

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION**

DISA INDUSTRIES A/S)	
)	
)	
Plaintiff,)	
)	
v.)	No.
)	Judge
THYSSENKRUPP WAUPACA, INC. a)	Magistrate
Wisconsin corporation,)	
)	
)	
Defendant.)	

COMPLAINT

Plaintiff, DISA Industries A/S (“DISA”), for its complaint against defendant, ThyssenKrupp Waupaca, Inc. (“Waupaca”), seeking damages, injunctive relief and other relief for patent infringement, alleges as follows:

NATURE OF ACTION

1. This is an action for patent infringement arising under the Title 35 of the United States Code seeking monetary damages and injunctive relief against Waupaca due to its continued and willful violation of Plaintiff’s rights as assignee to U.S. Patent Nos. 6,588,488 and 6,481,488.

PARTIES

2. DISA Industries A/S is a corporation organized and existing under the laws of the Denmark, having a principal place of business located in Herlev, Denmark.

3. On information and belief, Waupaca is a corporation organized and existing under the laws of the State of Wisconsin, having a principal place of business located at 1955 Brunner Drive, Waupaca, Wisconsin 54981.

JURISDICTION AND VENUE

4. DISA's cause of action for patent infringement arises under the patent laws of the United States, Title 35, United States Code, including, among others, section 271 entitled, "Infringement of Patent."

5. This Court has jurisdiction over the subject matter of this action pursuant to Title 28, United States Code, Sections 1331 and 1338(a), as it arises under an Act of Congress relating to patents, Title 35, United States Code § 1, *et. seq.*

6. Venue in this district is proper pursuant to the provisions of Title 28, United States Code, Sections 1391(b) and 1400(b).

7. This Court has personal jurisdiction over Waupaca because it has specific contacts with this district including the location of its principal place of business and operation of the accused infringing apparatus.

PATENTS-IN-SUIT

8. On November 19, 2001, a patent application entitled "Apparatus for Producing Casting Mould Parts and Comprising Auxiliary Guiding Means" was filed with the United States Patent and Trademark Office, which application resulted in the granting of United States Patent No. 6,481,488 issued on November 19, 2002 and assigned to DISA (the "Johansen Patent"). A true and accurate copy of the Johansen Patent, which is valid and subsisting, is attached hereto as Exhibit A.

9. On November October 17, 2002, a patent application entitled "Method of Controlling the Movements of the Squeeze Plates of a String Moulding Apparatus" was filed with the United States Patent and Trademark Office, which application resulted in the granting of United States Patent No. 6,588,488 issued on July 8, 2003 assigned to DISA (the "Jacobsen

Patent”). A true and accurate copy of the Jacobsen Patent, which is valid and subsisting, is attached hereto as Exhibit B.

10. DISA is the owner by assignment of all legal rights, title and interests in and to the Johansen and Jacobsen Patents, including the right to bring this suit for past damages and injunctive relief.

11. On or about December 20, 2006, DISA sent Waupaca a letter informing Waupaca that DISA holds several patents, including the Johansen and Jacobsen Patents, which apply to Waupaca’s construction of a vertical moulding machine (“Accused Apparatus). A true and accurate copy of the letter is attached hereto as Exhibit C.

12. Upon information and belief, Waupaca has operated the Accused Apparatus in its Waupaca, Wisconsin foundry since at least March 2007, despite full knowledge of the Johansen and Jacobsen Patents.

COUNT I:

**WAUPACA INFRINGES
DISA’S U.S. PATENT NO. 6,481,488**

13. DISA hereby incorporates by reference Paragraphs 1 through 12 by reference as if stated herein.

14. Waupaca has and continues to infringe the Johansen Patent by making and using vertical moulding presses covered by at least claim 1 of the Johansen Patent without DISA’s authorization in violation of 35 U.S.C. §271(a).

15. Waupaca had knowledge of the Johansen Patent prior to January 2007.

16. Due to Defendant Waupaca’s prior knowledge of the Johansen Patent, Defendant Waupaca’s infringement has been deliberate, willful and wanton.

17. Waupaca's conduct has caused DISA to suffer damage to its operation, reputation and goodwill, and unless enjoined by the Court, will cause DISA to continue to suffer.

18. DISA has no adequate remedy at law, and Waupaca's conduct has caused and, if not enjoined, will continue to cause irreparable damage to DISA.

19. As a result of Waupaca's wrongful conduct, DISA is entitled to injunctive relief.

COUNT II:

**WAUPACA INFRINGES
DISA'S U.S. PATENT NO. 6,588,488**

20. DISA hereby incorporates by reference Paragraphs 1 through 12 by reference as if stated herein.

21. Waupaca has and continues to infringe the Jacobsen Patent by making and using vertical moulding presses covered by at least claim 1 of the Jacobsen Patent without DISA's authorization in violation of 35 U.S.C. §271(a).

22. Waupaca had knowledge of the Jacobsen Patent prior to January 2007.

23. Due to Defendant Waupaca's prior knowledge of the Jacobsen Patent, Defendant Waupaca's infringement has been deliberate, willful and wanton.

24. Waupaca's conduct has caused DISA to suffer damage to its operation, reputation and goodwill, and unless enjoined by the Court, will cause DISA to continue to suffer.

25. DISA has no adequate remedy at law, and Waupaca's conduct has caused and, if not enjoined, will continue to cause irreparable damage to DISA.

26. As a result of Waupaca's wrongful conduct, DISA is entitled to injunctive relief.

RELIEF REQUESTED

WHEREFORE, DISA prays this Court enters Judgment against Waupaca and against its affiliates, subsidiaries, agents, servants, employees of all persons in active concert or participation with them, granting the following relief:

- A. Order, adjudge, and decree that Waupaca has infringed claims of both the Johansen and Jacobsen Patents in violation of 35 U.S.C. §271;
- B. Order, adjudge, and decree that Waupaca has willfully and knowingly infringed claims of both the Johansen and Jacobsen Patents;
- C. Order, adjudge and decree that Waupaca's infringement of claims of both the Johansen and Jacobsen Patents is exceptional under 35 U.S.C. § 285;
- D. Preliminary and permanently enjoin Waupaca and its respective parents, subsidiaries, principals, officers, agents, affiliates, servants, attorneys, employees, and all others in privity with it from infringing any claims of the Johansen and Jacobsen Patents;
- E. Award DISA damages for patent infringement including prejudgment interest and costs against Waupaca under 35 U.S.C. § 284;
- F. Award DISA three times its damages to compensate DISA under 35 U.S.C. § 284;
- G. Award DISA its reasonable attorneys' fees under 35 U.S.C. § 285; and
- H. Award such other and further relief as the Court may deem just.

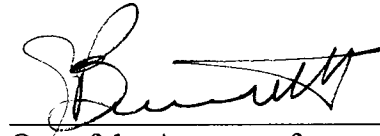
JURY DEMAND

DISA hereby demands trial by jury on all issues so triable.

Dated: 10/22/02

Respectfully submitted,

DISA INDUSTRIES A/S



One of the Attorneys for
DISA INDUSTRIES A/S

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