

JUDGE DANIELS

06 CV 5499

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

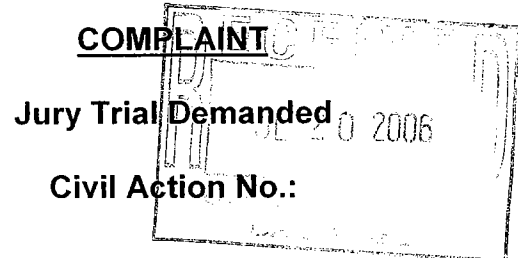
PANDROL USA, LP and PANDROL  
LIMITED,

Plaintiff,

v.

LEADING EDGE ENTERPRISES, INC.,

Defendant.



Plaintiffs, Pandrol Limited ("Pandrol Limited") and Pandrol USA, LP ("Pandrol USA") (collectively "Plaintiffs"), by way of their Complaint against Defendant, Leading Edge Enterprises, Inc. ("Leading Edge"), alleges as follows:

**NATURE OF ACTION**

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

**JURISDICTION AND VENUE**

2. Pandrol Limited is a company incorporated in England, having its registered office at 63 Station Road, Addlestone, Surrey KT15 2AR, England.

3. Pandrol USA is a limited partnership organized and existing under the laws of the State of New Jersey, having a principal place of business at 501 Sharptown Road, P.O. Box 367, Bridgeport, New Jersey 08014.

4. Upon information and belief, Leading Edge is a corporation having a place of business located at 2195 E. Garfield Avenue, Decatur, Illinois 62526.

5. Upon information and belief, Leading Edge is registered to do business in the State of New York.

6. Upon Information and belief, Leading Edge transacts business in this judicial district, and this Court therefore has personal jurisdiction over Leading Edge.

7. Upon Information and belief, Leading Edge sells and distributes products in this judicial district which infringe Plaintiffs' rights under the patent asserted herein, and this Court therefore has personal jurisdiction over Leading Edge.

8. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§1331 and 1338(a).

9. There is complete diversity between Plaintiffs and Leading Edge, and the amount in controversy exceeds \$75,000, exclusive of interest and costs. Therefore, this Court also has subject matter jurisdiction over this action under 28 U.S.C. §1332.

10. Venue is proper in this district pursuant to 28 U.S.C. §1391(b) and (c) and §1400.

**COUNT I**  
**(Patent Infringement of the '046 Patent Against**  
**Leading Edge by Pandrol Limited and Pandrol USA)**

11. Plaintiffs hereby repeat and re-allege paragraphs 1 through 10 above as if fully set forth herein.

12. U.S. Patent No. 5,110,046 ("the '046 patent"), was validly issued on May 5, 1992 and is entitled "Rail Fastening System."

13. Pandrol Limited is the owner, by assignment, of all right, title and interest in and to the '046 patent. The '046 patent relates generally to the field of technology of rail fastening systems.

14. Pandrol USA is the exclusive licensee of the '046 patent, with the right to enforce the '046 patent, and accordingly, Pandrol USA has standing to bring this suit against Leading Edge.

15. Upon information and belief, Leading Edge has manufactured, offered for sale, sold and distributed, and continues to manufacture, offer for sale, sell and distribute assemblies for use in connection with railroad tracks in the United States.

16. Leading Edge has infringed and/or has contributed to the infringement by others and/or has induced others to infringe and, unless enjoined, will continue to infringe and/or contribute to the infringement by others and/or induce others to infringe one or more of the claims of the '046 patent by selling, offering to sell, making, using, distributing and installing assemblies covered by one or more of the claims of the '046 patent, or equivalents thereof.

17. Plaintiffs have been damaged by Leading Edge's infringements of the '046 patent, in an amount to be determined at trial.

18. The infringement of the '046 patent by Leading Edge has caused Plaintiffs to suffer irreparable harm and injury.

19. The infringement by Leading Edge of the '046 patent is in direct violation of Plaintiffs' right under 35 U.S.C. §271 to exclude others from making, using, selling and/or offering for sale products embodying the invention of the '046 patent.

20. Plaintiffs have no adequate remedy at law.

21. Plaintiffs will continue to suffer irreparable harm unless an injunction is issued enjoining and restraining Leading Edge from infringing the '046 patent.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs respectfully pray for judgment against Leading Edge as follows:

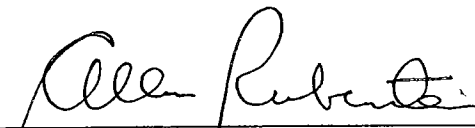
- (a) That an injunction issue permanently enjoining Leading Edge, and its agents, servants, and employees, and all those in active concert and participation with them, from infringing and contributing to the infringement by others and inducing infringement of the '046 patent;
- (b) That Plaintiffs be awarded damages in connection with Leading Edge's infringement, contributory infringement and inducement of infringement of the '046 patent;
- (c) That an accounting be had, and judgment be rendered in Plaintiffs' favor against Leading Edge for the gains, profits and advantages derived by it, directly or indirectly, by its unlawful acts of patent infringement, and for damages in an amount adequate to compensate Plaintiffs' monetary damages resulting from the wrongful conduct of Leading Edge, together with costs and interest, as appropriate, and as authorized by any statute or law applicable to any claim made in this Complaint;
- (d) That attorney's fees, costs and disbursements incurred in connection with the prosecution of this litigation be awarded to Plaintiffs; and

(e) For such other and further relief as the Court may deem just, proper and equitable under the circumstances.

**JURY DEMAND**

Plaintiffs demand a trial by jury.

**GOTTLIEB, RACKMAN & REISMAN, P.C.**

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Dated: New York, New York  
July 20, 2006