

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TORQEEDO GMBH,)	
)	
a German corporation,)	
)	
and)	
)	
TORQEEDO INC.,)	
an Illinois corporation)	
Plaintiffs,)	
)	
v.)	Civil Action No.
)	
ELCO MOTOR YACHTS, LLC,)	
a Delaware Limited Liability Company,)	
)	
Defendant.)	

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs, Torqeedo GmbH and Torqeedo Inc. (collectively “Torqeedo”), for their Complaint against Defendant, Elco Motor Yachts, LLC (“Elco”), state as follows:

PARTIES

1. Torqeedo GmbH is a German corporation organized and existing under the laws of Germany. Torqeedo Inc. is a subsidiary of Torqeedo GmbH and an Illinois corporation with its principal place of business at 171 Erick Street, Unit A-1, Crystal Lake, IL 60014.

2. Upon information and belief, Elco is a limited liability company organized and existing under the laws of Delaware. Upon information and belief, its principal place of business is 21 South Water Street, Athens, New York 12015.

JURISDICTION AND VENUE

3. 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 under 28 U.S.C. §§ 1331, 1332(a)(3), and 1338(a).

4. This Court has personal jurisdiction over Defendant because Defendant conducts substantial business in the state of Illinois and in this Judicial District.

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 (b) and (c) and 1400(b) because acts giving rise to the claims asserted herein occurred and are occurring within the Northern District of Illinois, Eastern Division.

BACKGROUND

6. Since its founding in 2006, Torqeedo has become the market leader in the fast growing electric outboard motor industry. As a pioneer in the area of high-tech electromobility on water, Torqeedo has set the standard for electric motors on the market.

7. Torqeedo's innovative motor designs and ongoing research and development in the electric outboard motor industry have been recognized through the awarding of numerous patents by the U.S. Patent and Trademark Office.

8. Torqeedo is the owner of U.S. Patent No. 8,337,264 ("the '264 patent"), for an "Outboard Motor for a Boat," which properly issued on December 25, 2012 (attached as Exhibit A). The '264 patent is directed to an outboard drive for a boat that incorporates an electronically commutated electric motor and a system for powering the motor.

9. Upon information and belief, Elco is aware of Torqeedo's innovations in the electric outboard motor industry and the '264 patent.

10. Elco makes, uses, sells, offers for sale, and/or imports electric outboard motors under the model designations EP-5, EP-7, and EP-9.9.

COUNT - PATENT INFRINGEMENT

11. Torqeedo repeats and realleges the allegations of paragraphs 1-10 above, as if fully repeated herein.

12. Upon information and belief, Elco is directly infringing (either literally or under the doctrine of equivalents) at least claims 1, 4, 5, 7 and 9 of the '264 patent by making, using, selling, offering for sale, and/or importing its EP-5, EP-7, and EP-9.9 electric outboard motors.

13. Elco's infringement of the '264 patent has damaged Torqeedo, and Elco is therefore liable to Torqeedo for infringement of the '264 patent under 35 U.S.C. § 271(a).

14. To the extent that Torqeedo learns through discovery that Elco's infringement is willful, Torqeedo reserves the right to request such a finding at trial.

15. As a result of Elco's infringement of the '264 patent, Torqeedo has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Elco's infringing activities are enjoined by this Court.

16. Elco's wrongful acts have damaged and will continue to damage Torqeedo irreparably, and Torqeedo has no adequate remedy at law for those wrongs and injuries. In addition to its actual damages, Torqeedo is entitled to a permanent injunction restraining and enjoining Elco and its officers, directors, agents, representatives, attorneys and all other persons acting or claiming to act on their behalf or under their direction or authority, and all persons acting in concert or in participation with Elco, from infringing the '264 patent.

