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13 Rockwell Automation, Inc.

14  
15 **UNITED STATES DISTRICT COURT**  
16 **DISTRICT OF NEVADA**

17 ROCKWELL AUTOMATION, INC.,

18 Plaintiff,

19 vs.  
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21 BECKHOFF AUTOMATION LLC and  
22 BECKHOFF AUTOMATION GmbH,

23 Defendants.  
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Case No. 2:13-cv-01616

**COMPLAINT**

**(JURY DEMAND)**

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**COMPLAINT**

Plaintiff Rockwell Automation, Inc., by its attorneys and for its complaint, alleges and states as follows:

**THE PARTIES**

1. Plaintiff Rockwell Automation, Inc. (“Rockwell”) is a corporation organized and existing under the laws of the State of Delaware having its principal place of business at 1209 Orange Street, Wilmington, Delaware 19801.

2. On information and belief, defendant Beckhoff Automation LLC (“Beckhoff”) is a limited liability company organized and existing under the laws of the State of Maryland having its principal place of business at 13130 Dakota Avenue, Savage, Minnesota 55378.

3. On information and belief, defendant Beckhoff Automation GmbH (“Beckhoff GmbH”) is a corporation organized and existing under the laws of Germany having its principal place of business at Eiserstraße 5, 33415 Verl, Germany.

**NATURE OF THE ACTION, JURISDICTION, AND VENUE**

4. This is an action for patent infringement arising under the patent statutes, 35 U.S.C. § 101 *et seq.*, in particular 35 U.S.C. § 271.

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a).

6. This Court has personal jurisdiction over Defendants Beckhoff and Beckhoff GmbH (collectively referred to as the “Defendants”) because, on information and belief, Defendants have established minimum contacts with the forum. On information and belief, the Defendants have committed and continue to commit acts of direct and indirect patent infringement in this district as alleged in this Complaint.

7. Furthermore, on information and belief, Defendants are offering a product for sale in this judicial district that infringes the patents asserted in this litigation at the PACK Expo, which is scheduled to occur in Las Vegas, Nevada from September 23, 2013 through September 25, 2013. Therefore, the exercise of personal jurisdiction over the Defendants would not offend traditional notions of fair play and substantial justice.

8. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

**THE PATENTS-IN-SUIT**

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2           9.       U.S. Patent No. 5,994,798 (“the ‘798 patent”) was duly and legally issued on  
3 November 30, 1999. The ‘798 patent is entitled “Closed-Path Linear Motor.”

4           10.       Rockwell is the owner by assignment of the ‘798 patent. As the lawful owner of  
5 the ‘798 patent, Rockwell owns all rights, title and interest in the ‘798 patent.

6           11.       Rockwell has the exclusive right under 35 U.S.C. § 154(a)(1) to exclude others  
7 from making, using, offering for sale, selling, or importing its patented invention, including the  
8 right to bring this action for injunctive relief and past and future damages.

9           12.       U.S. Patent No. 5,965,963 (“the ‘963 patent”) was duly and legally issued on  
10 October 12, 1999. The ‘963 patent is entitled “Linear Motor With A Plurality Of Stages  
11 Independently Movable On The Same Path.”

12           13.       Rockwell is the owner by assignment of the ‘963 patent. As the lawful owner of  
13 the ‘963 patent, Rockwell owns all rights, title and interest in the ‘963 patent.

14           14.       Rockwell has the exclusive right under 35 U.S.C. § 154(a)(1) to exclude others  
15 from making, using, offering for sale, selling, or importing its patented invention, including the  
16 right to bring this action for injunctive relief and past and future damages.

17           15.       U.S. Patent No. 6,274,952 (“the ‘952 patent”) was duly and legally issued on  
18 August 14, 2001. The ‘952 patent is entitled “Closed-Path Linear Motor.”

19           16.       Rockwell is the owner by assignment of the ‘952 patent. As the lawful owner of  
20 the ‘952 patent, Rockwell owns all rights, title and interest in the ‘952 patent.

21           17.       Rockwell has the exclusive right under 35 U.S.C. § 154(a)(1) to exclude others  
22 from making, using, offering for sale, selling, or importing its patented invention, including the  
23 right to bring this action for injunctive relief and past and future damages.

24           18.       U.S. Patent No. 6,803,681 (“the ‘681 patent”) was duly and legally issued on  
25 October 12, 2004. The ‘681 patent is entitled “Path Module For A Linear Motor, Modular Linear  
26 Motor System And Method To Control Same.”

