

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

SNAP-ON INCORPORATED,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
ROBERT BOSCH, LLC,)	
)	
Defendant.)	

COMPLAINT

Plaintiff Snap-on Incorporated (“Snap-on”) brings this action against Defendant Robert Bosch, LLC (“Bosch”), and alleges as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).
2. Venue is proper under 28 U.S.C. §§ 1391 (b) and (d) and 1400(b).

PARTIES

3. Plaintiff Snap-on Incorporated is a corporation organized and existing under the laws of the State of Delaware. Its principal place of business is located in Kenosha, Wisconsin.
4. Defendant Robert Bosch, LLC (“Bosch”) is a Delaware corporation that manufactures and sells equipment and tools for use in the automotive aftermarket in the United States. Its principal place of business is located in Broadview, Illinois.

STATEMENT OF FACTS

THE AUTOMOTIVE WHEEL ALIGNER INDUSTRY

5. Snap on is a leading U.S. manufacturer and distributor of automotive tools and equipment under the brand names “Snap on,” “Hofmann” and “John Bean.” That equipment

includes “undercar” equipment, such as wheel aligners, used to diagnose and resolve wheel-related problems.

6. Snap-on’s success in the industry is based on its reputation as a technology innovator. Snap-on has invested substantial resources in researching, developing, and enhancing its product lines, and in maintaining the intellectual property associated with them. Because of its patented technology, Snap-on is a market leader in the industry in general, and in the wheel aligner market in particular.

7. For many years, the primary technology for wheel alignment was what is now referred to as “conventional” alignment technology, which works by placing measuring heads on the wheels to communicate measurement information to a central console. This conventional method can be time consuming and complicated for the technician and the heads are prone to costly damage.

8. In the early 1990s, a Snap-on employee invented a new method, known as “vision” or “image” alignment. This method is relatively simple to use and requires no delicate mechanical or electronic equipment on the wheels. Since the introduction of these “image aligners” in the mid-1990s, this product line has become the premium product line for wheel alignment in the United States.

THE SNAP-ON PATENTS AT ISSUE

9. Snap-on owns numerous patents related to image alignment, including: U.S. Patent No. 5,535,522, titled METHOD AND APPARATUS FOR DETERMINING THE ALIGNMENT OF MOTOR VEHICLE WHEELS; U.S. Patent No. 5,724,743 titled METHOD AND APPARATUS FOR DETERMINING THE ALIGNMENT OF MOTOR VEHICLE WHEELS; U.S. Patent No. 6,959,253 titled SELF-CALIBRATING, MULTI-CAMERA MACHINE VISION MEASURING SYSTEM; U.S. Patent No. 5,208,646 titled WHEEL

ALIGNMENT SYSTEM; U.S. Patent No. 6,931,340 titled SELF-CALIBRATING, MULTI-CAMERA MACHINE VISION MEASURING SYSTEM; and U.S. Patent No. 7,069,660 titled GRADIENT CALCULATING CAMERA BOARD.

10. Because of the importance of this technology to Snap-on, it has vigorously enforced its patent rights over the last decade. The market for wheel aligners is a profitable one, even in this economic downtime. As a result of its patented technology, Snap-on is an industry leader in the sale of image aligners.

SNAP-ON DISCOVERS BOSCH'S PLANS TO SHOW AN INFRINGING ALIGNER AT THE AAPEX TRADE SHOW

11. Representatives of Snap-on recently learned that Bosch was offering an imaged based wheel aligner for sale in Europe. Bosch markets this wheel alignment system in Europe as the Bosch FWA 4630 aligner.

12. In September 2009, Snap-on representatives learned that Bosch was considering plans to introduce the FWA 4630 to the United States market. Snap-on believed that if sold in the United States, this product would infringe Snap-on's U.S. Patents.

