

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SPX CORPORATION,
a Delaware corporation,

Plaintiff,

HONORABLE DAVID M. LAWSON
MAG. JUDGE STEVEN D. PEPE

vs.

CIVIL ACTION NO. 2:06-CV-14888

BARTEC USA, LLC,
a Michigan company,
BARTEC AUTO ID LIMITED,
a United Kingdom corporation,
SCHRADER-BRIDGEPORT INTERNATIONAL, INC.,
a Delaware corporation,
GENERAL PARTS, INC.,
a North Carolina corporation, and
MYERS TIRE SUPPLY DISTRIBUTION, INC.,
an Ohio corporation,

JURY TRIAL REQUESTED

Defendants.

ERNIE L. BROOKS (P22875)
MARC LORELLI (P63156)
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Bartec USA, LLC*

**AMENDED COMPLAINT FOR PATENT
INFRINGEMENT AND JURY DEMAND**



Brooks Kushman P.C.
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USA

EFILED 4/2/07

Plaintiff, SPX Corporation (“SPX”), for its Complaint herein, states as follows:

I. JURISDICTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35, United States Code.

2. The subject matter jurisdiction for this Court is founded upon 28 U.S.C. § 1338 (patents) and 28 U.S.C. § 1331 (federal question).

3. Upon information and belief, defendants, Bartec USA, LLC, Bartec Auto ID Limited, Schrader-Bridgeport International, Inc., General Parts, Inc., Myers Tire Supply Distribution, Inc. (“Defendants”), regularly and continuously engage in substantial sales and other business transactions in the Eastern District of Michigan, and have sold infringing products and/or committed infringing acts in this district. The United States District Court for the Eastern District of Michigan therefore has *in personam* jurisdiction over the defendant.



II. THE PARTIES

4. Plaintiff, SPX Corporation (“SPX”), is a Delaware corporation, having a place of business at 13515 Ballantyne Corporate Place, Charlotte, North Carolina 28277. SPX’s Service Solutions business unit is involved in the subject matter of the present lawsuit and has a principal place of business at 40 Oak Hollow, Suite 265, Southfield, Michigan 48034.

5. Upon information and belief, defendant Bartec USA, L.L.C. is a Michigan limited liability company having a principal place of business at 6543 Arrow Drive, Sterling Heights, Michigan 48314.

6. Upon information and belief, defendant Bartec Auto ID Limited is the parent of Defendant Bartec USA and is a United Kingdom corporation having a principal place of business at BBIC, Innovation Way, Barnsley, South Yorkshire, England S75 1JL.

7. Upon information and belief defendant Schrader-Bridgeport International, Inc. is a Delaware corporation having a principal place of business at 205 Frazier Road, Altavista, Virginia 24517.

8. Upon information and belief, defendant General Parts, Inc. is a North Carolina corporation having a principal place of business at 2635 East Millbrook Road, Raleigh, North Carolina 27604.



9. Upon information and belief, defendant Myers Tire Supply Distribution, Inc. is an Ohio corporation having a principal place of business at 1293 South Main Street, Akron, Ohio 44301.

10. Defendants Bartec USA, L.L.C., Bartec Auto ID Limited, Schrader-Bridgeport, General Parts, Inc., and Myers Tire Supply Distribution, Inc. are hereinafter collectively referred to herein as “Defendants.”

III. BACKGROUND

11. On June 14, 2005, U.S. Patent No. 6,904,796 (“the ‘796 patent”), entitled “Remote Tire Monitoring Systems Tool,” was duly and legally issued. (Exhibit A, U.S. Patent No. 6,904,796.)

12. SPX is the owner of all right, title and interest in the ‘796 patent, including all right to recover for any and all past infringement thereof.

13. Bartec USA, L.L.C. and Bartec Auto ID Limited have had actual notice of the ‘796 patent since at least as early as November 2005.



**IV. COUNT I - PATENT INFRINGEMENT
OF U.S. PATENT NO. 6,904,796**

14. Defendants have made, used, offered for sale and sold in the United States, and continue to make, use, offer for sale and sell in the United States remote tire monitoring system tools. Specifically, Defendants have used, offered for sale and sold in the United States remote tire monitoring system tools sold by Bartec USA, L.L.C. and/or Bartec Auto ID Ltd. including the Bartec Wheelrite 300 tool. Defendants' activities infringe, induce others to infringe, and/or contributorily infringe the '796 patent.

15. SPX has suffered damages as a result of the infringing activities of the Defendants, and will continue to suffer such damage as long as those infringing activities continue.

16. Defendants' infringement of the '796 patent has been and continues to be willful, wanton, and deliberate, and with full knowledge and awareness of SPX's patent rights. Defendants' infringement will continue unless enjoined by this Court.

17. Defendants' infringement of the '796 patent has caused and will continue to cause irreparable injury to SPX.

18. SPX has no adequate remedy at law. Unless enjoined by this Court, the Defendants will continue such acts of infringement to SPX's substantial and irreparable damage.



V. DEMAND FOR RELIEF

Accordingly, SPX respectfully demands that this Court enter judgment that:

A. Defendants have infringed the claims of the '796 patent.

B. Preliminarily and permanently enjoining and restraining Defendants, their officers, directors, employees, agents, servants, successors and assigns, and any and all persons acting in privity or in concert with the Defendants, from further infringement of the '796 patent;

C. Awarding SPX its damages, together with prejudgment interest and costs, and increasing those damages to three times the amount found or assessed as provided by 35 U.S.C. § 284;

D. Declaring this an exceptional case within the meaning of 35 U.S.C. § 285, and awarding SPX its reasonable attorney's fees and costs and disbursements in this action; and

E. Granting to SPX such other and further relief as this Court deems reasonable.



VI. DEMAND FOR JURY TRIAL

SPX respectfully demands a trial by jury of any and all issues triable of right by a jury in the above-captioned action.

Respectfully submitted,

BROOKS KUSHMAN P.C.

By: /s/ Marc Lorelli

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Dated: April 2, 2007



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CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on April 2, 2007, I electronically filed the foregoing **AMENDED COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND** with the Clerk of the Court for the Eastern District of Michigan using the ECF System which will send notification to the following registered participants of the ECF System as listed on the Court's Notice of Electronic Filing: Ernie Brooks, Marc Lorelli, David McClaughry. I also certify that I have mailed by United States Postal Service the paper to the following non-participants in the ECF System: None.

Respectfully submitted,

BROOKS KUSHMAN P.C.

By: /s/ Marc Lorelli

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