27           19.       Rockwell is the owner by assignment of the ‘681 patent. As the lawful owner of  
28 the ‘681 patent, Rockwell owns all rights, title and interest in the ‘681 patent.

1           20.     Rockwell has the exclusive right under 35 U.S.C. § 154(a)(1) to exclude others  
2 from making, using, offering for sale, selling, or importing its patented invention, including the  
3 right to bring this action for injunctive relief and past and future damages.

4           21.     U.S. Patent No. 6,713,902 (“the ‘902 patent”) was duly and legally issued on  
5 March 30, 2004. The ‘902 patent is entitled “Closed-Path Linear Motor.”

6           22.     Rockwell is the owner by assignment of the ‘902 patent. As the lawful owner of  
7 the ‘902 patent, Rockwell owns all rights, title and interest in the ‘902 patent.

8           23.     Rockwell has the exclusive right under 35 U.S.C. § 154(a)(1) to exclude others  
9 from making, using, offering for sale, selling, or importing its patented invention, including the  
10 right to bring this action for injunctive relief and past and future damages.

11                           **COUNT I — INFRINGEMENT OF U.S. PATENT NO. 5,994,798**

12           24.     Rockwell hereby restates and re-alleges the allegations set forth in the preceding  
13 paragraphs and incorporates them by reference.

14           25.     On information and belief, Beckhoff and Beckhoff GmbH have been and now are  
15 directly infringing the ‘798 patent pursuant to 35 U.S.C. § 271(a) by making, using, offering for  
16 sale, selling within the United States, and/or importing into the United States its products,  
17 including but not limited to its products identified as the “XTS” and “eXtended Transport  
18 System.”

19           26.     Beckhoff and Beckhoff GmbH are liable for infringement of the ‘798 patent  
20 pursuant to 35 U.S.C. § 271(a).

21           27.     On information and belief, Beckhoff and Beckhoff GmbH have been and now are  
22 indirectly infringing the ‘798 patent pursuant to 35 U.S.C. § 271(b) and/or (c) by actively inducing  
23 infringement and/or contributing to the infringement of the ‘798 patent in the United States, by  
24 providing and/or selling at least the products identified above to customers and/or users of those  
25 products.

26           28.     Beckhoff and Beckhoff GmbH are liable for infringement of the ‘798 patent  
27 pursuant to 35 U.S.C. § 271(b).

28           29.     Beckhoff and Beckhoff GmbH are liable for infringement of the ‘798 patent

1 pursuant to 35 U.S.C. § 271(c).

2 30. Rockwell has been damaged and injured by the infringement of the '798 patent by  
3 Beckhoff and Beckhoff GmbH. Because of their infringing acts, Beckhoff and Beckhoff GmbH  
4 are liable to Rockwell for damages in an amount no less than a reasonable royalty for their  
5 unauthorized use of the inventions claimed in the '798 patent.

6 31. The infringement of the '798 patent by Beckhoff and Beckhoff GmbH has caused  
7 and will continue to cause irreparable harm to Rockwell, for which Rockwell has no adequate  
8 remedy at law, unless Beckhoff and Beckhoff GmbH are temporarily, preliminarily, and  
9 permanently enjoined from further infringement.

10 **COUNT II — INFRINGEMENT OF U.S. PATENT NO. 5,965,963**

11 32. Rockwell hereby restates and re-alleges the allegations set forth in the preceding  
12 paragraphs and incorporates them by reference.

13 33. On information and belief, Beckhoff and Beckhoff GmbH have been and now are  
14 directly infringing the '963 patent pursuant to 35 U.S.C. § 271(a) by making, using, offering for  
15 sale, selling within the United States, and/or importing into the United States its products,  
16 including but not limited to its products identified as the "XTS" and "eXtended Transport  
17 System."

18 34. Beckhoff and Beckhoff GmbH are liable for infringement of the '963 patent  
19 pursuant to 35 U.S.C. § 271(a).

20 35. On information and belief, Beckhoff and Beckhoff GmbH have been and now are  
21 indirectly infringing the '963 patent pursuant to 35 U.S.C. § 271(b) and/or (c) by actively inducing  
22 infringement and/or contributing to the infringement of the '963 patent in the United States, by  
23 providing and/or selling at least the products identified above to customers and/or users of those  
24 products.

