

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) AIRGO IP, LLC, an Oklahoma )  
limited liability company and )  
(2) AIRGO SYSTEMS, LLC, an )  
Oklahoma limited liability company, )

Plaintiffs, )

vs. )

Case No. \_\_\_\_\_

(1) ARVINMERITOR, INC., )  
an Indiana corporation; )

**JURY TRIAL DEMANDED**

(2) PRESSURE SYSTEMS )  
INTERNATIONAL, INC., a Texas )  
corporation; and )

(3) EQUALAIRE SYSTEMS, INC., )  
a Texas corporation, )

Defendants. )

**COMPLAINT**

COMES NOW the Plaintiffs, AIRGO IP, LLC (“AIRGO IP”) and AIRGO SYSTEMS, LLC (“AIRGO SYSTEMS”) (collectively referred to herein as “AIRGO”), and for their complaint against: ArvinMeritor, Inc (“ARM”); Pressure Systems International, Inc. (“PSI”); and Equalaire Systems, Inc. (“ESI”), state and allege as follows:

**JURISDICTION AND VENUE**

1. This is an action for willful patent infringement under 35 U.S.C. § 271 *et seq.* This Court has jurisdiction over the subject matter of this case pursuant to 28 U.S.C. §§ 1338(a) and 1331.

2. Venue is proper pursuant to 28 U.S.C. §§ 1391(d) and 1400(b).

3. On information and belief, ARM, ESI and PSI have placed infringing products into the stream of commerce by shipping products into this District or knowing that the devices would be shipped into this District, and that ESI induced ARM, ESI and PSI under color of license to place infringing products into the stream of commerce by shipping products into this District or knowing that the devices would be shipped into this District.

**THE PARTIES**

4. Plaintiff, AIRGO IP, is an Oklahoma Limited Liability Company having a place of business in this judicial district at 3712 East 2nd Street, Edmond, Oklahoma. AIRGO IP develops technology for the tire inflation monitoring and maintenance systems industry, including tire inflation systems, primarily used for maintaining tire pressure in semi trailer tires during active operation of the semi

trailer, and pressure loss reporting systems for monitoring pressure losses encountered by tire inflation systems during active operation of tire inflation systems.

5. Plaintiff, AIRGO SYSTEMS, is an Oklahoma Limited Liability Company having a place of business in this judicial district at 3712 East 2nd Street, Edmond, Oklahoma. AIRGO SYSTEMS produces and markets into the tire inflation monitoring and maintenance systems markets, tire inflation systems and pressure loss reporting systems.

6. AIRGO IP is the owner of the entire right, title, and interest to United States Patent No. 6,105,645 (the “‘645 Patent”), entitled “Rotary Union Assembly For Use In Air Pressure Inflation Systems For Tractor Trailer Tires,” the ‘645 patent was issued August 22, 2000 to Anthony L. Ingram and is assigned to AIRGO IP, and AIRGO SYSTEMS is the Exclusive Licensee of the ‘645. A copy of the ‘645 patent is attached hereto as Exhibit “1.”

7. AIRGO IP is also the owner of the entire right, title, and interest to United States Patent No. 6,585,019 (the “‘019 Patent”), entitled “Rotary Union Assembly For Use In Air Pressure Inflation Systems For Tractor Trailer Tires” the ‘019 Patent was issued July 1, 2003 to Anthony L. Ingram and is assigned to AIRGO

IP, and AIRGO SYSTEMS is the Exclusive Licensee of the '019. A copy of the '019 Patent is attached hereto as Exhibit "2."

8. AIRGO IP is also the owner of the entire right, title, and interest to United States Patent No. 6,968,882 (the "'882 Patent"), entitled "Rotary Union Assembly For Use In Air Pressure Inflation Systems For Tractor Trailer Tires" the '882 Patent was issued November 29, 2005 to Anthony L. Ingram and is assigned to AIRGO IP, and AIRGO SYSTEMS is the Exclusive Licensee of the '882. A copy of the '882 Patent is attached hereto as Exhibit "3."

