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U.S. DISTRICT COURT  
EASTERN DISTRICT OF OHIO

MAG. JUDGE LIMBERT

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Ametek, Inc.  
627 Lake Street  
Kent, Ohio 44240

Plaintiff

v.

Johnson Electric Engineering, Ltd.  
Johnson Building  
6-22 Dai Shun Street  
Tai Po Industrial Estate  
Tai Po N.T. Hong Kong, China

Defendants

5:00 CV 2567

Civil Action No:

Judge: JUDGE GWIN

COMPLAINT FOR PATENT  
INFRINGEMENT

JURY TRIAL REQUESTED

FOR ITS CAUSES OF ACTION, Plaintiff Alleges:

**The Parties**

1. Plaintiff, Ametek, Inc. ("Ametek"), is a corporation organized under the laws of the State of Ohio, having its principal place of business at 627 Lake Street, Kent, Ohio 44240.

2. Upon information and belief, Defendant, Johnson Electric Engineering Ltd. ("Johnson Electric"), is a company organized under the laws of Hong Kong (China), having its principal place of business at Johnson Building, 6-22 Dai Shun Street, Tai Po Industrial Estate, Tai Po N.T., Hong Kong, China.

### **Jurisdiction And Venue**

3. The causes of action herein arise under the Patent Laws of the United States, and particularly 35 USC 271 and 281, and this Court has jurisdiction pursuant to 28 USC 1338(a).

4. Venue is proper in the Northern District of Ohio by virtue of 28 USC 1400(b) and 28 USC 1391.

5. Johnson Electric is subject to jurisdiction and process herein pursuant to ORC 2307.382, Ohio Civil Rule 4.3 and Rule 4 of the Federal Rules of Civil Procedure and, accordingly, this court has personal jurisdiction over such defendants.

6. On March 31, 1998, United States Letters Patent No. 5,734,214 ('214 patent) was duly and legally issued for "Molded Through-Flow Motor Assembly" to Ametek as the assignee of the inventors thereof. Ametek has been and still is the owner of the '214 patent, a copy of which is attached hereto as Exhibit A. The '214 patent remains in full force and effect.

7. Ametek sells motors in accordance with its patent and markets the same throughout the United States and the world.

8. Ametek has given the public constructive notice of its '214 patent under 35 USC 287 by duly and properly marking the patent number on its products manufactured and sold thereunder.

9. Upon information and belief, Johnson Electric has been and still is infringing the '214 patent by manufacturing and/or causing to be imported and/or selling and/or causing to be sold and/or offering for sale and/or causing to be offered for sale, within the Northern District of Ohio, and elsewhere in the United States, certain products embodying the invention of the '214 patent, without license from Ametek and in violation of Ametek's rights, and will continue to do so unless enjoined by this court. Specifically, Johnson Electric has offered to sell, contracted to sell, and shipped certain motors to Oreck Manufacturing Company of Longbeach, Mississippi that infringe Ametek's '214 patent. The motors sold to Oreck Manufacturing Company are for use in Oreck floor care products that are offered for sale and sold throughout the United States and within this District. Upon information and belief, Johnson Electric has offered to sell and/or sold the same or similar infringing products to others in the United States and within this District and continues to do so.

10. Johnson Electric has been and still is infringing the '214 patent by manufacturing and/or causing to be imported and/or selling and/or causing to be sold and/or offering for sale and/or causing to be offered for sale, within the Northern District of Ohio, and elsewhere in the United States, certain products embodying the invention of the '214 patent, without license from Ametek and in violation of Ametek's rights, and will continue to do so unless enjoined by this court.

11. Johnson Electric has been notified by numerous written warnings preceding this Complaint that its actions complained of herein are in violation of Ametek's rights under the '214 patent, but despite such notification, Johnson Electric has proceeded with its infringement.

12. Johnson Electric has committed its acts of infringement of the '214 patent willfully, knowingly, and deliberately.

13. Johnson Electric has made or will make unlawful gains and profits from its infringement of the '214 patent and Ametek, due to the unlawful infringement by Johnson Electric, has been or will be deprived of rights and profits which it would have otherwise enjoyed. The actions of Johnson Electric complained of herein have caused Ametek irreparable damage and threaten to cause additional damages if Johnson Electric is not enjoined.

WHEREFORE, AMETEK PRAYS:

1. That injunctions issue restraining, enjoining, and prohibiting Johnson Electric, its officers, agents, servants, employees, attorneys, and those persons in active concert or participation with it from selling, offering for sale, advertising, or distributing either directly or indirectly through any agent or distributor, in any manner whatsoever, any product which infringes the '214 patent.

2. That Johnson Electric be ordered to account for all gains, profits, and advantages accrued to or received by it by reason of the aforesaid acts of patent infringement.

3. That Johnson Electric be ordered to pay for all damages suffered by Ametek by reason of the aforesaid acts of patent infringement and that such damages be trebled in view of the willful and intentional nature of such infringement as provided under 35 USC 284.

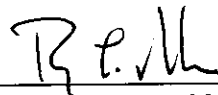
4. That Johnson Electric be directed to pay the costs of this action, including reasonable attorney fees, this being an exceptional case under 35 USC 285.

5. That Ametek be awarded all reasonable costs and attorney fees incurred by it

herein, this being an exceptional case as shown by Johnson Electric's intentional conduct, together with such other and further relief as the court may find to be just and proper.

**Request For Jury Trial**

Ametek requests a jury trial herein.



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