

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
OCT 28 2002
U.S. CLERK'S OFFICE
INDIANAPOLIS, INDIANA

STANT MANUFACTURING INC.,)
)
 Plaintiff,)
)
 v.)
)
 GERDES GmbH,)
)
 Defendant.)

Civil Action No. _____

JURY TRIAL DEMANDED

1:02 - CV - 1653 LJM

COMPLAINT

For its Complaint against Gerdes GmbH ("Gerdes"), the plaintiff, Stant Manufacturing Inc. ("Stant"), alleges:

PARTIES AND JURISDICTION

1. Stant is a corporation organized under the laws of the State of Delaware and has a principal place of business at 1620 Columbia Avenue, Connersville, Indiana 47331.
2. Upon information and belief, defendant Gerdes GmbH is incorporated under the laws of Germany, and is doing business in the United States.
3. This action involves claims arising under the patent laws of the United States, including 35 U.S.C. §§ 271, 281, 283, 284 and 285.
4. This Court has jurisdiction over the subject matter of this Complaint pursuant to 28 U.S.C. §§ 1331 and 1338.
5. This Court has jurisdiction over the defendant because Gerdes has introduced infringing products into the stream of commerce in Indiana.
6. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391 and 1400.

THE BUSINESS OF STANT

7. Stant manufactures and sells fuel caps for use as original equipment by vehicle manufacturers (“OEMs”) and for use as replacement parts in the vehicle aftermarket. Stant sells fuel caps for original equipment use to Chrysler Corporation, Ford Motor Company, and General Motors Corporation (“GM”), as well as to most of the major foreign OEMs which operate in the United States, including Honda, Isuzu, Mazda, Mitsubishi, Nissan, Subaru and Toyota.

8. In the United States, vehicle fuel caps must meet the design specifications of the OEMs and also must pass certain tests which ensure that vehicles comply with crash safety requirements of the Federal Motor Vehicle Safety Standards promulgated by the United States National Highway Traffic Safety Administration (the “NHTSA”). Additionally, the design specifications of the OEMs for fuel caps cover requirements and testing emission control limitations promulgated by the United States Environmental Protection Agency and certain state environmental protection authorities.

9. As with many other aspects of vehicle safety, the safety features of fuel caps have been the subject of scrutiny for some time. As early as the mid-1970s, automotive engineers became increasingly aware of the need to reduce the potential for post-impact vehicle fires. In fact, the NHTSA standards referred to in paragraph 8 above are premised upon a belief that one of the primary causes of post-impact vehicle fires in vehicle accidents is the spilling or leakage of fuel from the fuel tank through the filler neck. If, as a result of the impact, the seal provided by the fuel cap is compromised, fuel may leak or spill out of the filler neck and then ignite.

10. On July 9, 1986, Stant filed a patent application for a Breakaway Gas Cap,

naming Billy Crute as the inventor. U.S. Patent No. 4,678,097 (“the ‘097 patent”) was issued on July 7, 1987 for this Breakaway Gas Cap. The ‘097 patent is owned by Stant.

11. In response to two requests filed in 1997, the ‘097 patent was subject to a reexamination proceeding in the United States Patent and Trademark Office (“PTO”). On September 7, 1999, the PTO issued Reexamination Certificate No. B1 4,678,097 (“the reexamined ‘097 patent”), indicating that as a result of this reexamination, the PTO had determined that newly added claims 11-46 were patentable.

12. By the mid-1980s, NHTSA regulations required all OEMs to meet certain requirements on their vehicles. As a result, certain OEMs began conducting extensive testing to ensure the fuel caps which they used met or surpassed all applicable federal requirements. Throughout the mid-1980s, Stant was the leader in the design and development of fuel caps which would meet the increasingly stringent requirements of the OEMs.

13. It is believed that upon conducting extensive crash testing, certain OEMs determined that not all vehicle impacts would result in the breakage of the fuel cap. Depending on the nature of the impact and the forces applied to the vehicle and to the fuel cap, certain impacts had the result of merely rotating or loosening the fuel cap within the filler neck. For example, by rotating the fuel cap about its axis of rotation through an angle of 60° or 90°, the pressure applied to the rubber gasket which forms the seal between the filler neck and the fuel cap can be reduced or eliminated, but the fuel cap may not become totally disengaged from the filler neck. Because of the reduced pressure applied to the rubber gasket, fuel can leak from the fuel tank through the filler neck, again creating a potential hazard for post-impact vehicle fires.

