acting for, with, by, through, or in concert with it be enjoined preliminarily and permanently:

   a. from infringing the '151 Patent, either directly or contributorily; and,

   b. from inducing others to infringe the '151 Patent;

B. Defendant be required to deliver up to the Court any and all safety vests in its possession, custody, and/or control that infringes the '151 Patent;

C. Defendant be required to prepare and deliver to the Court a complete list of entities from whom the Defendant purchased, or to whom Defendant sold or

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distributed, safety vests that infringe the '151 Patent, and to serve a copy of such list on SSC's attorneys;

D. Defendant be required to deliver to the Court any and all documents reflecting or relating to the purchase, sale, and/or distribution of any safety vests that infringe the '151 Patent;

E. Defendant, within thirty (30) days after service of judgment with notice of entry thereof upon it, be required to file with the Court and serve upon SSC's attorneys a written report, under oath, setting forth in detail the manner in which Defendant has complied with paragraphs 1-4, above;

F. Defendant be required to account for and pay over to SSC cumulative damages sustained by SSC by reason of Defendant's unlawful acts of patent infringement herein alleged, that the amount of recovery be increased as provided by law, up to three times, and that interest and costs be awarded to SSC under 35 U.S.C. § 284;

G. The present case be found exceptional, and that attorneys' fees be awarded to SSC under 35 U.S.C. § 285;

H. SSC be awarded its reasonable costs; and,

I. SSC have such other and further relief as the Court may deem just, fair and equitable.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all claims so triable.

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DATED: August 2, 2017

Respectfully submitted,

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