

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

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SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS

DELCO REMY INTERNATIONAL, INC.

Plaintiff,

v.

UNIT PARTS COMPANY AND UNIPOINT
ELECTRIC MANUFACTURING COMPANY, LTD.

Defendants.

CASE NO. _____

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Delco Remy International, Inc. ("Delco Remy"), for its Complaint against Defendants, Unit Parts Company ("Unit Parts") and Unipoint Electric Manufacturing Company, Ltd. ("Unipoint") (collectively "Defendants"), alleges:

NATURE OF THE ACTION

1. Delco Remy is the owner by assignment of United States Patent No. 4,604,538; United States Patent No. 5,268,605; United States Patent No. 5,307,700; and United States Patent No. 5,252,878 (collectively, the "Delco Remy Patents"). These four patents generally cover, respectively, air cooling for diode-rectified alternating current generators, an electric field connection, an electric engine starter, and a brush holder assembly.

2. Upon information and belief, Defendants have been and still are infringing, contributing to and actively inducing infringement of the Delco Remy Patents in this

judicial district and elsewhere in the United States by the manufacture, use, sale, offer for sale and/or importation into the United States of automotive alternator and starter products that incorporate technology falling within the scope of the claimed subject matter of the Delco Remy Patents. By virtue of Defendants' infringement, Delco Remy is entitled to damages and injunctive relief.

PARTIES

3. Plaintiff Delco Remy is a Delaware corporation with a principal place of business located at 2902 Enterprise Drive, Anderson, Indiana 46013.

4. Upon information and belief, defendant Unit Parts is a privately held company with a principal place of business at 301 NW 63rd St., Ste. 620, Oklahoma City, OK 73116-7919, is doing business in this judicial district, and has a registered agent for receipt of service, Gwen W. Vollbrecht, at 4600 SE 59th, Oklahoma City, OK 73135.

5. Upon information and belief, defendant Unipoint is doing business as NSA Corp., a Virginia Corporation with a principal place of business at 22890 Quicksilver Dr. Ste. 165, Sterling, VA 20166, is doing business in this judicial district, and has a registered agent for receipt of service, Neng-Hsiang Wang, at that address.

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35, United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the Patent Laws of the United States.

7. This Court has personal jurisdiction over Defendants pursuant to the Indiana Rules of Trial Procedure, Rule 4.4(A), which the U.S. District Court for the Southern District of Indiana uses as its long-arm statute. Upon information and belief, Defendants are engaged in the business of knowingly selling the infringing products in and into Indiana, and derive substantial benefit therefrom. Defendants have sufficient contacts in the state of Indiana such that this Court's exercise of jurisdiction would not be inconsistent with the Constitutions of this state or the United States.

8. Venue in this judicial district is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b).

THE PATENTS IN SUIT

9. Plaintiff Delco Remy is the sole owner of United States Patent No. 4,604,538 ("the '538 patent"), which is entitled "Air Cooling for Diode-rectified Alternating Current Generators," which was duly and legally issued by the United States Patent and Trademark Office ("USPTO") on August 5, 1986, and which is presumed valid pursuant to 35 U.S.C. § 282. A copy of the '538 patent is attached hereto as Exhibit A.

10. Prior to issuance of the '538 patent, the inventors of the '538 patent assigned all of their rights in the '538 patent to General Motors Corporation ("General Motors"), as indicated in the assignee field on the face of the patent. (See Exhibit A).

11. On February 12, 2002, General Motors assigned all of its rights in the '538 patent to Delphi Technologies, Inc. ("Delphi"). A copy of this assignment, which is recorded in the USPTO at Reel 012745, Frame 0724, is attached hereto as Exhibit B.

12. On October 27, 2003, Delphi assigned all of its rights in the '538 patent to plaintiff Delco Remy. A copy of this assignment, as submitted to the USPTO for recordation, is attached hereto as Exhibit C.

13. Plaintiff Delco Remy is the sole owner of United States Patent No. 5,268,605 ("the '605 patent"), which is entitled "Electric Field Connection," which was duly and legally issued by the USPTO on December 7, 1993, and which is presumed valid pursuant to 35 U.S.C. § 282. A copy of the '605 patent is attached hereto as Exhibit D.

14. Prior to issuance of the '605 patent, the inventor of the '605 patent assigned all of his rights in the '605 patent to General Motors, as indicated in the assignee field on the face of the patent. (See Exhibit D).

15. On February 12, 2002, General Motors assigned all of its rights in the '605 patent to Delphi. A copy of this assignment, which is recorded in the USPTO at Reel 012745, Frame 0724, is attached hereto as Exhibit E.

16. On October 27, 2003, Delphi assigned all of its rights in the '605 patent to plaintiff Delco Remy. A copy of this assignment, as submitted to the USPTO for recordation, is attached hereto as Exhibit F.

17. Plaintiff Delco Remy is the sole owner of United States Patent No. 5,307,700 ("the '700 patent"), which is entitled "Electric Engine Starter," which was duly and legally issued by the USPTO on May 3, 1994, and which is presumed valid pursuant to 35 U.S.C. § 282. A copy of the '700 patent is attached hereto as Exhibit G.

18. Prior to issuance of the '700 patent, the inventors of the '700 patent assigned all of their rights in the '700 patent to General Motors, as indicated in the assignee field on the face of the patent. (See exhibit G).

