

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS  
KANSAS CITY DIVISION**

AUTO AND MARINE TECHNOLOGY  
ACQUISITION LLC,

Plaintiff,

v.

UFLEX USA INC.,

Defendant.

Case No. 2:14-cv-2367

**COMPLAINT**

Plaintiff, Auto and Marine Technology Acquisition LLC, for its complaint against Defendant, UFLEX USA Inc., states and alleges as follows:

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.

2. This Court has federal-question jurisdiction over the subject matter pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. On information and belief, Defendant, UFLEX USA Inc., is a Delaware corporation that has a principal place of business at 6442 Parkland Drive, Sarasota, Florida 34243-4038.

4. This Court has personal jurisdiction over Defendant because, on information and belief, Defendant has committed, and continues to commit, acts of infringement in the state of Kansas, has conducted business in the state of Kansas, has entered into one or more contracts in the state of Kansas, and/or has engaged in continuous and systematic activities in the state of Kansas.

5. Venue properly lies in the District of Kansas pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

**COUNT I – INFRINGEMENT OF UNITED STATES PATENT NO. 5,228,405**

6. Plaintiff incorporates by reference and re-alleges the allegations in paragraphs 1 through 5 above as if fully set forth herein.

7. On July 20, 1993, United States Patent No. 5,228,405 (the “ ’405 Patent”), entitled “Power Steering System,” was duly and legally issued by the United States Patent and Trademark Office. A true and accurate copy of the ’405 Patent is attached hereto as Exhibit A.

8. Plaintiff owns by assignment all right, title, and interest in and to the ’405 Patent, including the sole right to sue and recover past and future damages thereunder.

9. On or about April 3, 2014, the prior owner of the ’405 Patent, Marine Power Steering LLC, sent a letter to Defendant notifying it of the opportunity to discuss obtaining a license under the ’405 Patent, but Defendant has subsequently refused to seek a license under the ’405 Patent.

10. Defendant has directly infringed one or more claims of the ’405 Patent by making, using, selling, offering for sale and/or importing products covered by the ’405 Patent, including without limitation the UFLEX MasterDrive power-steering system.

11. Defendant’s infringement caused damage in an amount to be determined at trial.

**COUNT II – INFRINGEMENT OF UNITED STATES PATENT NO. 5,603,279**

12. Plaintiff incorporates by reference and re-alleges the allegations in paragraphs 1 through 11 above as if fully set forth herein.

13. On February 18, 1997, United States Patent No. 5,603,279 (the “ ’279 Patent”), entitled “Power Steering Assist,” was duly and legally issued by the United States Patent and Trademark Office. A true and accurate copy of the ’279 Patent is attached hereto as Exhibit B.

14. Plaintiff owns by assignment all right, title, and interest in and to the ’279 Patent, including the sole right to sue and recover past and future damages thereunder.

15. On or about April 3, 2014, the prior owner of the ’279 Patent, Marine Power Steering LLC, sent a letter to Defendant notifying it of the opportunity to discuss obtaining a license under the ’279 Patent, but Defendant has subsequently refused to seek a license under the ’279 Patent.

16. On information and belief, Defendant has directly infringed and continues to directly infringe one or more claims of the ’279 Patent by making, using, selling, offering for sale and/or importing products covered by the ’279 Patent, including without limitation the UFLEX MasterDrive power-steering system.

17. Although Plaintiff has provided Defendant with notice of its infringement of the ’279 Patent, Defendant continues to infringe the ’279 Patent.

18. Defendant’s actions complained of herein are causing irreparable harm and monetary damages to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

**COUNT III – INFRINGEMENT OF UNITED STATES PATENT NO. 5,605,109**

19. Plaintiff incorporates by reference and re-alleges the allegations in paragraphs 1 through 18 above as if fully set forth herein.

20. On February 25, 1997, United States Patent No. 5,605,109 (the “ ’109 Patent”), entitled “Power Steering System,” was duly and legally issued by the United States Patent and Trademark Office. A true and accurate copy of the ’109 Patent is attached hereto as Exhibit C.

21. Plaintiff owns by assignment all right, title, and interest in and to the ’109 Patent, including the sole right to sue and recover past and future damages thereunder.

22. On or about April 3, 2014, the prior owner of the ’109 Patent, Marine Power Steering LLC, sent a letter to Defendant notifying it of the opportunity to discuss obtaining a license under the ’109 Patent, but Defendant has subsequently refused to seek a license under the ’109 Patent.

23. On information and belief, Defendant has directly infringed and continues to directly infringe one or more claims of the ’109 Patent by making, using, selling, offering for sale and/or importing products covered by the ’109 Patent, including without limitation the UFLEX MasterDrive power-steering system.

24. Although Plaintiff has provided Defendant with notice of its infringement of the ’109 Patent, Defendant continues to infringe the ’109 Patent.

25. Defendant’s actions complained of herein are causing irreparable harm and monetary damages to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

**RELIEF REQUESTED**

Based on the foregoing, Plaintiff requests that this Court enter a judgment:

(a) Preliminarily and permanently enjoining and restraining Defendant, its officers, directors, agents, dealers, representatives, servants, and employees, and all parties in active concert with Defendant, from infringing the ’279 Patent and ’109 Patent;

(b) Finding Defendant's infringement of the '405 Patent, '279 Patent, and '109 Patent to be willful;

(c) Granting to Plaintiff an award of damages, together with prejudgment interest, for the damages suffered by Plaintiff as a result of the infringement by Defendant, and an award trebling said damages as a result of the willful nature of Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Awarding Plaintiff its costs and attorneys' fees pursuant to 35 U.S.C. § 285; and

(e) Granting Plaintiff such other and further relief and remedy as justice may require.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all the issues so triable in this matter.

Dated: July 22, 2014

Respectfully Submitted,

/s/ **Scott R. Brown**

Scott R. Brown, Kansas Bar No. 23395

Todd A. Gangel, Kansas Bar No. 21315

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ATTORNEYS FOR PLAINTIFF