

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

_____	)	
MAGNEMOTION INC.,	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	
ROCKWELL AUTOMATION, INC.,	)	JURY TRIAL DEMANDED
Defendant.	)	
_____	)	

**COMPLAINT FOR DECLARATORY RELIEF  
AND DEMAND FOR JURY TRIAL**

Plaintiff, MagneMotion, Inc. (“MagneMotion”), hereby pleads the following claims for Declaratory Judgment against defendant, Rockwell Automation, Inc. (“Rockwell”), and alleges as follows:

**NATURE OF THE ACTION**

1. This action is based on the patent laws of the United States, Title 35 of the United States Code. Rockwell has alleged infringement of United States Patent Nos. 5,936,319; 5,965,963; 5,994,798; 6,274,952; 6,713,902; 6,784,572; 6,803,681; 6,876,107; 7,026,732; 7,456,593; 7,781,993 and 8,076,803 (collectively, the “Patents-in-Suit”) based on certain alleged past and/or ongoing activity by MagneMotion. MagneMotion contends that it has the unfettered right to engage in the accused activity without license to any of the Patents-in-Suit. MagneMotion thus seeks a declaration that it does not infringe the Patents-in-Suit and that the Patents-in-Suit are invalid.

**PARTIES**

2. MagneMotion is a corporation organized and existing under the laws of the State of Delaware with a principal place of business located at 139 Barnum Road, Devens, Massachusetts.

3. Rockwell Automation, Inc. is a corporation organized and existing under the laws of the State of Delaware with a principal place of business located at 1201 South Second Street, Milwaukee, Wisconsin.

**JURISDICTION AND VENUE**

4. This is a civil action regarding allegations of patent infringement and patent invalidity arising under the patent laws of the United States, Title 35 of the United States Code, in which MagneMotion seeks declaratory relief under the Declaratory Judgment Act. Thus, the Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338, 2201 and 2202.

5. An actual, present and justiciable controversy exists between MagneMotion (on the one hand) and Rockwell (on the other) by virtue of Rockwell's allegations that MagneMotion infringes the Patents-in-Suit by making, using, offering to sell or selling Linear Synchronous Motor ("LSM") products and related technology, including its MagneMover Lite products and technology, in the United States.

6. MagneMotion contends that it has a right to make and sell its LSM products and technology without license from Rockwell.

7. The Court has personal jurisdiction over Rockwell because it conducts substantial business (and has substantial contact) with Massachusetts and this District. More particularly, Rockwell has business offices located at 2 Executive Drive, Chelmsford, Massachusetts and 100

Nickerson Road, Marlboro, Massachusetts. Through its Massachusetts offices and other business efforts, Rockwell sells, markets, advertises and/or offers its products and services in Massachusetts and in this District.

8. In addition, and as will be discussed more fully below in paragraphs 44-58, Rockwell caused a letter to be sent into Massachusetts and within this District on or about November 12, 2014. The letter identifies the Patents-in-Suit and alleges that they “overlap” with MagneMotion’s product offerings, including its MagneMover Lite products. Rockwell’s letter also identifies a recent patent infringement lawsuit that Rockwell filed against Beckhoff Automation GmbH, wherein Rockwell asserted 5 of the Patents-in-Suit against Beckhoff. The letter also indicates that Rockwell “enjoined” Beckhoff “from marketing and selling” certain products “as a result of the lawsuit.” Rockwell’s letter also requested a meeting with MagneMotion for the purposes of discussing whether Rockwell would “allow [MagneMotion’s] sale process to proceed.” A true and accurate copy of the letter is attached as Exhibit A.

9. In addition, and as discussed more fully below in paragraphs 44-58, business representatives of Rockwell met with business representatives of MagneMotion at the Hilton Hotel at Logan Airport on or about November 14, 2014. During the meeting a Rockwell representative stated that Rockwell has had its eyes on MagneMotion’s [alleged] infringement for a long time and that MagneMotion was next in line now that Rockwell’s patent infringement litigation with Beckhoff Automation is over.

10. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 in that a substantial part of the acts giving rise to the claim occurred in this judicial district, and because Rockwell is subject to personal jurisdiction in this judicial district.

**MAGNEMOTION, INC.**

11. Dr. Richard D. Thornton is the principal founder of MagneMotion. Prior to founding MagneMotion, Dr. Thornton was Professor of Electrical Engineering and Computer Science at Massachusetts Institute of Technology (“MIT”). Starting in the 1960’s, Dr. Thornton’s primary research was in magnetic levitation and propulsion, and power electronic control systems. While at MIT, Dr. Thornton’s research and classroom instruction included modeling and simulation of electronic circuits and microprocessor controlled electromagnetic and electromechanical systems.

12. In 1996 Dr. Thornton formed MagneMotion with Todd Webber and two of his thesis students from MIT, Dr. Tracy Clark and Dr. Brian Perrault. For well over two decades MagneMotion’s founders have developed intelligent conveyor systems using Linear Synchronous Motor (“LSM”) technology for demanding assembly, process, test and manufacturing automation applications. Today MagneMotion has approximately 90 employees and is located in a state-of-the-art facility in Devens, Massachusetts.

13. MagneMotion’s pioneering LSM technology is embodied in its QuickStick, QuickStick HT and MagneMover® LITE product lines, among others, which provide solutions for the way material can be conveyed and provide significant advantages in powering automation, manufacturing and logistics systems.