25 36. Beckhoff and Beckhoff GmbH are liable for infringement of the '963 patent  
26 pursuant to 35 U.S.C. § 271(b).

27 37. Beckhoff and Beckhoff GmbH are liable for infringement of the '963 patent  
28 pursuant to 35 U.S.C. § 271(c).

1           38.     Rockwell has been damaged and injured by the infringement of the ‘963 patent by  
2 Beckhoff and Beckhoff GmbH. Because of their infringing acts, Beckhoff and Beckhoff GmbH  
3 are liable to Rockwell for damages in an amount no less than a reasonable royalty for their  
4 unauthorized use of the inventions claimed in the ‘963 patent.

5           39.     The infringement of the ‘963 patent by Beckhoff and Beckhoff GmbH has caused  
6 and will continue to cause irreparable harm to Rockwell, for which Rockwell has no adequate  
7 remedy at law, unless Beckhoff and Beckhoff GmbH are temporarily, preliminarily, and  
8 permanently enjoined from further infringement.

9                           **COUNT III — INFRINGEMENT OF U.S. PATENT NO. 6,274,952**

10           40.     Rockwell hereby restates and re-alleges the allegations set forth in the preceding  
11 paragraphs and incorporates them by reference.

12           41.     On information and belief, Beckhoff and Beckhoff GmbH have been and now are  
13 directly infringing the ‘952 patent pursuant to 35 U.S.C. § 271(a) by making, using, offering for  
14 sale, selling within the United States, and/or importing into the United States its products,  
15 including but not limited to its products identified as the “XTS” and “eXtended Transport  
16 System.”

17           42.     Beckhoff and Beckhoff GmbH are liable for infringement of the ‘952 patent  
18 pursuant to 35 U.S.C. § 271(a).

19           43.     On information and belief, Beckhoff and Beckhoff GmbH have been and now are  
20 indirectly infringing the ‘952 patent pursuant to 35 U.S.C. § 271(b) and/or (c) by actively inducing  
21 infringement and/or contributing to the infringement of the ‘952 patent in the United States, by  
22 providing and/or selling at least the products identified above to customers and/or users of those  
23 products.

24           44.     Beckhoff and Beckhoff GmbH are liable for infringement of the ‘952 patent  
25 pursuant to 35 U.S.C. § 271(b).

26           45.     Beckhoff and Beckhoff GmbH are liable for infringement of the ‘952 patent  
27 pursuant to 35 U.S.C. § 271(c).

28           46.     Rockwell has been damaged and injured by the infringement of the ‘952 patent by

1 Beckhoff and Beckhoff GmbH. Because of their infringing acts, Beckhoff and Beckhoff GmbH  
2 are liable to Rockwell for damages in an amount no less than a reasonable royalty for their  
3 unauthorized use of the inventions claimed in the '952 patent.

4 47. The infringement of the '952 patent by Beckhoff and Beckhoff GmbH has caused  
5 and will continue to cause irreparable harm to Rockwell, for which Rockwell has no adequate  
6 remedy at law, unless Beckhoff and Beckhoff GmbH are temporarily, preliminarily, and  
7 permanently enjoined from further infringement.

8 **COUNT IV — INFRINGEMENT OF U.S. PATENT NO. 6,803,681**

9 48. Rockwell hereby restates and re-alleges the allegations set forth in the preceding  
10 paragraphs and incorporates them by reference.

11 49. On information and belief, Beckhoff and Beckhoff GmbH have been and now are  
12 directly infringing the '681 patent pursuant to 35 U.S.C. § 271(a) by making, using, offering for  
13 sale, selling within the United States, and/or importing into the United States its products,  
14 including but not limited to its products identified as the "XTS" and "eXtended Transport  
15 System."

16 50. Beckhoff and Beckhoff GmbH are liable for infringement of the '681 patent  
17 pursuant to 35 U.S.C. § 271(a).

18 51. On information and belief, Beckhoff and Beckhoff GmbH have been and now are  
19 indirectly infringing the '681 patent pursuant to 35 U.S.C. § 271(b) and/or (c) by actively inducing  
20 infringement and/or contributing to the infringement of the '681 patent in the United States, by  
21 providing and/or selling at least the products identified above to customers and/or users of those  
22 products.

23 52. Beckhoff and Beckhoff GmbH are liable for infringement of the '681 patent  
24 pursuant to 35 U.S.C. § 271(b).

