

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TELEFLEX INCORPORATED,

Plaintiff,

v.

KSR INTERNATIONAL CO.,

Defendant.

Case No. 01-74775

Hon. Lawrence P. Zatkoff

Magistrate Judge Pepe

RODGER D. YOUNG (P22652)
STEVEN SUSSER (P52940)
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**TELEFLEX'S AMENDED COMPLAINT
FOR PATENT INFRINGEMENT**

Plaintiff Teleflex Incorporated ("Teleflex"), by its attorneys, Young & Susser, P.C., and for its Amended Complaint against Defendant KSR International Co. ("KSR"), alleges as follows:

PARTIES

1. Teleflex is a Delaware corporation, having its principal place of business at 630 W. Germantown Pike, Plymouth Meeting, Pennsylvania 19462.
2. Upon information and belief, KSR is a Canadian corporation, having its principal place of business in Ridgetown, Ontario, and an office in this district located at 20300 Civic Center Drive, #330, Southfield, Michigan.

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JURISDICTION

- 3. This is an action for patent infringement under Title 35, United States Code, §§ 271 et seq.
- 4. This Court has jurisdiction under 28 U.S.C. § 1338.
- 5. Venue is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b).

COUNT I
PATENT INFRINGEMENT


- 6. Teleflex incorporates the allegations of the foregoing Paragraphs 1-5 as though fully set forth herein.
- 7. On May 29, 2001, United States Patent No. 6,237,565, entitled "Adjustable Pedal Assembly With Electronic Throttle Control" ("the '565 Patent"), was duly and legally issued by the United States Patent and Trademark Office to Steven J. Engelgau. A copy of the '565 Patent is attached hereto as Exhibit A.
- 8. Teleflex is the current assignee of all right, title and interest in the '565 Patent, including the right to bring and maintain this action with respect to the '565 Patent.
- 9. Upon information and belief, KSR has made, used, offered for sale, and sold in the United States products infringing the '565 Patent and, and has otherwise committed acts prohibited by 35 U.S.C. § 271.
- 10. Upon information and belief, KSR continues to infringe the '565 Patent.
- 11. KSR's infringement is willful and intentional.
- 12. As a result of KSR's activities and infringement, Teleflex has suffered and will continue to suffer substantial damages.
- 13. KSR's infringement of the '565 Patent will continue unless and until enjoined by this Court.

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WHEREFORE, Teleflex Incorporated requests that this Court enter Judgment that:

- A. Declares the '565 Patent is valid and infringed by KSR;
- B. Declares KSR's infringement of the '565 Patent has been knowing and willful;
- C. Awards Teleflex its damages caused by KSR's infringement of the '565 Patent, trebled pursuant to 35 U.S.C. § 284;
- D. Finds this to be an exceptional case pursuant to 35 U.S.C. § 285 and awards Teleflex its attorneys' fees and costs incurred in this matter;
- E. Permanently enjoins KSR and its subsidiaries, agents, officers, and employees, and all others acting in concert with it, from further infringement of the '565 Patent under penalty of contempt; and
- F. Awards to Teleflex such other and further equitable relief as the Court may deem necessary and proper to correct the injury to Teleflex and to the public interest caused by KSR's unlawful conduct.

YOUNG & SUSSER, P.C.

BY: 
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Dated: February 13, 2002

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SCANNED