14. MagneMotion has special expertise in motor and magnet array design and fabrication; position sensing, communication, and control for linear synchronous motors; as well as propulsion, levitation, guidance and switching for magnetic levitation (“maglev”) and wheel-based transport systems. Organizations ranging from the U.S. military and government agencies, to major multi-national companies and leading automation systems integrators utilize

MagneMotion's technology. MagneMotion is the recipient of numerous United States and foreign patents.

### **ROCKWELL AUTOMATION**

15. Rockwell is a large, multi-national corporation with over 22,000 employees and \$25 billion in sales over the last 12 months.

16. Upon information and belief, in or about 1998 Rockwell acquired Anorad Corporation, a corporation in the field of positioning systems and linear motor components.

17. Upon information and belief, in or about November 2013, Rockwell acquired Jacobs Automation, a corporation with a product known as i-TRAK®, which controls multiple movers on a guideway.

18. Upon information and belief, prior to its acquisitions of Anorad and Jacobs, Rockwell had little to no native LSM technology of its own.

### **THE PATENTS-IN-SUIT**

19. Upon information and belief, Rockwell claims to be the owner by assignment of the following Patents-in-Suit as a result of its acquisition of Anorad and Jacobs.

20. U.S. Patent No. 5,936,319, which issued on August 10, 1999, is titled “Wireless Permanent Magnet Linear Motor With Magnetically Controlled Armature Switching and Magnetic Encoder” (“the ’319 Patent”) (Ex. B);

21. U.S. Patent No. 5,965,963, which issued on October 12, 1999, is titled “Linear Motor With a Plurality of Stages Independently Movable on the Same Path” (“the ’963 Patent”) (Ex. C);

22. U.S. Patent No. 5,994,798, which issued on November 30, 1999, is titled “Closed-Path Linear Motor” (“the ’798 Patent”) (Ex. D);

23. U.S. Patent No. 6,274,952, which issued on August 14, 2001, is titled “Closed-Path Linear Motor” (“the ’952 Patent”) (Ex. E);

24. U.S. Patent No. 6,713,902, which issued on March 30, 2004, is titled “Closed-Path Linear Motor” (“the ’902 Patent”) (Ex. F);

25. U.S. Patent No. 6,784,572, which issued on August 31, 2004, is titled “Path Arrangement for a Multi-Track Linear Motor System and Method to Control Same” (“the ’572 Patent”) (Ex. G);

26. U.S. Patent No. 6,803,681, which issued on October 12, 2004, is titled “Path Module for a Linear Motor, Modular Linear Motor System and Method to Control Same” (“the ’681 Patent”) (Ex. H);

27. U.S. Patent No. 6,876,107, which issued on April 5, 2005, is titled “Controlled Motion System” (“the ’107 Patent”) (Ex. I);

28. U.S. Patent No. 7,026,732, which issued on April 11, 2006, is titled “Path Arrangement for a Multi-Track Linear Motor System and Method to Control Same” (“the ’732 Patent”) (Ex. J);

29. U.S. Patent No. 7,456,593, which issued on November 25, 2008, is titled “Direct Drive Transport System” (“the ’593 Patent”) (Ex. K);

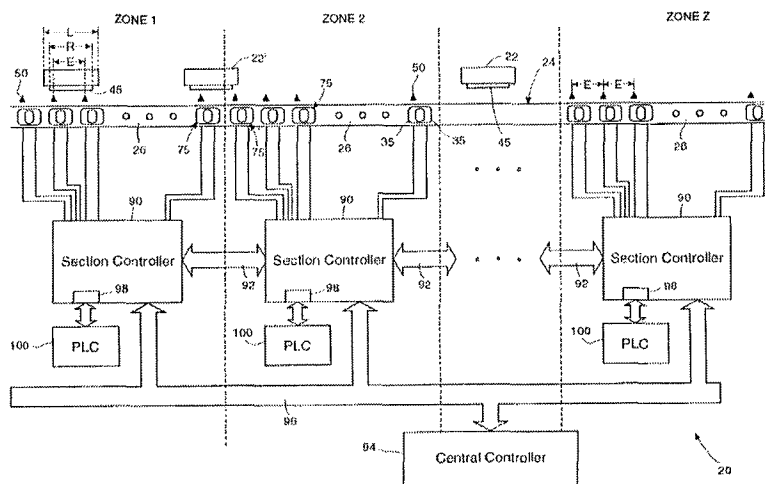
30. U.S. Patent No. 7,781,993, which issued on August 24, 2010, is titled “Path Module for a Linear Motor, Modular Linear Motor System and Method to Control the Same” (“the ’993 Patent”) (Ex. L);

31. U.S. Patent No. 8,076,803, which issued on December 13, 2011, is titled “Controlled Motion System” (“the ’803 Patent”) (Ex. M).



David Cope, and Bruce Gamble, titled Design and Demonstration of a Locally Commutated Linear Synchronous Motor (Society of Automotive Engineers, Inc., Paper No. 951919, 1995) (“Wiesman, *et al.*”), a copy of which is provided as Exhibit O, was not considered by the United States Patent and Trademark Office during prosecution of the Patents-in-Suit. Wiesman *et al.* was published three years before the earliest purported priority date of the Patents-in-Suit.

36. International Patent Publication Number WO 98/50760 (published November 12, 1998) (the “ ‘760 Application”), a copy of which is provided as Exhibit P, too, was not



considered by the United States Patent and Trademark Office during prosecution of the Patents-in-Suit. The ‘760 Application was published before many of the Patents-in-Suit were filed.

