

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

ALTRA RECOVERY, LLC, a Minnesota)
Limited Liability Company,)
)
Plaintiff,)
)
vs.)
ELECTRONIC CONTROLS COMPANY,)
An Idaho Corporation,)
)
Defendant.)
)

Case No. 11-1491 MDJ/FLN

JURY TRIAL DEMANDED

AMENDED COMPLAINT

COMES NOW the Plaintiff, Altra Recovery, LLC (“ALTRA”), as and for its Amended Complaint against Electronic Controls Company (“ECCO”), states and alleges 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(c) and 1400(b).
3. On information and belief, ECCO has 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.

THE PARTIES

4. Plaintiff ALTRA is a limited liability company in the State of Minnesota, with its registered address at 605 Lewis Avenue North, Watertown, Minnesota 55388. ALTRA promotes the development, production and commercialization of collision avoidance device technology and

holds a plurality of United States patents on devices invented by Richard A. Gunderson, et al., for use by the heavy machinery and transportation industries.

5. ALTRA is the owner of the entire right, title, and interest to United States Patent No. 6,642,839 (the “’839 patent”), entitled “SYSTEM AND METHOD OF PROVIDING SCALABLE SENSOR SYSTEMS BASED ON STAND ALONE SENSOR MODULES.” The ’839 patent was issued November 4, 2003 to Richard A. Gunderson, et al. A copy of the ’839 patent is attached as Exhibit A hereto.

6. ALTRA is further the owner of the entire right, title, and interest to United States Patent No. 7,061,372 (the “’372 patent”), entitled “SYSTEM AND METHOD OF PROVIDING SCALABLE SENSOR SYSTEMS BASED ON STAND ALONE SENSOR MODULES.” The ’372 patent was issued July 13, 2006 to Richard A. Gunderson, et al. A copy of the ’372 patent is attached as Exhibit B hereto.

7. Defendant, ECCO, is an Idaho corporation having a principal place of business at 833 West Diamond Street, Boise, Idaho 83705-5291. ECCO services aftermarket, OEM and private label customers across the globe in a wide range of markets including mining, construction, towing, utilities, municipalities and the emergency services. A portion of ECCO’s product portfolio is focused on back-up alarms, rear view camera systems, and accessories including Gemineye Camera/Data Storage Systems (“Gemineye”). The Gemineye product offerings are collision avoidance systems specifically tailored to different industries, vehicles, obstacles, and work site conditions to aid drivers in identifying the presence of obstacles in blind spots.

In particular, ECCO directly and/or through its subsidiaries and affiliates, markets and sells, as an example, the K7002 model of collision avoidance system which is designed for commercial light-to-medium duty trucks. ECCO has engaged in the sale of infringing products in

the State of Minnesota.

COUNT - CLAIM FOR RELIEF AGAINST ECCO

Patent Infringement of the '839 Patent

8. ALTRA repeats and realleges the allegations contained in Paragraphs 1 through 7 of this Complaint as if fully set forth herein.

9. ECCO has infringed, and continues to infringe, the '839 patent in violation of 35 U.S.C. 271(a) through its conduct with regard to the sale of collision avoidance systems (including at least the: K7002 Camera System; CB41 Camera Controller and the CB20 Camera Controller) as claimed by the '839 patent.

10. ECCO has infringed, and continues to infringe, the '839 patent in violation of 35 U.S.C. 271(b) by actively inducing infringement by third parties by licensing and/or as an OEM offering licenses of the invention as claimed by the '839 patent.

11. ALTRA has been injured and damaged, and will continue to be injured and damaged, by ECCO's infringement of the '839 patent. ECCO's infringement of the '839 patent has caused, and will continue to cause, irreparable harm to ALTRA unless and until enjoined by this Court.

12. ECCO has infringed, and continues to infringe, the '372 patent in violation of 35 U.S.C. 271(a) through its conduct with regard to the sale of collision avoidance systems (including at least the: K5601, K5602, K7000, K7001, and K7002 Camera Systems) as claimed by the '372 patent.

13. ECCO has infringed, and continues to infringe, the '372 patent in violation of 35 U.S.C. 271(b) by actively inducing infringement by third parties by licensing and/or as an OEM offering licenses of the invention as claimed by the '372 patent.

14. ALTRA has been injured and damaged, and will continue to be injured and damaged, by ECCO's infringement of the '372 patent. ECCO's infringement of the '372 patent has caused, and will continue to cause, irreparable harm to ALTRA unless and until enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff ALTRA prays that judgment be granted in its favor and against ECCO:

A. That Defendant has infringed both the '839 and the '372 patents pursuant to 35 U.S.C. 271;

B. That Defendant and all parties contemplated by Rule 65(d) Fed.R.Civ.P. be preliminarily and permanently enjoined from further infringement of the '839 and the '372 patents pursuant to 35 U.S.C. 283;

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

D. That in view of Defendant's 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 Plaintiff be awarded attorney fees pursuant to 35 U.S.C. 285;

F. For an award of any and all costs and disbursements incurred in prosecuting this present action; and

G. For all other such relief as the Court deems just and equitable under the circumstances.

PLAINTIFF DEMANDS TRIAL BY JURY ON ALL COUNTS WHERE JURY IS AVAILABLE.

NEATON & PUKLICH, PLLP

Dated: October 6, 2011

/s/ Mark E. Dooley

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