

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WISCONSIN

MILWAUKEE ELECTRONICS CORPORATION,

Plaintiff,

v.

Case No.:

HOLJERON CORPORATION, and
MATTHEWS INTERNATIONAL CORPORATION,

Jury Demanded

Defendants.

COMPLAINT

Plaintiff, MILWAUKEE ELECTRONICS CORPORATION, by its attorneys, Boyle, Fredrickson, Newholm, Stein & Gratz, S.C., for its complaint against Holjeron Corporation and Matthews International Corporation, alleges as follows:

PARTIES

1. Milwaukee Electronics Corporation (hereinafter referred to as “Milwaukee Electronics”) is a Wisconsin corporation, with its principal place of business located at 5855 N. Glen Park Road, Milwaukee, WI 53209. Among other things, Milwaukee Electronics is engaged in the business of designing, manufacturing, and selling control systems for conveyors.

2. Upon information and belief, Defendant Holjeron Corporation (hereinafter referred to as “Holjeron”) is an Oregon corporation, with its principal place of business located at 9592 SW Tualatin-Sherwood Road, Tualatin, Oregon, 97062, with its registered agent as Paul C. Jensen, located at 8560 SW Salish Lane, Suite 900, Wilsonville, Oregon 97070. Upon information and belief, Holjeron is engaged in the

business of business of designing, manufacturing, and selling control systems for industrial automation applications, including conveyors.

3. Upon information and belief, Holjeron is subject to the personal jurisdiction of this Court because, *inter alia*, it regularly makes, uses, offers to sell, and sells goods and services within Wisconsin, including those alleged to be infringing, and otherwise has substantial, continuous and systematic contacts with persons and places within this State.

4. Upon information and belief, Defendant Matthews International Corporation (hereinafter referred to as “Matthews”) is a Pennsylvania corporation, with its principal place of business and registered agent located at Two North Shore Center, Pittsburgh, Pennsylvania 15212-0.

5. Upon information and belief, Holjeron is a wholly owned subsidiary of Matthews International Corporation.

6. Upon information and belief, Matthews is subject to the personal jurisdiction of this Court because, *inter alia*, it regularly makes, uses, offers to sell, and sells goods and services within Wisconsin, including those alleged to be infringing, and otherwise has substantial, continuous and systematic contacts with persons and places within this State.

NATURE OF THE CASE

7. This is an action for patent infringement under 35 U.S.C. § 100 *et seq.* The action arises from Defendants’ direct, contributory and/or induced infringement of Milwaukee Electronics Corporations’ rights in U.S. Patent No. 6,253,906 and U.S. Patent No. 6,244,421, by virtue of Defendants’ manufacture, distribution, offering for sale, sale, use and/or importation of certain products, including without limitation, products for

linking systems in a conveyor system, ZLS-AK-111, ZLS-AK-111-35, ZLS-AK-112, and ZLS-AK-112-35, and control products labeled or sold under the name “ZoneLink[®]” or “ZoneLink ZPA” (hereinafter referred to as “Infringing Products”).

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1332 and 1338.

9. Personal jurisdiction is based on Wis. Stat. §§ 801.05(1)(d), 801.05(3) and/or 801.05(4).

10. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400.

BACKGROUND OF THE CONTROVERSY

11. On July 3, 2001, U.S. Patent No. 6,253,906 (hereinafter referred to as the “’906 Patent”), entitled *Sequential Release Control For A Zoned Conveyor System*, was validly issued to Milwaukee Electronics. A true and correct copy of the ‘906 Patent is attached hereto and incorporated herein by reference, as Exhibit A. The ‘906 Patent remains valid and enforceable.

12. On June 12, 2001, U.S. Patent No. 6,244,421 (hereinafter referred to as the “’421 Patent”), entitled *Singulated Release For Zoned Conveyor System*, was validly issued to Milwaukee Electronics. A true and correct copy of the ‘421 Patent is attached hereto and incorporated herein by reference, as Exhibit B. The ‘421 Patent remains valid and enforceable.

13. Upon information and belief, Defendants Holjeron and Matthews have been manufacturing, distributing, offering for sale, selling, using and/or importing Infringing Products in this district, throughout the United States and elsewhere.

14. Defendants Holjeron and Matthew's Infringing Products fall within the claims of the '906 Patent and the '421 Patent such that Defendants' manufacture, distribution, offering for sale, sale, use and/or importation of the Infringing Products throughout the United States, including the Eastern District of Wisconsin, constitutes direct, contributory and/or induced patent infringement under 35 U.S.C. § 271.

15. Through its counsel, on November 15, 2005, Milwaukee Electronics sent a letter to Defendant Holjeron advising that Defendants' Infringing Products infringed Milwaukee Electronics' patents, U.S. Patent Nos. 6,253,906 and 6,244,421. (Ex. C.)