9. Defendant, ARM, is an Indiana Corporation having a place of business at 72135 West Maple Road Troy, MI 48084 USA. ARM, directly and/or through its subsidiaries and affiliates, develops and markets a number of products, including products for heavy-duty and commercial trucks; passenger cars; and light trucks to various world-wide markets and throughout the United States, including this judicial district. In particular, ARM, directly and/or through its subsidiaries and affiliates, further markets and sells air pressure inflation systems for tractor trailer tires under the brand name "The Meritor Tire Inflation System (MTIS) by PSI."

10. Defendant, PSI, is a Texas Corporation having a place of business at 3023 Interstate Drive, San Antonio, TX 78219 USA. PSI develops, markets, and licenses air pressure inflation systems for tractor trailer tires.

11. Defendant, ESI, is a Texas Corporation having a place of business at 1414 Corn Products Rd. Corpus Christi, TX 78409 USA. ESI owns a plurality of patents related to air pressure inflation systems for tractor trailer tires licensed to PSI.

**COUNT I - CLAIM FOR RELIEF AGAINST ARM, PSI, and ESI**  
**Patent Infringement of the '645 Patent**

12. AIRGO repeats and realleges the allegations contained in Paragraphs 1 through 11 of this Complaint as if fully set forth herein.

13. ARM, ESI and PSI have infringed and continue to infringe the '645 Patent in violation of 35 U.S.C. § 271(a) through their conduct with regard to the manufacture and sale of the The Meritor Tire Inflation System (MTIS) by PSI brand air pressure inflation system technology as claimed by the '645 Patent.

14. PSI and ESI, working in concert under Common Management, Common Officers, Interlocking Directors and operating under a common scheme,

have infringed and continue to infringe the '645 Patent in violation of 35 U.S.C. § 271(b) by actively inducing infringement by third parties by licensing and/or offering licenses to air pressure inflation system technology as claimed by the '645 Patent.

15. ARM, PSI, and ESI's infringement of the '645 Patent is and has been willful and deliberate.

16. AIRGO has been injured and damaged, and will continue to be injured and damaged, by ARM, PSI, and ESI's infringement of the '645 Patent. ARM, PSI, and ESI's infringement of the '645 Patent has caused, and will continue to cause, irreparable harm to AIRGO unless and until enjoined by this Court.

**COUNT II - CLAIM FOR RELIEF AGAINST ARM, ESI AND PSI**  
**Patent Infringement of the '019 Patent**

17. AIRGO repeats and realleges the allegations contained in Paragraphs 1 through 16 of this Complaint as if fully set forth herein.

18. ARM, ESI and PSI have infringed and continue to infringe the '019 Patent in violation of 35 U.S.C. § 271(a) through their conduct with regard to

the manufacture and sale of the The Meritor Tire Inflation System (MTIS) by PSI brand air pressure inflation system technology as claimed by the '019 Patent.

19. PSI and ESI, working in concert under Common Management, Common Officers, Interlocking Directors and operating under a common scheme, have infringed and continue to infringe the '019 Patent in violation of 35 U.S.C. § 271(b) by inducing infringement by third parties, including ARM, by licensing and/or offering licenses to air pressure inflation system technology as claimed by the '019 Patent.

20. ARM, PSI, and ESI's infringement of the '019 Patent is and has been willful and deliberate.

21. AIRGO has been injured and damaged, and will continue to be injured and damaged, by ARM, PSI and ESI's infringement of the '019 Patent. ARM, PSI and ESI's infringement of the '019 Patent has caused, and will continue to cause, irreparable harm to AIRGO unless and until enjoined by this Court.

**COUNT III - CLAIM FOR RELIEF AGAINST ARM, ESI AND PSI**  
**Patent Infringement of the '882 Patent**

22. AIRGO repeats and realleges the allegations contained in Paragraphs 1 through 21 of this Complaint as if fully set forth herein.

