Exhibit 2004

Complaint filed in *P & F Brother Industrial Corporation v. Lowes Companies, Inc., Lowe's Home Centers, LLC,* E.D. Tex. No. 2:23-CV-00313-JRG (filed June 28, 2023; the "*Lowes* Litigation")

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE EASTERN DISTRICT OF TEXAS**
**MARSHALL DIVISION**

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|---|---|
| P & F BROTHER INDUSTRIAL CORPORATION,<br>Plaintiff,<br>v.<br>LOWE'S COMPANIES, INC. and LOWE'S HOME CENTERS, LLC,<br>Defendants. | Civil Action No. 2:23-cv-00313<br><br>**JURY TRIAL DEMANDED** |

## COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff P & F Brother Industrial Corporation ("P&F" or "Plaintiff") files this complaint against Lowe's Companies, Inc. and Lowe's Home Centers, LLC ("Lowe's" or "Defendants") alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

## NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendants' infringement of United States Patent No. 7,475,622 (the "Asserted Patent"), a copy of which are attached hereto as **Exhibit A**.

2. Plaintiff seeks monetary damages.

## PARTIES

3. Plaintiff is a corporation formed under the laws of Taiwan and located at No. 12, 6th Rd., Industrial Park, Taichung, Taiwan.

4. Lowe's Companies, Inc. is a corporation organized under the laws of the State of North Carolina with its principal place of business located at 1000 Lowe's Boulevard, Mooresville, North Carolina, 28117.

5. Lowe's Companies, Inc. may be served through its registered agent for service,

Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701-3218.

6. Lowe's Home Centers, LLC is a limited liability company organized under the laws of the State of North Carolina with its principal place of business located at 1000 Lowe's Boulevard, Mooresville, North Carolina, 28117.

7. Lowe's Home Centers, LLC may be served through its registered agent for service, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701-3218.

**JURISDICTION AND VENUE**

8. P&F repeats and re-alleges the allegations in Paragraphs 1-7 as though fully set forth in their entirety.

9. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

10. Venue is proper against Defendants in this District pursuant to 28 U.S.C. § 1400(b) and 1391(c) because they have maintained established and regular places of business in this District and have committed acts of patent infringement in the District. *See In re: Cray Inc.*, 871 F.3d 1355, 1362-1363 (Fed. Cir. 2017).

11. Defendants are subject to this Court's specific and general personal jurisdiction under due process and/or the Texas Long Arm Statute due at least to Defendants' substantial business in this judicial District, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in Texas and in this District.

12. Specifically, Defendants intend to do and do business in, and have committed acts of infringement in this District directly and through intermediaries, and offered their products or services, including those accused of infringement here, to customers and potential customers located in Texas, including in this District.

13. Defendants maintain regular and established places of business in this District.

14. For example, Defendants own, operate, manage, conduct businesses, and direct and control the operations and employees of facilities at several locations in this District, including, but not limited to, facilities at the following addresses: (1) 910 East End Blvd. North, Marshall, Texas 75670; (2) 3313 N. Fourth St., Longview, Texas 75605; (3) 5720 S. Broadway Ave., Tyler, Texas 75703; (4) 1603 US-79, Henderson, Texas 75654; and (5) 501 Walton Drive, Texarkana, Texas 75501.

15. Defendants have committed acts of infringement from this District, including, but not limited to, use of the Accused Products.

**THE ACCUSED PRODUCTS**

16. P&F repeats and re-alleges the allegations in Paragraphs 1-15 as though fully set forth in their entirety.

17. Based upon public information, Defendants own, operate, advertise, and/or control the website https://www.lowes.com/ through which they advertise, sell, offer to sell, provide and/or educate customers about their products and services.

