

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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COMPONEX CORPORATION  
10200 County Road F  
Edgerton, WI 53534,

Plaintiff,

v.

Case No: 13-cv-384

ELECTRONICS FOR IMAGING, INC.  
303 Velocity Way  
Foster City, CA 94404,

Defendant.

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**COMPLAINT**

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Plaintiff Componex Corporation, by its attorneys, DeWitt Ross & Stevens S.C., for its Complaint against Defendant Electronics For Imaging, Inc., hereby alleges and states as follows:

**SUMMARY OF CLAIM**

1. This is an action for infringement of two patents covering rollers used in machines handling continuous sheets of product, such as paper or plastic.
2. Both patents are owned by Plaintiff Componex Corporation (“Componex”), which manufactures the rollers from a facility in Edgerton, Wisconsin. The President of Componex, Cal Couillard, is the sole named inventor in both patents.

3. Electronics For Imaging, Inc. (“EFI”), a customer of Componex, infringed Componex’ patents by importing, using, and selling or offering for sale infringing rollers as part of assembled printers manufactured and sold by EFI.

### **THE PARTIES**

4. Componex is a Wisconsin corporation with its principal place of business at 10200 County Road F, Edgerton, Wisconsin 53534.

5. Upon information and belief, EFI is a Delaware corporation with its principal place of business at 303 Velocity Way, Foster City, California 94404.

### **JURISDICTION AND VENUE**

6. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §1 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over EFI because;

A. On information and belief, EFI regularly and systematically conducts business in the State of Wisconsin and within the Western District of Wisconsin.

B. EFI regularly purchases products from businesses in the State of Wisconsin and within the Western District of Wisconsin, including products manufactured by Componex;

C. EFI distributes products to retailers throughout the State of Wisconsin and within the Western District of Wisconsin;

D. EFI has committed acts of patent infringement in the State of Wisconsin and within the Western District of Wisconsin, thereby causing damages within this state;

E. EFI derives revenue from infringing products being sold, used, or consumed in the State of Wisconsin and within the Western District of Wisconsin; and

F. EFI maintains a website, accessible to customers in the State of Wisconsin and within the Western District of Wisconsin, through which it sells and supports infringing products.

8. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400 because, upon information and belief, EFI regularly and systematically conducts business activities in the Western District of Wisconsin, and EFI has committed acts of infringement within this judicial district, including by selling and offering to sell and/or inducing the sale of infringing products within this district.

**THE WINertia™ PATENT  
(U.S. PATENT NO. 6,113,059)**

9. On September 5, 2000, United States Patent 6,113,059 (“the ‘059 Patent”), entitled “Dead Shaft Idler,” was duly and legally issued. A copy of the ‘059 Patent is attached hereto as Exhibit A.

10. The sole named inventor on the ‘059 Patent is Cal Couillard, Componex’ President.

11. Couillard assigned the '059 Patent to Engineered Metals Corporation (reel 8849, frame 475) which subsequently assigned the '059 Patent to Componex (reel 28020, frame 352).

12. Componex is the current owner by assignment of the '059 Patent.

13. Conventionally, idlers have been constructed of single-walled tubing.

14. The invention in the '059 Patent provides for double-walled tubing, among other things, resulting in an idler that is lighter, easier to rotate, cheaper to produce, with better deflection properties and an improved balancing feature when compared to conventional metal idlers.

15. Componex manufactures and sells dead shaft idlers encompassed by one or more claims of the '059 Patent under the trademark WINertia™.

16. In the past, Componex manufactured and sold WINertia™ dead shaft idlers covered by at least one claim of the '059 Patent to EFI, which then incorporated the WINertia™ dead shaft idlers into one or more of the printers it manufactured and sold.

17. EFI has not purchased the WINertia™ dead shaft idlers covered by '059 Patent from Componex since September 2010, but has continued to manufacture one or more of the EFI printers that previously employed idlers covered by at least one claim of the '059 Patent.

18. On or about January 24, 2013, Componex discovered that EFI was incorporating one or more dead shaft idlers that infringe at least one claim of the

'059 Patent in one or more of the printers manufactured, serviced and sold by EFI in the United States. Componex came to this understanding as follows:

A. On or about January 24, 2013, Componex received four EFI idlers for repair.

B. Upon receipt of the four EFI idlers, Componex examined the idlers and determined that they were not repairable.

C. Further, Componex discovered that the four EFI idlers were not Componex' products, and that the idlers literally infringed several claims of the '059 Patent.