23. ARM, ESI and PSI have infringed and continue to infringe the '882 Patent in violation of 35 U.S.C. § 271(a) through their conduct with regard to the manufacture and sale of the The Meritor Tire Inflation System (MTIS) by PSI brand air pressure inflation system technology as claimed by the '882 Patent.

24. PSI and ESI, working in concert under Common Management, Common Officers, Interlocking Directors and operating under a common scheme, have infringed and continue to infringe the '882 Patent in violation of 35 U.S.C. § 271(b) by inducing infringement by third parties, including ARM, by licensing and/or offering licenses to air pressure inflation system technology as claimed by the '882 Patent.

25. ARM, PSI, and ESI's infringement of the '882 Patent is and has been willful and deliberate.



26. AIRGO has been injured and damaged, and will continue to be injured and damaged, by ARM, PSI and ESI's infringement of the '882 Patent. ARM, PSI, and ESI's infringement of the '882 Patent has caused, and will continue to cause, irreparable harm to AIRGO unless and until enjoined by this Court.

#### **COUNT IV — UNFAIR COMPETITION**

27. AIRGO repeats and realleges the allegations contained in Paragraphs 1 through 26 of this Complaint as if fully set forth herein.

28. ARM, ESI and PSI's conduct constitutes unfair competition and a *prima facie* tort under Oklahoma law and 76 O.S. § 1.

29. As a result of ARM, ESI and PSI's bad faith conduct, PSI now enjoys a dominant share of the market in the pressure inflation systems industry.

30. PSI, ESI and ARM's conduct, acts or practices have substantially interfered with AIRGO's ability to compete in the industry on the merits of the parties products and compete in the marketplace.

31. AIRGO has been damaged as a direct result of such violations.

32. ARM, ESI and PSI's conduct is bad faith, malicious and intentional and/or in reckless disregard of the rights of others.

33. As a proximate result of ARM, ESI and PSI's violations and conduct as set forth above, AIRGO has been injured in that it has lost customers, sales and profits which it would have made but for ARM, ESI and PSI's unlawful activity, and have lost and continue to lose goodwill and suffer diminution in value as a growing concern and are entitled to recover damages to be proven at trial.

**COUNT V — COMBINED PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs, AIRGO IP, LLC and AIRGO SYSTEMS, LLC pray that judgment be granted in their favor and against PSI, ARM, and ESI as follows:

A. That Defendants have infringed the '645 Patent, the '019 patent and the '882 Patent pursuant to 35 U.S.C. § 271;

B. That Defendants and all parties contemplated by Rule 65(d) Fed. R. Civ. P., be permanently enjoined from further infringement of the '645, the '019, and the '882 Patents pursuant to 35 U.S.C. § 283;

C. That Defendants be ordered to account for and pay to Plaintiffs the damages adequate to compensate for the infringement, but in no event less than a reasonable royalty, to which Plaintiffs are entitled as a result of Defendants' infringement pursuant to 35 U.S.C. § 284;

D. That in view of Defendants' acts of willful, deliberate, and intentional infringement, such damages should be increased up to three times the amount assessed;

E. That this case be deemed exceptional and Plaintiffs be awarded attorney fees pursuant to 35 U.S.C. § 285;

F. For all damages AIRGO has suffered by reason of the aforementioned common law violation;

G. Punitive damages as against Defendants under Count IV pursuant to 23 O.S. § 9.1; and

H. Such other and further relief as the Court deems just and proper.

/s Greg A. Castro

---

Terry W. Tippens (OBA No. 9027)

Greg A. Castro (OBA No.11787)

Dan Dooley (OBA No. 18551)

FELLERS, SNIDER, BLANKENSHIP,  
BAILEY & TIPPENS

100 North Broadway, Suite 1700

Oklahoma City, Oklahoma 73102-8820

Telephone: (405) 232-0621

Facsimile: (405) 232-9659

E-Mail: ttippens@fellerssnider.com

gcastro@fellerssnider.com

ddooley@fellerssnider.com

ATTORNEYS FOR PLAINTIFFS

**JURY TRIAL DEMANDED**

338291.2