16. Upon information and belief, at an industry exhibition called ProMat 2007, Defendants exhibited their Infringing Products, continuing to sell, manufacture, offer for sale and/or distribute these products, further infringing the Milwaukee Electronics' patents, U.S. Patent Nos. 6,253,906 and 6,244,421.

17. By reason of Defendants' conduct, Plaintiff has suffered damage to its business, reputation and goodwill. Unless restrained and enjoined, Defendants will continue to do the acts complained of herein, all to Plaintiff's irreparable harm. Plaintiff's remedy at law is not adequate to compensate it for the injuries Plaintiff has incurred and will continue to incur unless Defendants are enjoined.

COUNT I
PATENT INFRINGEMENT UNDER
35 U.S.C. § 271
U.S. Patent No. 6,253,906

18. Plaintiff incorporates paragraphs 1 through 17 as if set forth fully herein and asserts that Defendants are liable to Milwaukee Electronics for patent infringement under 35 U.S.C. § 271.

19. Milwaukee Electronics is the owner of the '906 Patent. The '906 Patent is valid and enforceable.

20. The '906 Patent claims an invention for a conveyor system for transporting products such that there is a controlled predetermined time period to space the products out on the conveyor belts. The manufacture, sale, offer for sale, use, and/or importation of Defendants' Infringing Products infringe the '906 Patent either directly, contributorily and/or by inducement.

21. The aforementioned acts of infringement relating to U.S. Patent No. 6,253,906 were willful, knowing, and intentional and have caused and are likely to continue to cause Plaintiff to suffer pecuniary damage and irreparable injury.

22. Defendants' manufacture, sale, offer for sale, use, and/or importation of its Infringing Products constitutes a violation of 35 U.S.C. § 271, for which Plaintiff has no adequate remedy at law and for which Plaintiff is entitled to a permanent injunction enjoining the Defendants from further violation of its rights.

COUNT II
PATENT INFRINGEMENT UNDER
35 U.S.C. § 271
U.S. Patent No. 6,244,421

23. Plaintiff incorporates paragraphs 1 through 22 as if set forth fully herein and asserts that Defendants are liable to Milwaukee Electronics for patent infringement under 35 U.S.C. § 271.

24. Milwaukee Electronics is the owner of the '421 Patent. The '421 Patent is valid and enforceable.

25. The '421 Patent claims an invention for a conveyor system for transporting products when a product is accumulated, the release timer delays how long a product is held before it is released downstream. The manufacture, sale, offer for sale, use, and/or importation of Defendants' Infringing Products infringe the '421 Patent either directly, contributorily and/or by inducement.

26. The aforementioned acts of infringement relating to U.S. Patent No. 6,244,421 were willful, knowing, and intentional and have caused and are likely to continue to cause Plaintiff to suffer pecuniary damage and irreparable injury.

27. Defendants' manufacture, sale, offer for sale, use, and/or importation of its Infringing Products constitutes a violation of 35 U.S.C. § 271, for which Plaintiff has no adequate remedy at law and for which Plaintiff is entitled to a permanent injunction enjoining the Defendants from further violation of its rights.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

28. That Defendants have infringed Plaintiff's rights in U.S. Patent No. 6,253,906 either directly, contributorily and/or by inducement;

29. That Defendants have infringed Plaintiff's rights in U.S. Patent No. 6,244,421 either directly, contributorily and/or by inducement;

30. That Defendants be required to pay Plaintiff's damages for the injuries sustained by Plaintiff as a consequence of the acts complained of in this Complaint, together with prejudgment interest;

31. That Defendants be required to account and pay over to Plaintiff any and all profits and revenues derived by Defendant by manufacturing, distributing, or selling its Infringing Products and for all damages sustained by Plaintiff by reason of the acts of infringement and unfair competition;

32. That Defendants be required to pay Plaintiff's damages adequate to compensate for the patent infringement and not less than a reasonable royalty for the damages sustained by Plaintiff as a consequence of the acts complained of in this Complaint, together with prejudgment interest and costs;

33. That the Court grant a permanent injunction enjoining and restraining Defendants, their agents, servants, affiliates, employees, attorneys and representatives and all those in privity or acting in concert with it and each and all of them from directly or indirectly using manufacturing, offering to sell, selling, distributing, using, and/or importing Defendants' Infringing Products that infringe either or both the '906 or '421 Patent either directly, contributorily and/or by inducement;

34. That Plaintiff be awarded multiple damages for Defendants' willful and wanton infringement of Milwaukee Electronics' rights;

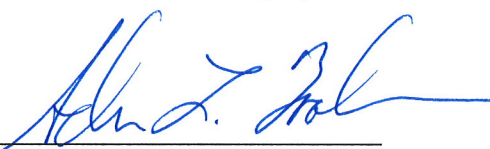
35. That the Court declare this an exceptional case and require Defendants to pay to Plaintiff all of its litigation expenses, including reasonable attorneys' fees and costs for this action; and

36. That Plaintiff has such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff demands that this matter be tried before a jury.

Dated: 2/1/07

By: 

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