37. Both Wiesman, *et al.* and the ‘760 Application disclose linear synchronous motor guideways defined by adjacent modules in which individual propulsion windings are activated by dedicated switching logic under control of a local controller. *See*, Wiesman *et al.*, in the section entitled “Design Motivation and Embodiment” and the ‘760 Patent Publication at pp. 14-16. *See also*, Figure 6 of the ‘760 Application, reprinted above. The local controllers disclosed in both publications, in turn, respond to commands from central controller received, according to the ‘760 Application, over a multi-drop bus. *See*, Wiesman *et al.*, in the section entitled “Design Motivation and Embodiment” and the ‘760 Patent Application at pp. 14-16. Neither of these publications was considered by the United States Patent and Trademark Office during



prosecution of the Patents-in-Suit, yet both anticipate and/or render them obvious under 35 U.S.C. §§102 and 103.

**MAGNEMOTION'S INTERACTIONS WITH ROCKWELL**

38. MagneMotion and Rockwell have interacted on various business and technical matters throughout MagneMotion's existence. The following five paragraphs describe certain, but not all, pertinent interactions between MagneMotion and Rockwell:

39. In or about 2003, representatives from Rockwell contacted MagneMotion to discuss MagneMotion's products and technology in view of various Rockwell (Anorad) patents, including the '319 patent. MagneMotion informed Rockwell that its products and technology did not infringe any of the identified patents and that the patents were invalid. Rockwell did not pursue any claims at the time and remained silent for over 11 years thereafter.

40. In reliance upon Rockwell's silence and inactivity for over 11 years, MagneMotion did not change course, and continued to invest significant time and money developing its products and offering them to the market. Additionally, in reliance upon Rockwell's silence and inactivity, MagneMotion is now caused to deal with issues that are over 11 years old, as opposed to dealing with them at the time they were initially raised by Rockwell, when memories were fresher and relevant information was more accessible.

41. In or about 2010, MagneMotion and Rockwell collaborated on a project that involved products and technology from Rockwell and MagneMotion. During this collaboration Rockwell became intimately aware of MagneMotion's products and technology, including the accused LSM technology, yet raised no issue with Rockwell's patents (including the Patents-in-Suit). Since 2003, Rockwell has not raised any issues with any of its patents—until recently.

42. In reliance upon Rockwell's silence and inactivity for many years, MagneMotion did not change course, and continued to invest significant time and money developing its products and offering them to the market. Additionally, in reliance upon Rockwell's silence and inactivity, MagneMotion is now caused to deal with issues that are in the past (i.e., up to 11 years old), as opposed to dealing with them at the time they could have been initially raised by Rockwell, when memories were fresher and relevant information was more accessible.

43. Rockwell's silence and inaction was misleading, as MagneMotion relied on it in continuing to develop and offer its products and technology without any perceived need to alter its course due to alleged infringement of Rockwell's Patents-in-Suit. Furthermore, Rockwell's delay in raising issues with its patents is unreasonable and inexcusable. Such misleading silence, inactivity and delay has and will result in severe prejudice, including evidentiary and economic prejudice, to MagneMotion in the event Rockwell is permitted to prosecute any case for patent infringement against MagneMotion.

#### **ROCKWELL'S PATENT INFRINGEMENT LAWSUITS**

44. MagneMotion recently became aware that Rockwell has filed four patent infringement lawsuits since 2010.

45. On or about November 10, 2010, Rockwell Automation filed a patent infringement lawsuit against WAGO Corporation in the United States District Court for the Western District of Wisconsin. *Rockwell Automation, Inc. et al. v. WAGO Corporation et al.*, 3:10-cv-00718-wmc (W.D. WI) (the "WAGO litigation").

46. On or about January 20, 2012, Rockwell Automation filed a patent infringement lawsuit against Secure Crossing Research and Development, Inc. in the United States District Court for the Eastern District of Michigan. *Rockwell Automation Technologies, Inc. v Secure*

*Crossing Research and Development, Inc.*, 2:12-cv-10274-GCS-MKM (E.D. MI) (the “Secure Crossing Litigation”).

47. On or about March 6, 2012, Rockwell Automation filed a patent infringement lawsuit against Kontron Modular Computers in the United States District Court for the Southern District of California. *Rockwell Automation, Inc. v. Kontron Modular Computers*, 3:12-cv-00566-WHQ-WMC (S.D. Cal.) (the “Kontron litigation”).

48. On or about September 5, 2013 Rockwell Automation filed a patent infringement lawsuit against Beckhoff Automation LLC in the United States District Court for the District of Nevada. *Rockwell Automation, Inc. v. Beckhoff Automation LLC et al.*, 2:12-cv-01616 (D. Nev.) (the “Beckhoff litigation”).

49. Beckhoff Automation provides motion control hardware and software products for the industrial automation industry, including an extended transport system known as XTS.

50. Rockwell asserted the ‘798, ‘963, ‘952, ‘681 and ‘902 patents against Beckhoff Automation in the Beckhoff litigation.

#### **MAGNEMOTION’S RECENT BUSINESS ACTIVITIES**

51. MagneMotion, through its advisor Mirus Securities, recently sent a “teaser” to certain third parties that may be interested in financial and business opportunities with MagneMotion. A true and accurate copy of the teaser is attached as Exhibit Q. The teaser provides information to potentially interested parties about, *inter alia*, the opportunity to acquire MagneMotion or to invest in the company. Mirus Securities sent the teaser to Rockwell.

52. Initially, Rockwell’s business representatives responded to the teaser in a positive manner, and discussed traveling to Massachusetts for a business meeting with MagneMotion and Mirus Securities, but identified some patent issues that needed to be addressed.

53. Shortly thereafter, on or about November 12, 2014, Rockwell caused a letter to be sent to Mirus Securities office in Burlington, Massachusetts (Ex. A).