19. Upon information and belief, EFI is importing the infringing idler

20. Upon information and belief, EFI is using infringing idlers as components of printers manufactured, sold, or offered for sale by EFI to purchasers in the United States.

21. Upon information and belief, EFI continues to import infringing idlers, to use such idlers in the assembly of printers, and to sell or offer such printers for sale in the United States.

22. The dead shaft idlers imported, used, sold, and offered to be sold by EFI infringe at least independent claims 1, 12, 13, 14, 15, 17, 18, 19, 20, and 21 of the '059 Patent.

23. The dead shaft idlers imported, used, sold, and offered to be sold by EFI also infringe at least dependent claims 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, and 22 of the '059 Patent.

24. At least as early as August 23, 2002, Componex informed EFI that the idlers supplied to EFI by Componex were protected by the '059 Patent.

**THE CANTILEVERED ROLLER PATENT  
(U.S. PATENT NO. 6,685,076)**

25. On February 3, 2004, United States Patent 6,685,076 (“the ‘076 Patent”), entitled “Roller for Nipped Applications and Method of Making Roller,” was duly and legally issued. A copy of the ‘076 Patent is attached hereto as Exhibit B.

26. Cal Couillard, Componex’ President, is the sole named inventor on the ‘076 Patent.

27. Couillard assigned the ‘076 Patent to Componex (reel 13010, frame 968), and Componex is the current owner by assignment of the ‘076 Patent.

28. Machines handling continuous sheets of product pass such product through a space between two rollers. In order to achieve a uniform pressure between the two rollers, conventional rollers frequently employ a “crowned” rubber coating, *i.e.*, an outer coating which gradually increases the diameter of one roller toward the midpoint of the roller. When a crowned roller is combined with another roller, and the ends of the two rollers are brought together, a substantially uniform pressure is achieved along the entire length of the rollers.

29. The claims in the ‘076 Patent recite a cantilevered roller comprising an outer tube and an inner tube, with the outer tube fixed relative to the inner tube

by two welds. The outer tube can pivot about the welds, allowing the outer tube to bow slightly in response to mechanical pressures exerted on the roller.

30. Componex manufactures and sells cantilevered rollers encompassed by at least one claim in the '076 Patent.

31. In the past, Componex manufactured and sold cantilevered rollers covered by at least one claim in the '076 Patent to EFI. EFI incorporated the cantilevered rollers into one or more of the printers it manufactured and sold.

32. EFI has not purchased the cantilevered rollers covered by the '076 Patent from Componex since November 2012, but has continued to manufacture one or more of the EFI printers that previously employed Componex cantilevered rollers covered by the '076 Patent.

33. In approximately March 2012, Componex discovered that EFI was incorporating one or more cantilevered rollers that infringe the '076 Patent in one or more of the printers manufactured, serviced, and sold by EFI in the United States. Componex came to this understanding as follows:

A. In approximately March 2012, Componex discovered four drawings, which were not produced by Componex, on an intranet site that EFI set up and maintained for its vendors. Componex was granted access to the intranet site via a password issued by EFI.

B. The drawings were of designs for cantilevered rollers that infringe at least one claim of the '076 Patent.

C. In April and May 2012, Componex contacted Haglil Industries R.S. Ltd. (“Haglil”), an Israeli manufacturer that Componex knew to be capable of producing the cantilevered rollers illustrated in the drawings obtained from the EFI intranet site. Haglil informed Componex that it was not manufacturing the rollers illustrated in two of the drawings. However, Haglil confirmed that it was manufacturing and exporting to the United States the rollers illustrated in the other two drawings (no. 45087518, for cantilevered nip roll; and no. 45085482, for cantilevered drive roll).

D. In June 2012, Peter Benoit, Director of Procurement and Supply Chain for EFI, also confirmed to Componex that the designs in the two drawings at issue (nos. 45087518 and 45085482) were produced by EFI and provided to Haglil for manufacture.

34. EFI is importing cantilevered rollers that infringe at least one claim of the ‘076 Patent.

35. Upon information and belief, EFI is using the infringing rollers as components of printers manufactured, sold, or offered for sale by EFI to purchasers in the United States.

36. Upon information and belief, EFI continues to import infringing rollers, use such rollers in the assembly of printers, and sell or offer such printers for sale in the United States.