18. Defendants use, cause to be used, sell, offer for sale, provide, supply, or distribute at least the following products (hereinafter, the "Accused Products") identified below that infringe one or more claims of the Asserted Patent (**Exhibits B-J**):

| Brand | Model # | Description | Image |
|---|---|---|---|
| Delta | 36-5000T2 | DELTA 5000 10-in Carbide-tipped Blade 15-Amp Corded Table Saw | |
| Delta | 36-5052T2 | DELTA 5000 10-in Carbide-Tipped Blade 15-Amp Table Saw | |
| Delta | 36-5100T2 | DELTA 5000 10-in Carbide-Tipped Blade 15-Amp Table Saw | |
| Delta | 36-5152T2 | DELTA 5000 10-in Carbide-Tipped Blade 15-Amp Table Saw | |

| Brand | Model # | Description | Image |
|---|---|---|---|
| Delta | 36-725 | DELTA 10-in Carbide-Tipped Blade 13-Amp Table Saw | |
| Delta | 36-725T2 | DELTA Contractor saws 10-in Carbide-tipped Blade 15-Amp Corded Table Saw | |
| Delta | 36-6022 | DELTA 6000 10-in Carbide-Tipped Blade 15-Amp Portable Table Saw | |
| Kobalt | KT10152 | KOBALT 10-in Carbide-tipped Blade 15-Amp Portable Table Saw | |
| Delta Shopmaster | S36-295 | DELTA ShopMaster 10-in 15-Amp Portable Jobsite Table Saw | |

19. For these reasons and the additional reasons detailed below, the Accused Products practice at least one claim of the Asserted Patent.

**COUNT I: INFRINGEMENT OF U.S. PATENT NO. 7,475,622**

20. P&F repeats and re-alleges the allegations in Paragraphs 1-19 as though fully set forth in their entirety.

21. The USPTO duly issued U.S. Patent No. 7,475,622 (the "'622 patent") on January 13, 2009, after full and fair examination of Application No. 11/977,779 which was filed October 26, 2007. A true and correct copy of the '622 patent is attached as **Ex. A**.

22. P&F owns all substantial rights, interest, and title in and to, the '622 patent including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

23. The claims of the '622 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the safety functions and operations of cutting machines, such as a table saw.

24. The written description of the '622 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

25. Defendants have directly infringed and continue to directly infringe one or more claims of the '622 patent by manufacturing, providing, supplying, using, distributing, selling, or

offering to sell the Accused Products.

26. Defendants have directly infringed and continue to directly infringe, either literally or under the doctrine of equivalents, at least claim 1 of the ’622 patent.

27. For example, the Accused Products include a supporting device for mounting a protective cover to shield a cutting blade of a cutting machine which is driven to rotate about a rotating axis, said supporting device comprising: (a) a mount unit which is adapted to be secured to the cutting machine, said mount unit including a major abutment wall which has a proximate tightening surface that has an axial hole extending therethrough along a tightening axis parallel to the rotating axis of the cutting blade; (b) a tightening bolt having a shank which is configured to pass through said axial hole, and which has front and rear ends opposite to each other in the tightening axis, and an intermediate segment interposed between said front and rear ends; (c) a supporting frame which has upper and lower ends opposite to each other, and a middle segment interposed between said upper and lower ends, said upper end being adapted to hold the protective cover, said middle segment having proximate and distal tightened major surfaces opposite to each other along the tightening axis, and a guiding slot which extends through said proximate and distal tightened major surfaces and which permits passage of said shank therethrough, said guiding slot permitting said middle segment to be movable between a position of use where said shank is remote from said upper end, and a retreat position where said shank is closer to said upper end; (d) a movable tightening member which is sleeved on said shank, and which has a thrust major wall to which the tightening axis is normal, said thrust major wall having a distal tightening surface which confronts and which is to be brought to press said distal tightened major surface so as to force said proximate tightened major surface to abut against said proximate tightening surface, and a cam follower surface which is opposite to said distal tightening surface along the tightening axis,

and which has first and second pressed areas that are angularly displaced from each other about the tightening axis, and that are respectively proximate to and distal from said distal tightening surface along the tightening axis; (e) a cam actuating member including an actuating body which is sleeved on said shank, and which has a cam surface and an outmost major surface opposite to each other in the tightening axis, said cam surface having first and second pressing spots which are angularly displaced from each other about the tightening axis such that, said first and second pressing spots are brought into contact with said first and second pressed areas respectively when said cam surface is brought to mate with said cam follower surface in a loosened position, and such that, when said actuating body is turned about the tightening axis to a tightening position, said first pressing spot is displaced to contact said second pressed area with an axial frictional force so as to move said distal tightening surface to press said distal tightened major surface, thereby forcing said proximate tightened major surface to abut against said proximate tightening surface, and a handgrip disposed to extend from said actuating body radially so as to turn said actuating body about the tightening axis between the loosened and tightening positions; and (f) a biasing member disposed on said shank adjacent to said rear end of said shank such that, as a result of displacement of said actuating body to the tightening position, said biasing member acquires an increment of a biasing force which biases said front end of said shank towards said supporting frame so as to counteract the axial frictional force to thereby keep said actuating body in the tightening position.

