

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

**MINIATURE PRECISION COMPONENTS,
INC.**, a Wisconsin corporation,

Plaintiff,

Case No.:

v.

**CONTITECH NORTH AMERICA
INC.**, a Delaware corporation,

Defendant.

COMPLAINT AND JURY DEMAND

Plaintiff Miniature Precision Components, Inc., through its attorneys, Dickinson Wright PLLC and Sorrentino Burkert Risch Kalter LLC, states as follows for its cause of action against Defendant ContiTech North America, Inc.:

NATURE OF THE CASE

1. This is a complaint for patent infringement of U.S. Patent No. 7,497,478 under 35 U.S.C. § 271.

THE PARTIES

A. The Plaintiff

2. Plaintiff Miniature Precision Components, Inc. ("MPC") is a Wisconsin corporation having a principal place of business at 820 Wisconsin Street, Walworth, WI 53814.

3. Founded in 1972, MPC is a well-known supplier of thermoplastic components to the automotive industry, including various duct couplings and assemblies.

4. MPC has invested substantial sums of money designing and developing thermoplastic component products for the automotive industry, which has resulted in the issuance of several U.S. patents with other U.S. patent applications pending that are directed toward these developments.

5. MPC is the owner by assignment of United States Patent No. 7,497,478 (“the ‘478 Patent”), which issued on March 3, 2009, for an invention entitled "Duct Assembly." (A copy of the ‘478 Patent is attached as **Exhibit A.**)

B. The Defendant

6. Defendant ContiTech North America, Inc. (“ContiTech”) is a corporation organized under the laws of Delaware with a place of business in the United States at 136 Summit Avenue, Montvale, NJ 07645.

7. ContiTech is engaged, directly or indirectly, in the manufacture, sale and/or offer for sale of thermoplastic products, including duct coupling products, which, upon information and belief, incorporate the subject matter of the ‘478 Patent, including, but not limited to, sales of thermoplastic products, which are used in the State of Wisconsin, including in this District.

C. Pertinent Facts

8. MPC manufactures and sells duct coupling products, which are made in accordance with the ‘478 Patent (“the MPC Duct Coupling Product”).

9. MPC has supplied the MPC Duct Coupling Product to various Original Equipment Manufacturers (“OEMs”).

10. In mid-2013, MPC became aware that ContiTech had been awarded an OEM supply contract for the Ford F-150 vehicle program that displaced MPC who had been the supplying the MPC Duct Coupling Product for prior model years of that program.

11. MPC contacted ContiTech in an effort to obtain samples of the ContiTech Duct Coupling Product that ContiTech would be supplying for that OEM vehicle program.

12. ContiTech refused to provide any samples for evaluation by MPC.

13. Upon information and belief, ContiTech began commercially supplying the ContiTech Duct Coupling Product in the fall of 2014.

14. The ContiTech Duct Coupling Product is and has been incorporated into vehicles since the fall of 2014, which are being sold, offered for sale, and used throughout the U.S., including in this District.

JURISDICTION AND VENUE

15. This action arises under the patent laws of the United States, 35 U.S.C. §1 *et seq.*

16. This Court has subject matter jurisdiction over MPC's claims pursuant to 28 U.S.C. §1331 and §1338(a) because this is a civil action for patent infringement and arises under the patent laws of the United States.

17. ContiTech is subject to personal jurisdiction in this District by virtue of, *inter alia*, the fact that: (i) ContiTech sells thermoplastic products, directly and/or indirectly, in the State of Wisconsin, including in this District, (ii) ContiTech has substantial and continuous contacts within the State of Wisconsin, including in this District; and (iii) ContiTech has committed acts of patent infringement in the State of Wisconsin, including in this District.

18. Venue is proper in this Court pursuant to 28 U.S.C. §§1391(b), (c) and §1400(b).

COUNT I PATENT INFRINGEMENT

19. MPC hereby incorporates paragraphs 1 through 18 of its Complaint as though set forth fully herein.

20. The '478 Patent was duly and legally issued by the United States Patent and Trademark Office.

21. The '478 Patent is valid and enforceable.

22. MPC owns the '478 Patent by assignment.

23. ContiTech, upon information and belief, has been and is currently infringing, actively inducing others to infringe, and/or contributing to the infringement of, the '478 Patent in violation of 35 U.S.C. §271, by making, using, selling, and/or offering for sale, or causing or inducing others to infringe the same in connection with at least its sale of duct coupling products.

24. Upon information and belief, ContiTech will continue to infringe the '478 Patent unless and until they are enjoined by this Court.

25. Upon information and belief, ContiTech's infringement has been willful and in blatant disregard for MPC's rights in the '478 Patent.

26. ContiTech has caused and will continue to cause MPC irreparable injury and damage as a result of its direct and/or indirect infringement of the '478 Patent. MPC will suffer further irreparable injury, for which there is no adequate remedy at law, unless and until ContiTech is enjoined from infringing the '478 Patent.

27. MPC is entitled to injunctive relief under 35 U.S.C. §283.

28. MPC is entitled to damages under 35 U.S.C. §284 by virtue of ContiTech's infringement of the '478 Patent.

29. This is an exceptional case warranting an award of attorney's fees to MPC under 35 U.S.C. §285.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Miniature Precision Components, Inc., prays for the following relief:

1. An entry of judgment that Defendant, its officers, agents, servants, employees and attorneys, and all persons in active concert or participation with it be found to have infringed the '478 Patent directly and indirectly;

2. An order enjoining, preliminarily and permanently, Defendant, its officers, agents, servants, employees and attorneys, and all persons in active concert or participation with it, from making, using, selling, offering for sale, or importing into the United States products which infringe the '478 Patent;

3. An award of damages adequate to compensate MPC for Defendant's infringement of the '478 Patent;

4. A post-judgment equitable accounting of damages for the period of infringement of the '478 Patent following the period of damages established by MPC at trial;

5. If a permanent injunction is not granted, a judicial determination of the conditions of future infringement such as a royalty bearing compulsory license or such other relief as the Court deems appropriate;

6. A trebling of any damages award pursuant to 35 U.S.C. § 284, including due to Defendant's willful infringement of the '478 Patent;

7. A finding that this case is exceptional pursuant to 35 U.S.C. § 285;

8. An award of prejudgment interest, costs and disbursements, and attorney fees; and

9. Such other and further relief as the Court deems MPC may be entitled to in law and equity.

JURY DEMAND

Plaintiff, Miniature Precision Components, Inc., demands a trial by jury as to all issues so triable.

Dated: May 15, 2015

Respectfully submitted,

s/ John T. Domaszek

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