25 53. Beckhoff and Beckhoff GmbH are liable for infringement of the '681 patent  
26 pursuant to 35 U.S.C. § 271(c).

27 54. Rockwell has been damaged and injured by the infringement of the '681 patent by  
28 Beckhoff and Beckhoff GmbH. Because of their infringing acts, Beckhoff and Beckhoff GmbH

1 are liable to Rockwell for damages in an amount no less than a reasonable royalty for their  
2 unauthorized use of the inventions claimed in the '681 patent.

3 55. The infringement of the '681 patent by Beckhoff and Beckhoff GmbH has caused  
4 and will continue to cause irreparable harm to Rockwell, for which Rockwell has no adequate  
5 remedy at law, unless Beckhoff and Beckhoff GmbH are temporarily, preliminarily, and  
6 permanently enjoined from further infringement.

7 **COUNT V — INFRINGEMENT OF U.S. PATENT NO. 6,713,902**

8 56. Rockwell hereby restates and re-alleges the allegations set forth in the preceding  
9 paragraphs and incorporates them by reference.

10 57. On information and belief, Beckhoff and Beckhoff GmbH have been and now are  
11 directly infringing the '902 patent pursuant to 35 U.S.C. § 271(a) by making, using, offering for  
12 sale, selling within the United States, and/or importing into the United States its products,  
13 including but not limited to its products identified as the "XTS" and "eXtended Transport  
14 System."

15 58. Beckhoff and Beckhoff GmbH are liable for infringement of the '902 patent  
16 pursuant to 35 U.S.C. § 271(a).

17 59. On information and belief, Beckhoff and Beckhoff GmbH have been and now are  
18 indirectly infringing the '902 patent pursuant to 35 U.S.C. § 271(b) and/or (c) by actively inducing  
19 infringement and/or contributing to the infringement of the '902 patent in the United States, by  
20 providing and/or selling at least the products identified above to customers and/or users of those  
21 products.

22 60. Beckhoff and Beckhoff GmbH are liable for infringement of the '902 patent  
23 pursuant to 35 U.S.C. § 271(b).

24 61. Beckhoff and Beckhoff GmbH are liable for infringement of the '902 patent  
25 pursuant to 35 U.S.C. § 271(c).

26 62. Rockwell has been damaged and injured by the infringement of the '902 patent by  
27 Beckhoff and Beckhoff GmbH. Because of their infringing acts, Beckhoff and Beckhoff GmbH  
28 are liable to Rockwell for damages in an amount no less than a reasonable royalty for their



1 unauthorized use of the inventions claimed in the '902 patent.

2 63. The infringement of the '902 patent by Beckhoff and Beckhoff GmbH has caused  
3 and will continue to cause irreparable harm to Rockwell, for which Rockwell has no adequate  
4 remedy at law, unless Beckhoff and Beckhoff GmbH are temporarily, preliminarily, and  
5 permanently enjoined from further infringement.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff Rockwell Automation, Inc. requests that this Court enter an order  
8 for the following:

- 9 1. adjudging Defendants Beckhoff and Beckhoff GmbH to have violated 35 U.S.C. §  
10 271 by infringing one or more claims of U.S. Patent Nos. 5,994,798; 5,965,963;  
11 6,274,952; 6,803,681; and 6,713,902;
- 12 2. temporarily, preliminarily, and permanently enjoining Defendants and their  
13 respective officers, agents, servants, employees, and attorneys, and all other  
14 persons who are in active concert or participation with them from further  
15 infringement of Plaintiff's patent rights;
- 16 3. awarding Plaintiff damages adequate to compensate for Defendants' infringement,  
17 but in no event less than a reasonable royalty, under 35 U.S.C. § 284, in an amount  
18 to be determined at trial;
- 19 4. awarding Plaintiff pre-judgment and post-judgment interest; and
- 20 5. awarding Plaintiff such other and further relief as this Court deems just and  
21 equitable.

1 **DEMAND FOR A JURY TRIAL**

2 Plaintiff Rockwell Automation, Inc. demands a trial by jury on all issues so triable.

3 Dated: September 5, 2013

Respectfully submitted,

4 LEWIS ROCA ROTHGERBER LLP

5 By: /s/ Jonathan W. Fountain

6 Michael J. McCue

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18 Attorneys for Plaintiff

Rockwell Automation, Inc.

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