

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CEMCO, LLC,

11 Plaintiff,

12 v.

13 KPSI INNOVATION, INC., et al.,

14 Defendants.

CASE NO. C23-0918JLR

ORDER

15 **I. INTRODUCTION**

16 Before the court is Plaintiff CEMCO, LLC’s (“CEMCO”) motion for a permanent
17 injunction. (PI Mot. (Dkt. # 219); PI Reply (Dkt. # 234).) Defendants KPSI Innovation,
18 Inc. (“KPSI”), Serina Klein, James Klein, and Kevin Klein oppose the motion.¹ (PI Resp.
19 (Dkt. # 227).)

20
21 ¹ Although CEMCO moved for a permanent injunction against all Defendants (PI Mot. at
22 1), Defendants’ response to CEMCO’s permanent injunction motion omitted Kevin Klein (*see* PI
Resp. at 1). From the record, the court understands that this omission was likely inadvertent, and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

IV. CONCLUSION

For the foregoing reasons, the court GRANTS in part and DENIES in part CEMCO’s motion for a permanent injunction (Dkt. # 219). The court ORDERS that, for the life of the Patents, Defendants are permanently enjoined from the following:

1. Making, using, offering to sell, or selling FRG Products or any product that is not more than colorably different from FRG Products (the “Intumescent Products”) for use in fire-rated head-of-wall constructions or assemblies as covered by the claims of the Patents;
2. Providing instructions in any medium (e.g., videos, in-person training, pamphlets, brochures, installation instructions, websites, and invoices) for using the

⁶ At this stage, the court also declines to impose a daily fine for noncompliance, but CEMCO may request a daily fine in future contempt proceedings, if any.

1 Intumescent Products in fire-rated head-of-wall constructions or assemblies as covered by
2 the claims of the Patents;

3 3. Referencing certifications from any third-party agency related to fire-safety or
4 building code compliance, including but not limited to UL listings (collectively, “Third-
5 Party Safety Certification”), concerning the Intumescent Products used for fire-rated
6 head-of-wall constructions or assemblies as covered by the claims of the Patents, in any
7 advertising or communications with customers or prospective customers;

8 4. Displaying or disseminating any Third-Party Safety Certification concerning the
9 Intumescent Products used for fire-rated head-of-wall constructions or assemblies as
10 covered by the claims of the Patents, in any medium (e.g., videos, in-person training,
11 pamphlets, brochures, installation instructions, websites, and invoices);

12 5. Transferring or facilitating the transfer of any Third-Party Safety Certification
13 or data files associated therewith concerning the Intumescent Products used for fire-rated
14 head-of-wall constructions or assemblies as covered by the claims of the Patents, to any
15 person or entity;

16 6. Modifying or submitting any proposal for modifying any Third-Party Safety
17 Certification, where the modification depicts, describes, or references using the
18 Intumescent Products for fire-rated head-of-wall constructions or assemblies as covered
19 by the claims of the Patents;

20 7. Creating or facilitating the creation of any Third-Party Safety Certification that
21 depicts, describes, or references using the Intumescent Products for fire-rated head-of-
22 wall constructions or assemblies as covered by the claims of the Patents; and

1 8. Providing technical support, including engineering judgments, for Intumescent
2 Products used for fire-rated head-of-wall constructions or assemblies as covered by the
3 claims of the Patents.

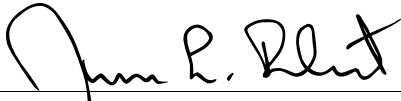
4 The court further ORDERS that, by **March 7, 2025**, Defendants shall:

5 9. Remove any Third-Party Safety Certification that depicts, describes, or
6 references the use of the Intumescent Products for fire-rated head-of-wall constructions
7 or assemblies as covered by the claims of the Patents from their websites and all
8 advertising materials;

9 10. Send a notice of removal for each Third-Party Safety Certification that
10 depicts, describes, or references the use of the Intumescent Products for fire-rated head-
11 of-wall constructions or assemblies as covered by the claims of the Patents; and

12 11. Send a copy of this permanent injunction order to each of their customers.

13
14 Dated this 28th day of February, 2025.

15 
16 JAMES L. ROBART
United States District Judge