**ROCKWELL'S THREATS TO SUE MAGNEMOTION FOR PATENT INFRINGEMENT**

54. Rockwell's November 12, 2014, letter identifies the Patents-in-Suit and indicates that they "overlap" with MagneMotion's product offerings, including its MagneMover Lite products. It also identifies the Beckhoff litigation, wherein Rockwell asserted five of the Patents-in-Suit against Beckhoff, and wherein Rockwell claims to have "enjoined" Beckhoff "from marketing and selling" Beckhoff's products "as a result of the lawsuit." Rockwell's letter also requested a meeting with MagneMotion for the purposes of discussing whether Rockwell would "allow [MagneMotion's] sale process to proceed." Upon information and belief, Rockwell's statement in the November 12 letter about allowing the "sales process to proceed" refers to MagneMotion's teaser about financial and business opportunities with MagneMotion. (Ex. A).

55. On November 14, 2014, representatives of Rockwell met with business representatives from MagneMotion and Mirus Securities at the Hilton Hotel at Logan Airport in East Boston, Massachusetts. During the meeting, a Rockwell representative stated that Rockwell "had MagneMotion in its sights" for alleged patent infringement and that MagneMotion was "next in line" now that Rockwell prevailed in their patent infringement lawsuit against Beckhoff. The Rockwell representative also stated that MagneMotion's "teaser" was fortuitous because the infringement lawsuit against MagneMotion was imminent, and the teaser allowed the M&A and technology interests of Rockwell to temporarily intercede and explore possible M&A with MagneMotion. When asked "why now?" by a MagneMotion representative about the imminent infringement lawsuit, especially following collaborative efforts between MagneMotion and Rockwell over the years, and years of silence by Rockwell on patent issues, a Rockwell

representative stated “you are now a threat” to Rockwell since MagneMotion could be acquired by a Rockwell competitor.

56. Subsequent to the November 14, 2014, meeting in East Boston, further M&A discussions between MagneMotion and Rockwell were halted by Rockwell, and Rockwell requested a future meeting between patent counsel for both sides to discuss Rockwell’s patent infringement allegations. On Thursday, November 20, 2014, outside patent counsel for MagneMotion had a telephone call with in-house patent counsel for Rockwell. The in-house patent attorney at Rockwell would not discuss any substantive matter relating to the Patents-in-Suit and/or MagneMotion’s products unless and until MagneMotion’s outside counsel agreed that the conversation was a “settlement discussion” and thus governed by Rule 408 of the Federal Rules of Civil Procedure. That discussion re-confirmed MagneMotion’s belief Rockwell would imminently sue MagneMotion for alleged infringement of the Patents-in-Suit.

57. In view of the above, MagneMotion and Rockwell have adverse legal interests, and Rockwell has created a real and imminent threat of injury to MagneMotion.

58. Accordingly, there is an actual, present, and justiciable controversy between MagneMotion and Rockwell as to whether MagneMotion is liable to Rockwell for infringement of the Patents-in-suit, whether the Patents-in-suit are valid under United States Patent Law, whether the doctrine of laches precludes Rockwell from recovering any damages for alleged infringement of the Patents-in-Suit, and whether the doctrine of equitable estoppel precludes Rockwell from asserting the Patents-in-Suit against MagneMotion and obtaining any relief therefrom whatsoever.

### **COUNT I**

#### **(Declaratory Relief Regarding Non-Infringement of U.S. Patent No. 5,936,319)**

59. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 58 above.

60. Upon information and belief, Rockwell claims to be the owner of all right, title and interest in the '319 patent, including the right to assert a cause of action arising under that patent and the right to any remedies for infringement thereof.

61. Rockwell contends that MagneMotion has or is infringing one or more claims of the '319 patent.

62. MagneMotion does not infringe any claim of the '319 patent, directly or indirectly, contributorily or otherwise, literally or by the doctrine of equivalents, through its or its customers' activities in conjunction with any of MagneMotion's products or services, including but not limited to its MagneMover Lite products and services.

63. As set forth above, an actual and justiciable controversy exists between MagneMotion and Rockwell as to Rockwell's allegations of infringement of the '319 patent.

64. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that MagneMotion does not infringe, under any theory of infringement, any valid claim of the '319 patent.

## **COUNT II**

### **(Declaratory Relief Regarding Invalidity of U.S. Patent No. 5,936,319)**

65. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 64 above.

66. Upon information and belief, Rockwell contends that the '319 patent is valid.

67. The claims of the '319 patent are invalid for failure to comply with one or more of the conditions for patentability set forth in Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

68. As set forth above, an actual justiciable controversy exists between MagneMotion and Rockwell as to whether the claims of the '319 patent are invalid.

69. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that the claims of the '319 patent are invalid pursuant to Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

### **COUNT III**

#### **(Declaratory Relief Regarding Non-Infringement of U.S. Patent No. 5,965,963)**

70. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 69 above.

71. Upon information and belief, Rockwell claims to be the owner of all right, title and interest in the '963 patent, including the right to assert a cause of action arising under that patent and the right to any remedies for infringement thereof.

72. Rockwell contends that MagneMotion has or is infringing one or more claims of the '963 patent.

73. MagneMotion does not infringe any claim of the '963 patent, directly or indirectly, contributorily or otherwise, literally or by the doctrine of equivalents, through its or its customers' activities in conjunction with any of MagneMotion's products or services, including but not limited to its MagneMover Lite products and services.

74. As set forth above, an actual and justiciable controversy exists between MagneMotion and Rockwell as to Rockwell's allegations of infringement of the '963 patent.

75. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that MagneMotion does not infringe, under any theory of infringement, any valid claim of the '963 patent.

#### **COUNT IV**

##### **(Declaratory Relief Regarding Invalidity of U.S. Patent No. 5,965,963)**

76. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 75 above.

77. Upon information and belief, Rockwell contends that the '963 patent is valid.

78. The claims of the '963 patent are invalid for failure to comply with one or more of the conditions for patentability set forth in Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

79. As set forth above, an actual justiciable controversy exists between MagneMotion and Rockwell as to whether the claims of the '963 patent are invalid.

80. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that the claims of the '963 patent are invalid pursuant to Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

#### **COUNT V**

##### **(Declaratory Relief Regarding Non-Infringement of U.S. Patent No. 5,994,798)**

81. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 80 above.



82. Upon information and belief, Rockwell claims to be the owner of all right, title and interest in the '798 patent, including the right to assert a cause of action arising under that patent and the right to any remedies for infringement thereof.

83. Rockwell contends that MagneMotion has or is infringing one or more claims of the '798 patent.

84. MagneMotion does not infringe any claim of the '798 patent, directly or indirectly, contributorily or otherwise, literally or by the doctrine of equivalents, through its or its customers' activities in conjunction with any of MagneMotion's products or services, including but not limited to its MagneMover Lite products and services.

85. As set forth above, an actual and justiciable controversy exists between MagneMotion and Rockwell as to Rockwell's allegations of infringement of the '798 patent.

86. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that MagneMotion does not infringe, under any theory of infringement, any valid claim of the '798 patent.

#### **COUNT VI**

#### **(Declaratory Relief Regarding Invalidity of U.S. Patent No. 5,994,798)**

87. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 86 above.

88. Upon information and belief, Rockwell contends that the '798 patent is valid.

89. The claims of the '798 patent are invalid for failure to comply with one or more of the conditions for patentability set forth in Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

90. As set forth above, an actual justiciable controversy exists between MagneMotion and Rockwell as to whether the claims of the '798 patent are invalid.

91. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that the claims of the '798 patent are invalid pursuant to Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

### **COUNT VII**

#### **(Declaratory Relief Regarding Non-Infringement of U.S. Patent No. 6,274,952)**

92. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 91 above.

93. Upon information and belief, Rockwell claims to be the owner of all right, title and interest in the '952 patent, including the right to assert a cause of action arising under that patent and the right to any remedies for infringement thereof.

94. Rockwell contends that MagneMotion has or is infringing one or more claims of the '952 patent.

95. MagneMotion does not infringe any claim of the '952 patent, directly or indirectly, contributorily or otherwise, literally or by the doctrine of equivalents, through its or its customers' activities in conjunction with any of MagneMotion's products or services, including but not limited to its MagneMover Lite products and services.

96. As set forth above, an actual and justiciable controversy exists between MagneMotion and Rockwell as to Rockwell's allegations of infringement of the '952 patent.

97. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that MagneMotion does not infringe, under any theory of infringement, any valid claim of the '952 patent.

### **COUNT VIII**

#### **(Declaratory Relief Regarding Invalidity of U.S. Patent No. 6,274,952)**

98. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 97 above.

99. Upon information and belief, Rockwell contends that the '952 patent is valid.

100. The claims of the '952 patent are invalid for failure to comply with one or more of the conditions for patentability set forth in Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

101. As set forth above, an actual justiciable controversy exists between MagneMotion and Rockwell as to whether the claims of the '952 patent are invalid.

102. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that the claims of the '952 patent are invalid pursuant to Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

### **COUNT IX**

#### **(Declaratory Relief Regarding Non-Infringement of U.S. Patent No. 6,713,902)**

103. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 102 above.

104. Upon information and belief, Rockwell claims to be the owner of all right, title and interest in the '902 patent, including the right to assert a cause of action arising under that patent and the right to any remedies for infringement thereof.

105. Rockwell contends that MagneMotion has or is infringing one or more claims of the '902 patent.

106. MagneMotion does not infringe any claim of the '902 patent, directly or indirectly, contributorily or otherwise, literally or by the doctrine of equivalents, through its or its customers' activities in conjunction with any of MagneMotion's products or services, including but not limited to its MagneMover Lite products and services.

107. As set forth above, an actual and justiciable controversy exists between MagneMotion and Rockwell as to Rockwell's allegations of infringement of the '902 patent.

108. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that MagneMotion does not infringe, under any theory of infringement, any valid claim of the '902 patent.

### **COUNT X**

#### **(Declaratory Relief Regarding Invalidity of U.S. Patent No. 6,713,902)**

109. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 108 above.

110. Upon information and belief, Rockwell contends that the '902 patent is valid.

111. The claims of the '902 patent are invalid for failure to comply with one or more of the conditions for patentability set forth in Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

112. As set forth above, an actual justiciable controversy exists between MagneMotion and Rockwell as to whether the claims of the '902 patent are invalid.

113. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that the claims of the '902 patent are invalid pursuant to Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

### **COUNT XI**

#### **(Declaratory Relief Regarding Non-Infringement of U.S. Patent No. 6,784,572)**

114. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 113 above.

115. Upon information and belief, Rockwell claims to be the owner of all right, title and interest in the '572 patent, including the right to assert a cause of action arising under that patent and the right to any remedies for infringement thereof.

116. Rockwell contends that MagneMotion has or is infringing one or more claims of the '572 patent.

117. MagneMotion does not infringe any claim of the '572 patent, directly or indirectly, contributorily or otherwise, literally or by the doctrine of equivalents, through its or its customers' activities in conjunction with any of MagneMotion's products or services, including but not limited to its MagneMover Lite products and services.