28. Since at least the time of receiving the November 2, 2021 letter, Defendants have indirectly infringed and continue to indirectly infringe the ’622 patent by inducing others to directly infringe the ’622 patent. **Exhibit K.** Defendants have induced and continue to induce customers and end-users, including, but not limited to, Defendants’ customers, employees,

partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the ’622 patent by providing or requiring use of the Accused Products. Defendants have taken active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the ’622 patent, including, for example, claim 1. Such steps by Defendants have included, among other things, advising or directing customers, personnel, contractors, or end-users to use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; or distributing instructions that guide users to use the Accused Products in an infringing manner. Defendants have been performing these steps, which constitute induced infringement with the knowledge of the ’622 patent and with the knowledge that the induced acts constitute infringement. Defendants have been aware that the normal and customary use of the Accused Products by others would infringe the ’622 patent. Defendants’ inducement is ongoing.

29. Defendants have indirectly infringed and continue to indirectly infringe by contributing to the infringement of the ’622 patent. Defendants have contributed and continue to contribute to the direct infringement of the ’622 patent by their customers, personnel, and contractors. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the ’622 patent, including, for example, claim 1. The special features constitute a material part of the invention of one or more of the claims of the ’622 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendants’ contributory infringement is ongoing.

30. Defendants had knowledge of the ’622 patent at early as November 2022, and Defendants were expressly notified of the relevance of the ’622 patents to the Accused Products

by at least the time of receiving the November 2, 2021 letter. **Exhibit K.**

31. Furthermore, on information and belief, Defendants have a policy or practice of not reviewing the patents of others, including instructing their employees to not review the patents of others, and thus have been willfully blind of P&F's patent rights.

32. Defendants' actions are at least objectively reckless as to the risk of infringing a valid patent and this objective risk was either known or should have been known by Defendants.

33. Defendants' infringement of the '622 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of P&F's rights under the patent.

34. P&F or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '622 patent.

35. P&F has been damaged as a result of the infringing conduct by Defendants alleged above. Thus, Defendants are liable to P&F in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

36. P&F has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. P&F has and will continue to suffer this harm by virtue of Defendants' infringement of the '622 patent. Defendants' actions have interfered with and will interfere with P&F's ability to license technology. The balance of hardships favors P&F's ability to commercialize its own ideas and technology. The public interest in allowing P&F to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

**JURY DEMAND**

37. P&F hereby requests a trial by jury on all issues so triable by right.

## PRAYER FOR RELIEF

38. P&F requests that the Court find in its favor and against Defendants, and that the Court grant P&F the following relief:

a. Judgment that one or more claims of the Asserted Patent has been infringed, either literally or under the doctrine of equivalents, by Defendants or others acting in concert therewith;

b. An award of a reasonable royalty for infringement Asserted Patent;

c. Judgment that Defendants account for and pay to P&F all damages to and costs incurred by P&F because of Defendants' infringing activities and other conduct complained of herein;

d. Pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein;

e. That this Court declare this an exceptional case and award P&F its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and

f. All other and further relief as the Court may deem just and proper under the circumstances.

Dated: June 28, 2023

Respectfully submitted,

By: */s/ C. Matthew Rozier*

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*Admitted to the Eastern District of Texas

**List of Exhibits**

A. U.S. Patent No. 7,475,622
B. Website: Lowe's – Delta 36-5000T2
C. Website: Lowe's – Delta 36-5052T2
D. Website: Lowe's – Delta 36-5100T2
E. Website: Lowe's – Delta 36-5152T2
F. Website: Lowe's – Delta 36-725
G. Website: Lowe's – Delta 36-725T2
H. Website: Lowe's – Delta 36-6022
I. Website: Lowe's – Kobalt KT10152
J. Website: Lowe's – Delta Shopmaster S36-295
K. Lowe's Notice Letter