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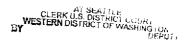
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09-CV-00329-CMP

IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE

RANDY'S RING & PINION SERVICE INC.,

Plaintiff,

٧.

REGAL-BELOIT CORPORATION and RICHMOND GEAR,

Defendant.

Civil Action No. **CO9-0329** RAJ

COMPLAINT FOR DECLARATORY JUDGMENT OF PATENT NONINFRINGEMENT

Plaintiff Randy's Ring and Pinion ("RR&P") brings this complaint against defendants Regal-Beloit Corporation ("Regal-Beloit") and Richmond Gear ("Richmond"), seeking a declaratory judgment that RR&P does not infringe patents owned or controlled by Regal-Beloit or Richmond.

PARTIES TO THIS ACTION

1. RR&P is in the business of developing and selling aftermarket differential products, including ring & pinions, axles, lockers, positractions, and related parts for automotive use. RR&P is a Washington corporation having a principal place of business at 10411 Airport Road SE, Everett, WA 98204.

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- 2. Regal-Beloit Corporation is a Wisconsin corporation having a principal place of business at 200 State Street, Beloit, Wisconsin 53511. Regal-Beloit describes itself as one of the largest global manufacturers of commercial, industrial, heating, ventilation, and air conditioning (HVAC) electric motors, electric generators and controls, and mechanical motion control products.
- 3. Upon information and belief, Richmond is a wholly-owned subsidiary of Regal-Beloit. Richmond has a principal place of business at 1208 Old Norris Road, Liberty, South Carolina, 29657. Richmond manufactures and sells and pinions and transmissions primarily for the high-performance automotive aftermarket, and marine and industrial transmissions primarily for the pleasure boat, off-road vehicle and forestry markets.

JURISDICTION AND VENUE

- 4. This action arises under the Declaratory Judgment Act, 28 U.S.C. §§ 2201(a) and 2202, and the U.S. Patent statutes, 35 U.S.C. § 101, et seq.
- 5. As a claim arising under the federal patent statutes, this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338.
- 6. This Court has personal jurisdiction over Regal-Beloit and Richmond because each of them continuously and systematically transacts business within this district, including by the regular sale of automotive products of the type at issue in this action to consumers within this district.
- 7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

FIRST CAUSE OF ACTION: DECLARATORY JUDGMENT OF NO PATENT INFRINGEMENT

8. Regal-Beloit is the owner of record of U.S. Patent No. 5,413,015 (the '015 patent). Upon information and belief, Regal-Beloit has either licensed the '015 patent to

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Richmond or has otherwise authorized Richmond to make and sell products under the '015 patent.

- 9. RR&P disclosed to Regal-Beloit and Richmond details relating to the new RR&P differential product for the purpose of demonstrating that the RR&P product does not infringe any patents owned or controlled by Regal-Beloit and Richmond, including the '015 patent.
- 10. RR&P met with Regal-Beloit and Richmond at RR&P's offices in Washington state concerning a new differential product to be sold by RR&P. The new product has been designed and is currently being manufactured for imminent sale.
- During the course of their meeting, Regal-Beloit and Richmond explained that the new RR&P differential product infringed one or more patents owned by Regal-Beloit or Richmond.
- 12. RR&P believes that its new differential product does not infringe any patents owned or controlled by Regal-Beloit or Richmond, including at least the '015 patent.
- 13. Accordingly, a case of actual controversy exists among the parties concerning whether any RR&P differential product infringes any patent owned or controlled by Regal-Beloit and Richmond.
- 14. The RR&P products do not infringe any patents owned by Regal-Beloit or Richmond, and RR&P is therefore entitled to a declaration of noninfringement of any such patents, including the '015 patent.

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REQUEST FOR RELIEF

WHEREFORE, RR&P requests the following relief:

- 1. A declaration that RR&P does not infringe the '015 patent or any other patent owned or controlled by Regal-Beloit or Richmond; and
 - 2. Such other and further relief as the Court may deem just and proper.

DATED this 13th day of March, 2009.

BLACK LOWE & GRAHAMPLLC

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