

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELEA LIMITED, a Gibraltar corporation and
PLASTIC MOLDED TECHNOLOGIES, INC.,
a Michigan corporation,

Plaintiffs,

vs.

HONORABLE VICTORIA A. ROBERTS
MAGISTRATE JUDGE R. STEVEN WHALEN
CIVIL ACTION NO. 2:08-cv-11650

KEY PLASTICS LLC, a Michigan limited
liability company,

Defendant.

MARK A. CANTOR (P32661)
ROBERT C.J. TUTTLE (P25222)
JOHN E. NEMAZI (P33285)
BROOKS KUSHMAN P.C.
1000 Town Center
Twenty-Second Floor
Southfield, Michigan 48075-1238
Tel: (248) 358-4400 — Fax: (248) 358-3351

Attorneys for Plaintiffs

DALE R. BURMEISTER (P29342)
J. KENNETH WAINWRIGHT, JR.(P25633)
HARVEY KRUSE, P.C.
1050 Wilshire Drive, Suite 320
Troy, Michigan 48084-1526
Tel: (248) 649-7800

J. BENNETT CLARK
K. LEE MARSHALL
BRYAN CAVE LLP
One Metropolitan Square
211 North Broadway, Suite 3600
St. Louis, Missouri 63102-2750
Tel: (314) 259-2135

Attorneys for Defendant

**FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT AND JURY DEMAND**



Brooks Kushman P.C.
1000 Town Center, 22nd Fl.
Southfield, MI 48075-1238
USA

Tel (248) 358-4400
Fax (248) 358-3351

www.brookskushman.com

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I. THE PARTIES

1. Plaintiff, Melea Limited (“Melea”) is a Gibraltar corporation, having an address at First Floor Suites, 38, Irish Town, P.O. Box 466, Gibraltar.

2. Plaintiff, Plastic Molded Technologies, Inc. (“PMT”), is a Michigan corporation, having an address at 51341 Celeste Drive, Shelby Township, Michigan 48315. PMT does business as “GAIN Technologies” and its business includes products and services in the field of gas-assisted plastic injection molding technology. www.gaintechologies.com.

3. Defendant, Key Plastics L.L.C. (“Key Plastics”), is a Michigan limited liability company, having its registered office at 21700 Haggerty Road, Suite 100N, Northville, Michigan 48167.

4. Defendant Key Plastics has appointed John Wilson as its registered agent for service of process.



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II. JURISDICTION

5. The claims pleaded herein arise under the Patent Act, 35 U.S.C. § 101,
et seq.

6. Subject matter jurisdiction for these claims is conferred on the Court by
28 U.S.C. § 1338(a).



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III. PATENT INFRINGEMENT

7. On September 21, 1993, U.S. Patent 5,246,646 (“the ‘646 patent”) was duly and lawfully issued to Indra R. Baxi for “Injection Molding Method.” A true and correct copy of the ‘646 patent is at Exhibit A.

8. Melea Limited is the owner by assignment of the ‘646 patent, as evidenced by the records of the Assignment Branch of the United States Patent and Trademark Office.

9. On August 22, 1995, U.S. Patent 5,443,087 (“the ‘087 patent) was duly and lawfully issued to Colin K. Myles for “Method And System For Controlling A Pressurized Fluid And Valve Assembly For Use Therein.” A true and correct copy of the ‘087 patent is at Exhibit B.

10. Melea Limited is the owner by assignment of the ‘087 patent, as evidenced by the records of the Assignment Branch of the United States Patent and Trademark Office.

11. Defendant Key Plastics uses gas-assist molding equipment supplied by Epcon Gas Systems, Inc. (“Epcon equipment”) of 1056 Hidden Lane, Rochester Hills, Michigan 48309.

12. The operation of Epcon equipment in molding of plastic articles with gas-assistance, is covered by the claims of the ‘646 patent and the ‘087 patent.



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13. Defendant Key Plastics has directly infringed the '646 patent and the '087 patent, by its operation in the United States of the Epcon equipment, in molding of plastic articles with gas-assistance.

14. Defendant Key Plastics has directly infringed the '646 patent and the '087 patent, by its sale and offer for sale in the United States of articles molded with gas-assistance by operation of Epcon equipment.

15. Defendant Key Plastics, with knowledge of the '646 patent and the '087 patent, has actively and knowingly induced and contributed to the direct infringement of the patents-in-suit by others, including its customers for the gas-assist molded articles produced by the systems and processes of the patents-in-suit.

16. The infringing conduct of Key Plastics was in reckless disregard for the patent rights of plaintiffs, and Key Plastics knew, or should have known, its conduct was in objectively reckless disregard of such rights.

17. Plaintiffs have been harmed, both pecuniarily and irreparably, by the infringing conduct of defendant Key Plastics.

18. Defendant's infringing conduct will continue unless enjoined by the Court.



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IV. DEMAND FOR RELIEF

WHEREFORE, plaintiffs demand entry of judgment against defendant granting relief as follows:

A. A determination that Key Plastics has infringed the '646, patent and the '087 patent, directly, contributorily, and by inducement;

B. A determination that such infringement has been willful and deliberate;

C. An award of damages adequate to compensate for such infringement;

D. An enhancement of the compensatory damages, up to three (3) times;

E. A determination that this case is "exceptional," in the sense of 35 U.S.C. § 285;

F. An order preliminarily and permanently enjoining Key Plastics, its officers, agents, servants, employees, contractors, suppliers and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, from committing further acts of infringement of '646 patent and the '087 patent;

G. An award in favor of plaintiffs, and against defendant, for the costs incurred in bringing and maintaining this action, including reasonable attorneys' fees; and

H. Such other, further, and different relief as may be just and equitable on the proofs.



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V. JURY DEMAND

Plaintiffs demand trial by jury for all issues so triable.

Respectfully submitted,

BROOKS KUSHMAN P.C.

By: /s/ Robert C.J. Tuttle

MARK A. CANTOR (P32661)

ROBERT C.J. TUTTLE (P25222)

JOHN E. NEMAZI (P33285)

1000 Town Center

Twenty-Second Floor

Southfield, Michigan 48075

Tel: (248) 358-4400

Fax: (248) 358-3351

Email: mcantor@brookskushman.com

rtuttle@brookskushman.com

jnemazi@brookskushman.com

Attorneys for Plaintiffs

Dated: August 26, 2008



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1000 Town Center, 22nd Fl.
Southfield, MI 48075-1238
USA

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CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on August 26, 2008, I electronically filed the foregoing **FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND** with the Clerk of the Court for the Eastern District of Michigan using the ECF System which will send notification to the following registered participants of the ECF System as listed on the Court's Notice of Electronic Filing: Dale R. Burmeister. I also certify that I have mailed by United States Postal Service the paper to the following non-participants in the ECF System: None.

BROOKS KUSHMAN P.C.

By: /s/ Robert C.J. Tuttle

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Email: rtuttle@brookskushman.com

mcantor@brookskushman.com



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