118. As set forth above, an actual and justiciable controversy exists between MagneMotion and Rockwell as to Rockwell's allegations of infringement of the '572 patent.

119. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that MagneMotion does not infringe, under any theory of infringement, any valid claim of the '572 patent.

**COUNT XII**

**(Declaratory Relief Regarding Invalidity of U.S. Patent No. 6,784,572)**

120. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 119 above.

121. Upon information and belief, Rockwell contends that the '572 patent is valid.

122. The claims of the '572 patent are invalid for failure to comply with one or more of the conditions for patentability set forth in Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

123. As set forth above, an actual justiciable controversy exists between MagneMotion and Rockwell as to whether the claims of the '572 patent are invalid.

124. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that the claims of the '572 patent are invalid pursuant to Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

**COUNT XIII**

**(Declaratory Relief Regarding Non-Infringement of U.S. Patent No. 6,803,681)**

125. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 124 above.

126. Upon information and belief, Rockwell claims to be the owner of all right, title and interest in the '681 patent, including the right to assert a cause of action arising under that patent and the right to any remedies for infringement thereof.

127. Rockwell contends that MagneMotion has or is infringing one or more claims of the '681 patent.

128. MagneMotion does not infringe any claim of the '681 patent, directly or indirectly, contributorily or otherwise, literally or by the doctrine of equivalents, through its or its customers' activities in conjunction with any of MagneMotion's products or services, including but not limited to its MagneMover Lite products and services.

129. As set forth above, an actual and justiciable controversy exists between MagneMotion and Rockwell as to Rockwell's allegations of infringement of the '681 patent.

130. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that MagneMotion does not infringe, under any theory of infringement, any valid claim of the '681 patent.

#### **COUNT XIV**

##### **(Declaratory Relief Regarding Invalidity of U.S. Patent No. 6,803,681)**

131. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 130 above.

132. Upon information and belief, Rockwell contends that the '681 patent is valid.

133. The claims of the '681 patent are invalid for failure to comply with one or more of the conditions for patentability set forth in Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

134. As set forth above, an actual justiciable controversy exists between MagneMotion and Rockwell as to whether the claims of the '681 patent are invalid.

135. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that the claims of the '681 patent are invalid pursuant to Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

**COUNT XV**

**(Declaratory Relief Regarding Non-Infringement of U.S. Patent No. 6,876,107)**

136. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 135 above.

137. Upon information and belief, Rockwell claims to be the owner of all right, title and interest in the '107 patent, including the right to assert a cause of action arising under that patent and the right to any remedies for infringement thereof.

138. Rockwell contends that MagneMotion has or is infringing one or more claims of the '107 patent.

139. MagneMotion does not infringe any claim of the '107 patent, directly or indirectly, contributorily or otherwise, literally or by the doctrine of equivalents, through its or its customers' activities in conjunction with any of MagneMotion's products or services, including but not limited to its MagneMover Lite products and services.

140. As set forth above, an actual and justiciable controversy exists between MagneMotion and Rockwell as to Rockwell's allegations of infringement of the '107 patent.



141. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that MagneMotion does not infringe, under any theory of infringement, any valid claim of the '107 patent.

**COUNT XVI**

**(Declaratory Relief Regarding Invalidity of U.S. Patent No. 6,876,107)**

142. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 141 above.

143. Upon information and belief, Rockwell contends that the '107 patent is valid.

144. The claims of the '107 patent are invalid for failure to comply with one or more of the conditions for patentability set forth in Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

145. As set forth above, an actual justiciable controversy exists between MagneMotion and Rockwell as to whether the claims of the '107 patent are invalid.

146. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that the claims of the '107 patent are invalid pursuant to Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

**COUNT XVII**

**(Declaratory Relief Regarding Non-Infringement of U.S. Patent No. 7,026,732)**

147. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 146 above.

148. Upon information and belief, Rockwell claims to be the owner of all right, title and interest in the '732 patent, including the right to assert a cause of action arising under that patent and the right to any remedies for infringement thereof.

149. Rockwell contends that MagneMotion has or is infringing one or more claims of the '732 patent.

150. MagneMotion does not infringe any claim of the '732 patent, directly or indirectly, contributorily or otherwise, literally or by the doctrine of equivalents, through its or its customers' activities in conjunction with any of MagneMotion's products or services, including but not limited to its MagneMover Lite products and services.

151. As set forth above, an actual and justiciable controversy exists between MagneMotion and Rockwell as to Rockwell's allegations of infringement of the '732 patent.

152. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that MagneMotion does not infringe, under any theory of infringement, any valid claim of the '732 patent.

### **COUNT XVIII**

#### **(Declaratory Relief Regarding Invalidity of U.S. Patent No. 7,026,732)**

153. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 152 above.

154. Upon information and belief, Rockwell contends that the '732 patent is valid.

155. The claims of the '732 patent are invalid for failure to comply with one or more of the conditions for patentability set forth in Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

156. As set forth above, an actual justiciable controversy exists between MagneMotion and Rockwell as to whether the claims of the '732 patent are invalid.

157. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that the claims of the '732 patent are invalid pursuant to Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

### **COUNT XIX**

#### **(Declaratory Relief Regarding Non-Infringement of U.S. Patent No. 7,456,593)**

158. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 157 above.

159. Upon information and belief, Rockwell claims to be the owner of all right, title and interest in the '593 patent, including the right to assert a cause of action arising under that patent and the right to any remedies for infringement thereof.