13. Snap-on purchased a model FWA 4630 in Europe (where it is commercially available), and set the unit up for testing in a Snap-on facility in Germany. After extensive examination and testing, Snap-on determined that the Bosch alignment system does in fact include every element of various claims of the '522, '743, '253, '646, '340, and '660 patents.

14. The Automotive Aftermarket Expo ("AAPEX") is one of the world's largest business-to-business events for the \$250 billion automotive aftermarket industry. The show is attended by more than 100,000 people and virtually every major buyer and distributor of automotive wheel aligners, and are crucial to Snap-on's wheel aligner business. Buyers often

make their buying decisions for the year based on what they see at this show. Likewise, distributors often decide which products they will carry based on what is displayed at the show.

15. Given the importance of these shows and the rumors of Bosch's plans to introduce its infringing aligners in the U.S., Snap-on became concerned that Bosch would attempt to introduce the product at AAPEX. On October 21, 2009, Snap-on's counsel notified Bosch's counsel in writing that after testing Snap-on had determined that the Bosch FW 4630 aligner infringed several Snap-on patents. Snap-on's counsel asked Bosch to confirm that it would not show, display, sell, or offer for sale this infringing aligner at the upcoming trade shows.

16. On October 23, 2009, Bosch's counsel replied by letter, stating Bosch did not believe it infringed the Snap-on patents and asking Snap-on to provide claim charts detailing the infringement. Bosch's counsel did not confirm that Bosch would not show the infringing aligner at AAPEX.

17. On October 26, 2009, Snap-on's counsel provided Bosch with claim charts detailing Bosch's infringement for several claims in the Snap-on patents. Snap-on's counsel again asked Bosch to confirm that it would not show, display, sell, or offer for sale the infringing aligner at the upcoming trade shows. In the week following, Snap-on's counsel sent Bosch's counsel two additional letters, each time requesting that Bosch confirm whether it intended to show the infringing aligner at the upcoming trade show.

18. Bosch's counsel never indicated whether it would show the product at AAPEX. However, Snap-on employees present at the trade shows observed that Bosch did have the infringing product set up for display to potential buyers.

COUNT I
INFRINGEMENT OF THE '522 PATENT

19. Snap-on alleges and incorporates by reference the allegations in the preceding paragraphs of this Complaint, as though fully set forth herein.

20. Defendant's product infringes every element of at least one claim of the '522 patent.

21. Defendant has infringed one or more claims of the '522 patent by its manufacture, use, sale and offer for sale of their image wheel aligner.

22. Defendants' infringement has been willful and deliberate.

23. Defendants' infringement has injured and will continue to injure Snap-on unless and until this Court enters an injunction prohibiting further infringement.

COUNT II
INFRINGEMENT OF THE '743 PATENT

24. Snap-on alleges and incorporates by reference the allegations in the preceding paragraphs of this Complaint, as though fully set forth herein.

25. Defendant's product infringes every element of at least one claim of the '743 patent.

26. Defendant has infringed one or more claims of the '743 patent by its manufacture, use, sale and offer for sale of their image wheel aligner.

27. Defendants' infringement has been willful and deliberate.

28. Defendants' infringement has injured and will continue to injure Snap-on unless and until this Court enters an injunction prohibiting further infringement.

COUNT III
INFRINGEMENT OF THE '253 PATENT

29. Snap-on alleges and incorporates by reference the allegations in the preceding paragraphs of this Complaint, as though fully set forth herein.

30. Defendant's product infringes every element of at least one claim of the '253 patent.

31. Defendant has infringed one or more claims of the '253 patent by its manufacture, use, sale and offer for sale of their image wheel aligner.

32. Defendants' infringement has been willful and deliberate.

33. Defendants' infringement has injured and will continue to injure Snap-on unless and until this Court enters an injunction prohibiting further infringement.

COUNT IV
INFRINGEMENT OF THE '646 PATENT

34. Snap-on alleges and incorporates by reference the allegations in the preceding paragraphs of this Complaint, as though fully set forth herein.