14. Stant designed a Delayed Actuation Fuel Cap which addressed this problem. A

patent application was filed on November 25, 1987, and a patent issued on August 23, 1988, as U. S. Patent No. 4,765,505 (“the ‘505 patent”). Robert S. Harris, a former Stant employee, is the inventor and Stant is the owner of the ‘505 patent.

15. Throughout the late 1980s and early 1990s, Stant continued to improve its fuel cap designs intended to address the safety concerns associated with post-impact vehicle fires. On October 18, 1993, Stant filed a patent application for an improved Delayed Actuation Fuel Cap and a patent issued on September 12, 1995, as U. S. Patent No. 5,449,086 (“the ‘086 patent”). Robert S. Harris, a former Stant employee, is the inventor and Stant is the owner of the ‘086 patent.

16. After the design and development of the Delayed Actuation Fuel Cap now covered by the ‘086 Patent, Stant continued to further refine and develop its fuel cap technology. On May 6, 1994, Stant filed another patent application, for a quick-on cap with removal delay mechanism, and a patent was issued on January 2, 1996, as U. S. Patent No. 5,480,055 (“the ‘055 patent”). Mr. Harris and Jeffery Griffin, a Stant employee, are the inventors and Stant is the owner of the ‘055 patent.

17. On December 4, 1995, Stant filed yet another patent application for an improved quick-on fuel cap that was a continuation-in-part of what became the ‘055 patent. A patent was issued on August 18, 1998, as U. S. Patent No. 5,794,806 (“the ‘806 patent”). Mr. Harris and Mr. Griffin are the inventors and Stant is the owner of the ‘806 patent.

18. Copies of the ‘097, reexamined ‘097, ‘086, ‘055, ‘505 and ‘806 patents are attached to this Complaint as Exhibits A through F.

GERDES'S ACTIVITIES

19. Gerdes is in the business, among others, of designing, manufacturing and/or selling fuel caps for vehicles.

20. Gerdes has made, used, sold and/or offered for sale a fuel cap which embodies the patented invention of, and infringes, the reexamined '097 patent.

21. Gerdes has made, used, sold and/or offered for sale a fuel cap which embodies the patented invention of, and infringes, the '086 patent.

22. Gerdes has made, used, sold and/or offered for sale a fuel cap which embodies the patented invention of, and infringes, the '055 patent.

23. Gerdes has made, used, sold and/or offered for sale a fuel cap which embodies the patented invention of, and infringes, the '505 patent.

24. Gerdes has made, used, sold and/or offered for sale a fuel cap which embodies the patented invention of, and infringes, the '806 patent.

25. Gerdes will continue to infringe the Stant patents unless restrained and enjoined by this Court.

THE HARM TO STANT

26. Gerdes has, by such infringing conduct, caused Stant irreparable harm for which there is no adequate remedy at law.

27. Gerdes has engaged in its conduct willfully and in complete disregard of or with indifference to Stant's rights and interests.

28. This is an exceptional case as that term is defined in 35 U.S.C. § 285.

WHEREFORE, Stant prays that this Court:

1. Permanently enjoin Gerdes and its officers, agents, servants, employees and attorneys, and those in active concert or participation with them who receive actual notice of the order, from making, using, selling and/or offering for sale devices for use on model years 2004 and thereafter which infringe the reexamined '097, '086, '055, '505, and '806 patents.

2. Issue an Order directing Gerdes and its officers, agents, servants, employees and attorneys, and those in active concert and participation with them who receive actual notice of the order, to destroy all molds, machines, tooling or other equipment used in the manufacture of infringing items of the reexamined '097, '086, '055, '505, and '806 patents after Gerdes has supplied all original equipment fuel caps required by GM for 2003 model year vehicles.

3. Award Stant monetary damages adequate to compensate Stant for past infringement consistent with 35 U.S.C. § 284, up to and including treble the amount of actual damages assessed, together with costs and prejudgment interest.

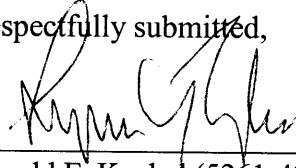
4. Award Stant its reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

5. Grant and award any and all relief found necessary and proper under the circumstances.

JURY DEMAND

Plaintiff requests a trial by jury on its claims.

Respectfully submitted,



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