37. The cantilevered rollers imported, used, sold, and offered to be sold by EFI infringe at least independent claims 1 and 2 of the '076 Patent.

38. At least as early as September 21, 2010, Componex informed EFI that the cantilevered rollers supplied to EFI by Componex were protected by the '076 Patent.

**COUNT 1**  
**Infringement of U.S. Patent No. 6,113,059**

39. Paragraphs 1 through 38, above, are incorporated herein by reference.

40. Without consent or license, and in violation of 35 U.S.C. § 271(a), EFI has imported, used, sold, or offered to sell dead shaft idlers that infringe at least claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 of the '059 Patent, literally and/or under the doctrine of equivalents.

41. Without consent or license, and in violation of 35 U.S.C. §271(b) and (c), EFI has actively induced the infringement of and/or contributed to the infringement of at least claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 of the '059 Patent literally and/or under the doctrine of equivalents.

42. As a direct and proximate result of EFI's acts, EFI has caused, is causing, and, unless such acts are enjoined by the Court, will continue to cause irreparable harm to Componex for which there is no adequate remedy at law, and for which Componex is entitled to injunctive relief under 35 U.S.C. §283.

43. As a direct and proximate result of EFI's acts, Componex has been, is being, and, unless such acts and practices are enjoined by the Court, will continue to be injured in its business and property rights, and Componex has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. §284.

44. At all material times, EFI had knowledge that one or more of the idlers incorporated into one or more of the printers manufactured by EFI, which were not purchased from Componex, infringed at least one claim of the '059 Patent.

**COUNT 2**  
**Infringement of U.S. Patent No. 6,685,076**

45. Paragraphs 1 through 44, above, are incorporated herein by reference.

46. Without consent or license, and in violation of 35 U.S.C. § 271(a), EFI has imported, used, sold, or offered to sell dead shaft idlers that infringe at least claims 1 and 2 of the '076 Patent, literally and/or under the doctrine of equivalents.

47. Without consent or license, and in violation of 35 U.S.C. §271(b) and (c), EFI has actively induced the infringement of and/or contributed to the infringement of at least claims 1 and 2 of the '076 Patent literally and/or under the doctrine of equivalents.

48. As a direct and proximate result of EFI's acts, EFI has caused, is causing, and, unless such acts are enjoined by the Court, will continue to cause irreparable harm to Componex for which there is no adequate remedy at law, and for which Componex is entitled to injunctive relief under 35 U.S.C. §283.

49. As a direct and proximate result of EFI's acts, Componex has been, is being, and, unless such acts and practices are enjoined by the Court, will continue to be injured in its business and property rights, and Componex has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. §284.

50. At all material times, EFI had knowledge that one or more of the cantilevered rollers incorporated into one or more of the printers manufactured by EFI, which were not purchased from Componex, infringed the '076 Patent.

#### **PRAYER FOR RELIEF**

WHEREFORE, Componex prays for judgment against EFI as follows:

a. That EFI has directly infringed, contributorily infringed, and/or induced infringement of one or more claims of the '059 Patent and the '076 Patent;

b. That EFI knowingly, willfully, and deliberately infringed one or more claims of the '059 Patent and the '076 Patent;

c. That EFI, its officers, agents, servants, employees, and all other persons acting or attempting to act in active concert or participation with them or on their behalf, be permanently enjoined from further infringement, inducement of

infringement, and contributory infringement of the '059 Patent and the '076 Patent pursuant to 35 U.S.C. § 283;

d. That EFI be ordered to account for and pay to Componex all damages caused to them by reason of their infringement pursuant to 35 U.S.C. §284, including enhanced damages and costs;

e. That Componex be awarded pre-judgment and post-judgment interest on the damages caused to it by the infringement of EFI; and

f. That the Court grant such other further relief as it may deem just and proper under the circumstances.

#### **JURY DEMAND**

Pursuant to Federal Rule of Civil Procedure 38(b), Componex hereby demands a trial by jury on all issues so triable.

Dated this 30<sup>th</sup> day of May, 2013.

**DEWITT ROSS & STEVENS** s.c.

By: s/ Harry E. Van Camp  
Harry E. Van Camp (Bar No. 1018568)  
Joseph T. Leone (Bar No. 1018149)  
Deborah C. Meiners (Bar No. 1074114)  
Danielle Wampole (Bar No. 1089163)  
Two East Mifflin Street, Suite 600  
Madison, WI 53703-2865  
608-255-8891  
Attorneys for Plaintiff