19. On August 1, 1994, General Motors assigned all of its rights in the '700 patent to plaintiff Delco Remy. A copy of this assignment, which is recorded in the USPTO at Reel 007308, Frame 0183, is attached hereto as Exhibit H.

20. Plaintiff Delco Remy is the sole owner of United States Patent No. 5,252,878 ("the '878 patent"), which is entitled "Brush Holder Assembly," which was duly and legally issued by the USPTO on October 12, 1993, and which is presumed valid pursuant to 35 U.S.C. § 282. A copy of the '878 patent is attached hereto as Exhibit I.

21. Prior to issuance of the '878 patent, the inventors of the '878 patent assigned all of their rights in the '878 patent to General Motors, as indicated in the assignee field on the face of the patent. (See Exhibit I).

22. On February 11, 1997, General Motors assigned all of its rights in the '878 patent to plaintiff Delco Remy. A copy of this assignment, which is recorded in the USPTO at Reel 008495, Frame 0940, is attached hereto as Exhibit J.

PATENT INFRINGEMENT

23. Plaintiff Delco Remy repeats and realleges the allegations contained in paragraphs 1 through 22 as if fully set forth herein.

24. Upon information and belief, defendant Unit Parts has been and still is infringing, contributing to, and actively inducing, infringement of the '538 patent and the '605 patent in this judicial district and elsewhere in the United States by the manufacture, use, sale, offer for sale, and/or importation of automotive alternators which fall within the scope of one or more claims of the '538 patent and the '605 patent.

25. Upon information and belief, defendant Unit Parts has been and still is infringing, contributing to, and actively inducing, infringement of the '700 patent and the '878 patent in this judicial district and elsewhere in the United States by the manufacture, use, sale, offer for sale, and/or importation of automotive starter motors which fall within the scope of one or more claims of the '700 patent and the '878 patent.

26. Upon information and belief, defendant Unit Parts' infringement of the Delco Remy Patents has been and continues to be willful, wanton, deliberate, and/or without license, thereby rendering this case exceptional within the meaning of 35 U.S.C. § 285.

27. Unless preliminary and permanently enjoined by this Court, defendant Unit Parts will continue its acts of infringement, to plaintiff Delco Remy's substantial and irreparable harm.

28. Upon information and belief, defendant Unipoint has been and still is infringing, contributing to, and actively inducing, infringement of the '538 patent and the '605 patent in this judicial district and elsewhere in the United States by the manufacture, use, sale, offer for sale and/or importation of automotive alternators which fall within the scope of one or more claims of the '538 patent and the '605 patent.

29. Upon information and belief, defendant Unipoint has been and still is infringing, contributing to, and actively inducing, infringement of the '700 patent and the '878 patent in this judicial district and elsewhere in the United States by the manufacture, use, sale, offer for sale and/or importation of automotive starter motors which fall within the scope of one or more claims of the '700 patent and the '878 patent.

30. Upon information and belief, defendant Unipoint's infringement of the Delco Remy Patents has been and continues to be willful, wanton, deliberate, and/or without license, thereby rendering this case exceptional within the meaning of 35 U.S.C. § 285.

31. Unless preliminary and permanently enjoined by this Court, defendant Unipoint will continue its acts of infringement, to plaintiff Delco Remy's substantial and irreparable harm.

WHEREFORE, plaintiff Delco Remy respectfully demands judgment as follows:

A. That this Court, pursuant to 35 U.S.C. § 271, enter an order finding that both of the Defendants have infringed one or more claims of each of the Delco Remy Patents;

B. That this Court, pursuant to 35 U.S.C. § 283, preliminarily and permanently enjoin Defendants, their officers, directors, agents, employees, successors and assigns, and any persons acting in privity or in concert with them, from making, using, selling, offering to sell, and/or importing products that infringe the Delco Remy Patents;

C. That this Court, pursuant to 35 U.S.C. § 284, award damages adequate to compensate plaintiff Delco Remy for Defendants' infringement, but in no event less than a reasonable royalty;

D. That this Court order an accounting to determine the proper amount of such damages;

E. That this Court, pursuant to 35 U.S.C. § 284, increase damages resulting from Defendants' infringement three-fold, as a result of their willful, wanton, deliberate, and/or unlicensed acts of infringement;

F. That this Court award pre-judgment and post-judgment interest, as appropriate;

G. That this Court, pursuant to 35 U.S.C. § 285, award plaintiff Delco Remy its costs, expenses, and disbursements in this action, including reasonable attorneys' fees;

H. That this Court order the destruction of all existing products, in the possession of Defendants, that infringe one or more claims of the Delco Remy Patents;

I. That this Court order the recall of all existing products in the control of Defendants' wholesalers and retailers that infringe one or more claims of the Delco Remy Patents; and

J. Such other relief that this Court deems just and proper.

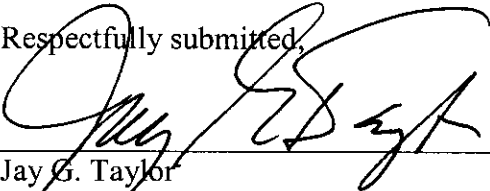
JURY DEMAND

Plaintiff Delco Remy hereby demands a trial by jury for all issues triable to a jury.

Date: November 17, 2003

By:

Respectfully submitted,



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