160. Rockwell contends that MagneMotion has or is infringing one or more claims of the '593 patent.

161. MagneMotion does not infringe any claim of the '593 patent, directly or indirectly, contributorily or otherwise, literally or by the doctrine of equivalents, through its or its customers' activities in conjunction with any of MagneMotion's products or services, including but not limited to its MagneMover Lite products and services.

162. As set forth above, an actual and justiciable controversy exists between MagneMotion and Rockwell as to Rockwell's allegations of infringement of the '593 patent.

163. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that MagneMotion does not infringe, under any theory of infringement, any valid claim of the '593 patent.

**COUNT XX**

**(Declaratory Relief Regarding Invalidity of U.S. Patent No. 7,456,593)**

164. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 163 above.

165. Upon information and belief, Rockwell contends that the '593 patent is valid.

166. The claims of the '593 patent are invalid for failure to comply with one or more of the conditions for patentability set forth in Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

167. As set forth above, an actual justiciable controversy exists between MagneMotion and Rockwell as to whether the claims of the '593 patent are invalid.

168. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that the claims of the '593 patent are invalid pursuant to Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

**COUNT XXI**

**(Declaratory Relief Regarding Non-Infringement of U.S. Patent No. 7,781,993)**

169. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 168 above.

170. Upon information and belief, Rockwell claims to be the owner of all right, title and interest in the '993 patent, including the right to assert a cause of action arising under that patent and the right to any remedies for infringement thereof.

171. Rockwell contends that MagneMotion has or is infringing one or more claims of the '993 patent.

172. MagneMotion does not infringe any claim of the '993 patent, directly or indirectly, contributorily or otherwise, literally or by the doctrine of equivalents, through its or its customers' activities in conjunction with any of MagneMotion's products or services, including but not limited to its MagneMover Lite products and services.

173. As set forth above, an actual and justiciable controversy exists between MagneMotion and Rockwell as to Rockwell's allegations of infringement of the '993 patent.

174. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that MagneMotion does not infringe, under any theory of infringement, any valid claim of the '993 patent.

## **COUNT XXII**

### **(Declaratory Relief Regarding Invalidity of U.S. Patent No. 7,781,993)**

175. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 174 above.

176. Upon information and belief, Rockwell contends that the '993 patent is valid.

177. The claims of the '993 patent are invalid for failure to comply with one or more of the conditions for patentability set forth in Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

178. As set forth above, an actual justiciable controversy exists between MagneMotion and Rockwell as to whether the claims of the '993 patent are invalid.

179. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that the claims of the '993 patent are invalid pursuant to Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

**COUNT XXIII**

**(Declaratory Relief Regarding Non-Infringement of U.S. Patent No. 8,076,803)**

180. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 179 above.

181. Upon information and belief, Rockwell claims to be the owner of all right, title and interest in the '803 patent, including the right to assert a cause of action arising under that patent and the right to any remedies for infringement thereof.

182. Rockwell contends that MagneMotion has or is infringing one or more claims of the '803 patent.

183. MagneMotion does not infringe any claim of the '803 patent, directly or indirectly, contributorily or otherwise, literally or by the doctrine of equivalents, through its or its customers' activities in conjunction with any of MagneMotion's products or services, including but not limited to its MagneMover Lite products and services.

184. As set forth above, an actual and justiciable controversy exists between MagneMotion and Rockwell as to Rockwell's allegations of infringement of the '803 patent.

185. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that MagneMotion does not infringe, under any theory of infringement, any valid claim of the '803 patent.

**COUNT XXIV**

**(Declaratory Relief Regarding Invalidity of U.S. Patent No. 8,076,803)**

186. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 185 above.

187. Upon information and belief, Rockwell contends that the '803 patent is valid.

188. The claims of the '803 patent are invalid for failure to comply with one or more of the conditions for patentability set forth in Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

189. As set forth above, an actual justiciable controversy exists between MagneMotion and Rockwell as to whether the claims of the '803 patent are invalid.

190. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*, MagneMotion requests that this Court enter a judgment that the claims of the '803 patent are invalid pursuant to Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and/or 112.

**COUNT XXV**

**(Declaratory Relief Regarding Rockwell's Forfeiture of its Right to Sue MagneMotion on the Patents-in-Suit Pursuant to the Doctrine of Equitable Estoppel)**

191. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 190 above.

192. In or about 2003, representatives from Rockwell contacted MagneMotion to discuss MagneMotion's products and technology in view of various Rockwell (Anorad) patents,

including the '319 patent. MagneMotion informed Rockwell that its products and technology did not infringe any of the identified patents and that the patents were invalid. Rockwell did not pursue any claims at the time and remained silent for over 11 years thereafter.

193. In reliance upon Rockwell's silence and inactivity for over 11 years, MagneMotion did not change course, and continued to invest significant time and money developing its products and offering them to the market. In reliance upon Rockwell's silence and inactivity, MagneMotion is now caused to deal with issues that are over 11 years old, as opposed to dealing with them at the time they were initially raised by Rockwell, when memories were fresher and relevant information was more accessible.

194. In or about 2010, MagneMotion and Rockwell collaborated on a project that involved products and technology from Rockwell and MagneMotion. During this collaboration Rockwell became intimately aware of MagneMotion's products and technology, including the accused LSM technology, yet raised no issue with Rockwell's patents (including the Patents-in-Suit). Indeed, since 2003, Rockwell has not raised any issues with any of its patents—until recently.

