

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

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HUBBELL INCORPORATED,)
)
Plaintiff,)
)
v.)
)
PASS & SEYMOUR, INC.,)
)
Defendant.)
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Case No. _____

JURY TRIAL DEMANDED

SECOND AMENDED COMPLAINT

Plaintiff, Hubbell Incorporated, by this Complaint against Defendant, Pass & Seymour, Inc., alleges and states:

A. PARTIES

1. Plaintiff, Hubbell Incorporated ("Hubbell"), is a corporation organized and existing under the laws of the State of Connecticut, having a place of business at 584 Derby Milford Road, Orange, Connecticut 06477.

2. Upon information and belief, defendant, Pass & Seymour, Inc. ("P&S"), is a corporation organized and existing under the laws of the State of New York, having a place of business at 50 Boyd Avenue, Syracuse, New York 13209.

B. JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. Subject matter jurisdiction is conferred pursuant to 35 28 U.S.C. §1338(a).

4. Venue is proper in this Judicial District pursuant to 28 U.S.C. §1391(b) and §1400(b), because P&S resides in, does business in, is subject to personal jurisdiction in and, upon information and belief, has committed acts of patent infringement in this Judicial District.

C. NATURE OF CASE

5. This action involves Hubbell's charge that P&S infringes Hubbell's U.S. Patent No. 5,363,269 and/or U.S. Patent No. 7,538,944.

D. CAUSE OF ACTION - COUNT FOR PATENT INFRINGEMENT

6. Hubbell is the sole owner by assignment of all right, title and interest in United States Letters Patent No. 5,363,269, entitled "GFCI Receptacle", and duly and legally issued on November 8, 1994 (hereinafter "the '269 Patent"). Hubbell has been the owner of the '269 Patent at all times since it issued. A copy of the '269 Patent is attached hereto as Exhibit A.

7. Hubbell is the sole owner by assignment of all right, title and interest in the United States Letters Patent No. 7,538,994, entitled "GFCI That Cannot be Reset Unit Wired Correctly on Line Side and Power is Applied" (hereinafter "the '994 Patent"). Hubbell has been the owner of the '994 Patent at all times since it issued. A copy of the '994 Patent is attached hereto as Exhibit C.

8. On information and belief, P&S makes, uses, imports, offers for sale and/or sells electrical outlets and/or receptacles having ground fault circuit interrupters (hereinafter "the P&S

GFCI Outlets") covered by the claims of the '269 Patent and/or the '994 Patent. The P&S GFCI Outlets include, but are not limited to, those identified by catalog numbers 1595-SWTWCC4, 1595-TRWCC4 and 1595-W. P&S at least offers for sale and sells the P&S GFCI Outlets in this Judicial District and throughout the United States. Copies of three packages for the P&S GFCI Outlets are attached hereto as Exhibit D.

9. The making, using, importing, offering for sale and/or sale of the P&S GFCI Outlets in this Judicial District and elsewhere in the United States constitutes direct infringement, contributory infringement and/or active inducement to infringe the '269 Patent and/or the '994 Patent under 35 U.S.C. §271.

10. P&S' infringement of the '269 Patent and/or the '994 Patent has been and is in violation of Hubbell's patent rights, and it is believed that P&S will continue to infringe Hubbell's patent rights unless enjoined by this Court.

11. On information and belief, P&S' acts of infringement have been and are willful and deliberate, with full knowledge of Hubbell's rights in the '269 Patent and/or the '994 Patent.

12. As a result of P&S' infringement of the '269 Patent and/or the '994 Patent, Hubbell has been damaged by loss of sales of its products covered by the '269 Patent and/or the '994 Patent, loss of profits and/or loss of royalties, or in other respects, and will continue to be damaged in an amount yet to be determined. Hubbell has suffered and will continue to suffer irreparable injury unless the infringing activities of P&S are enjoined.

13. By virtue of P&S' willful and deliberate infringement, this is an "exceptional case" within the meaning of 35 U.S.C. §285 and warrants an award of treble damages pursuant to 35 U.S.C. §284.

E. REQUEST FOR RELIEF

14. WHEREFORE, Plaintiff Hubbell demands for the following relief:
- A. Judgment for Hubbell on its cause of action for patent infringement under 35 U.S.C. §271 against P&S, holding the '269 Patent and/or the '994 Patent valid and infringed by P&S.
 - B. Preliminary and permanent injunction enjoining P&S, its officers, directors, agents, servants, attorneys and employees and all those in active concert or participation with them who receive actual notice of the judgment by personal service or otherwise, from making, using, importing, offering for sale, and selling in the United States any product embodying the invention of the '269 Patent and/or the '994 Patent, and from any further acts of direct infringement, contributory infringement and inducement of infringement of the '269 Patent and/or the '994 Patent.
 - C. An accounting for and an award of compensatory and punitive damages, including, but not limited to loss of profits and/or royalties, to Hubbell by reason of the wrongs committed by P&S, including an award of trebled damages pursuant to 35 U.S.C. §284, for defendant's willful and deliberate patent infringement.
 - D. An award of interest, including pre- and post-judgment interest, and costs of this action pursuant to 35 U.S.C. §284, together with Hubbell's attorneys' fees pursuant to 35 U.S.C. §285.
 - E. Such other and further relief as this Court Deems just and proper.

F. JURY DEMAND

15. Hubbell wishes a jury trial on all issues so triable.

Respectfully submitted,

HUBBELL INCORPORATED

Dated: 2/14/11



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UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

HUBBELL, INCORPORATED	:	
Plaintiff	:	
	:	
v.	:	Case No. 308-CV-1656 (JCH)
	:	Bridgeport
	:	
PASS & SEYMOUR, INC.	:	
Defendant	:	February 14, 2011

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2011 the plaintiff filed Second Amended Complaint and notice has been sent to: Kevin M. Barner (kbarner@roylance.com); Mark S. Bicks (msdocket@roylance.com); Edward R. Conan (econan@bsk.com); Alfred N. Goodman (agoodman@roylance.com); George R. McGuire (mcguirg@bsk.com); David L. Nocilly (nocilld@mccarter.com); David A. Reif (dreif@mccarter.com); Vanessa D. Roberts (vroberts@mccarter.com); and Christian C. Michel (cmichel@roylance.com). Parties may access this filing through the Court's CM/ECF System.

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