35. Defendant's product infringes every element of at least one claim of the '646 patent.

36. Defendant has infringed one or more claims of the '646 patent by its manufacture, use, sale and offer for sale of their image wheel aligner.

37. Defendants' infringement has been willful and deliberate.

38. Defendants' infringement has injured and will continue to injure Snap-on unless and until this Court enters an injunction prohibiting further infringement.

COUNT V
INFRINGEMENT OF THE '340 PATENT

39. Snap-on alleges and incorporates by reference the allegations in the preceding paragraphs of this Complaint, as though fully set forth herein.

40. Defendant's product infringes every element of at least one claim of the '340 patent.

41. Defendant has infringed one or more claims of the '340 patent by its manufacture, use, sale and offer for sale of their image wheel aligner.

42. Defendants' infringement has been willful and deliberate.

43. Defendants' infringement has injured and will continue to injure Snap-on unless and until this Court enters an injunction prohibiting further infringement.

COUNT VI
INFRINGEMENT OF THE '660 PATENT

44. Snap-on alleges and incorporates by reference the allegations in the preceding paragraphs of this Complaint, as though fully set forth herein.

45. Defendant's product infringes every element of at least one claim of the '660 patent.

46. Defendant has infringed one or more claims of the '660 patent by its manufacture, use, sale and offer for sale of their image wheel aligner.

47. Defendants' infringement has been willful and deliberate.

48. Defendants' infringement has injured and will continue to injure Snap-on unless and until this Court enters an injunction prohibiting further infringement.

PRAYER FOR RELIEF

WHEREFORE, Snap-on prays for judgment as follows:

A.. That Defendants have infringed and are infringing Snap-on Incorporated's rights in U.S. Patent No. 5,535,522; U.S. Patent No. 5,724,743; U.S. Patent No. 6,959,253; U.S. Patent No. 5,208,646; U.S. Patent No. 6,931,340; and U.S. Patent No. 7,069,660;

B.. That Defendant and its officers, directors, agents, affiliates, employees and all others in concert or participation with them be temporarily restrained from further acts of infringement of U.S. Patent No. 5,535,522; U.S. Patent No. 5,724,743; U.S. Patent No. 6,959,253; U.S. Patent No. 5,208,646; U.S. Patent No. 6,931,340; and U.S. Patent No. 7,069,660;

C.. That Defendant and its officers, directors, agents, affiliates, employees and all others in concert or participation with them be preliminarily enjoined from further acts of infringement of U.S. Patent No. 5,535,522; U.S. Patent No. 5,724,743; U.S. Patent No. 6,959,253; U.S. Patent No. 5,208,646; U.S. Patent No. 6,931,340; and U.S. Patent No. 7,069,660;

D.. That Defendant and its officers, directors, agents, affiliates, employees and all others in concert or participation with them be permanently enjoined from further acts of infringement of U.S. Patent No. 5,535,522; U.S. Patent No. 5,724,743; U.S. Patent No. 6,959,253; U.S. Patent No. 5,208,646; U.S. Patent No. 6,931,340; and U.S. Patent No. 7,069,660;

E.. That Snap-on Incorporated be awarded treble the damages it has incurred by reason of Defendant's acts of deliberate and willful infringement of U.S. Patent No. 5,535,522; U.S. Patent No. 5,724,743; U.S. Patent No. 6,959,253; U.S. Patent No. 5,208,646; U.S. Patent No. 6,931,340; and U.S. Patent No. 7,069,660;

F.. That Defendant be required to pay Snap-on's reasonable attorneys' fees in connection with this action as provided in 35 U.S.C. §285;

G.. For disgorgement of Defendant's profits according to proof together with interest thereon;

H.. For such additional relief as this Court deems just and appropriate.

JURY DEMAND

Snap-on respectfully requests a jury trial on all issues triable thereby.

DATED: November 3, 2009

SNAP-ON INCORPORATED

By: /s/ Michael P. Conway
One of Its Attorneys

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