195. In reliance upon Rockwell's silence and inactivity for years, MagneMotion did not change course, and continued to invest significant time and money developing its products and offering them to the market. Additionally, in reliance upon Rockwell's silence and inactivity, MagneMotion is now caused to deal with issues that are in the past (i.e., up to 11 years old), as opposed to dealing with them at the time they could have been initially raised by Rockwell, when memories were fresher and relevant information was more accessible.

196. Rockwell's silence and inaction was misleading, as MagneMotion relied on same in continuing to develop and offer its products and technology without any perceived need to



alter same due to alleged infringement of Rockwell's Patents-in-Suit. Furthermore, Rockwell's delay in raising issues with its patents is unreasonable and inexcusable. Such misleading silence, inactivity and delay has and will result in severe prejudice, including evidentiary and economic prejudice, to MagneMotion in the event Rockwell is permitted to prosecute any case for patent infringement against MagneMotion.

197. Pursuant to the Doctrine of Equitable Estoppel, MagneMotion requests that this Court enter a judgment that Rockwell has forfeited its rights to assert the Patents-in-Suit against MagneMotion, and that Rockwell is precluded from prosecuting any case for patent infringement against MagneMotion.

#### **COUNT XXV**

#### **(Declaratory Relief Regarding Rockwell's Forfeiture of its Right to Sue MagneMotion on the Patents-in-Suit Pursuant to the Doctrine of Equitable Estoppel)**

198. MagneMotion repeats and realleges, as if fully set forth herein, the allegations contained in paragraphs 1 through 197 above.

199. In or about 2003, representatives from Rockwell contacted MagneMotion to discuss MagneMotion's products and technology in view of various Rockwell (Anorad) patents, including the '319 patent. MagneMotion informed Rockwell that its products and technology did not infringe any of the identified patents and that the patents were invalid. Rockwell did not pursue any claims at the time and remained silent for over 11 years thereafter.

200. In reliance upon Rockwell's silence and inactivity for over 11 years, MagneMotion did not change course, and continued to invest significant time and money developing its products and offering them to the market. In reliance upon Rockwell's silence and inactivity, MagneMotion is now caused to deal with issues that are over 11 years old, as opposed

to dealing with them at the time they were initially raised by Rockwell, when memories were fresher and relevant information was more accessible.

201. In or about 2010, MagneMotion and Rockwell collaborated on a project that involved products and technology from Rockwell and MagneMotion. During this collaboration Rockwell became intimately aware of MagneMotion's products and technology, including the accused LSM technology, yet raised no issue with Rockwell's patents (including the Patents-in-Suit). Indeed, since 2003, Rockwell has not raised any issues with any of its patents—until recently.

202. In reliance upon Rockwell's silence and inactivity for years, MagneMotion did not change course, and continued to invest significant time and money developing its products and offering them to the market. Additionally, in reliance upon Rockwell's silence and inactivity, MagneMotion is now caused to deal with issues that are in the past (i.e., up to 11 years old), as opposed to dealing with them at the time they could have been initially raised by Rockwell, when memories were fresher and relevant information was more accessible.

203. Rockwell's silence and inaction was misleading, as MagneMotion relied on same in continuing to develop and offer its products and technology without any perceived need to alter same due to alleged infringement of Rockwell's Patents-in-Suit. Furthermore, Rockwell's delay in raising issues with its patents is unreasonable and inexcusable. Such misleading silence, inactivity and delay has and will result in severe prejudice, including evidentiary and economic prejudice, to MagneMotion in the event Rockwell is permitted to prosecute any case for patent infringement against MagneMotion.

204. Pursuant to the Doctrine of Laches, MagneMotion requests that this Court enter a judgment that Rockwell has forfeited its rights to damages for [alleged] infringement of the

Patents-in-Suit, and that Rockwell is precluded from making any claim for damages for infringement of the Patents-in-Suit, prior to the filing of this lawsuit.

**PRAYER FOR RELIEF**

Wherefore, MagneMotion respectfully prays for judgment in favor of MagneMotion and against Rockwell as follows:

A. For a judicial determination and declaration that MagneMotion has not infringed and is not infringing, directly or indirectly, literally or under the doctrine of equivalents, any claim of the Patents-in-Suit;

B. For a judicial determination and declaration that each claim of the Patents-in-Suit is invalid;

C. For a judicial determination and declaration that Rockwell has forfeited its rights to assert the Patents-in-Suit against MagneMotion, and that Rockwell is precluded from prosecuting any case for infringement of the Patents-in-Suit against MagneMotion under the Doctrine of Equitable Estoppel;

D. For a judicial determination and declaration that Rockwell has forfeited its rights to damages for alleged infringement of the Patents-in-Suit, and that Rockwell is precluded from making any claim for damages for infringement of the Patents-in-Suit, prior to the filing of this lawsuit., under the Doctrine of Laches;

E. For injunctive relief against Rockwell, and all persons acting on its behalf or in concert with it, restraining them from further prosecuting or instituting any action against MagneMotion or MagneMotion's customers claiming that the Patents-in-Suit are valid or infringed, or for representing to MagneMotion's products or technology, or others' use thereof, infringe the Patents-in-Suit.

F. For a judicial determination and declaration that this case is “exceptional” under the Patent Act and awarding MagneMotion its actual costs, expenses and reasonable attorneys’ fees incurred in connection with this action; and

G. Awarding MagneMotion such other and further relief deemed to be just and appropriate by the Court.

**DEMAND FOR JURY TRIAL**

Plaintiff, MagneMotion, hereby demands a jury trial on all issues and claims so triable.

DATED: November 24, 2014

Respectfully submitted,

MAGNEMOTION INC.,

By its attorneys,

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