UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ILLINOIS TOOL WORKS INC.

Plaintiff,

v.

BROSE NORTH AMERICA, INC.,

Defendant.

JUDGE JOHN W DARRAH

05C 5190

Case No.

JURY TRIAL DEMANDED

MAGISTRATE JUDGE COLE

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Illinois Tool Works Inc. ("ITW"), for its Complaint against Defendant Brose North America, Inc. ("Brose"), alleges as follows:

THE PARTIES

1. Plaintiff ITW is a Delaware corporation having its principal place of business in Glenview, Illinois.

2. On information and belief, Defendant Brose is a Michigan corporation having its principal place of business in Auburn Hills, Michigan. Defendant Brose conducts business within this judicial district.

JURISDICTION AND VENUE

3. This is a civil action arising under the Patent Laws of the United States (35 US.C. §1 et seq.) for damages and injunctive relief as provided in Title 35 U.S.C. § 281 and §§ 283-285.

4. This Court has subject matter jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this District under 28 U.S.C. §1391(b) because Defendant Brose resides in this District.

BACKGROUND

6. Plaintiff ITW's business includes supplying parts to automotive suppliers, including components and systems for automotive doors and seats, through ITW Deltar IPAC ("IPAC"), an ITW company that is part of ITW's Global Automotive Group.

7. On information and belief, Defendant Brose is in the business of supplying parts to automotive suppliers, including components and systems for automotive doors and seats.

8. Since about December 2002, ITW regularly sold to Brose various automotive door handle parts, including part numbers 980322-101 and 980323-101, that are part of Brose's C170 Door Handle Program ("the C170 door handle business").

9. The automotive door handle parts that ITW sold to Brose utilized ITW proprietary technology, including that set forth in U.S. Patent No. 6,409,238, entitled "Anti-Rattle Structure For Door Handle" ("the '238 patent"). The '238 patent issued on June 25, 2002, with ITW as the named assignee. A copy of the '238 patent is attached at Exhibit A.

10. On information and belief, Brose now has these same automotive door handle parts, including part numbers 980322-101 and 980323-101, manufactured by Armada Tool Works, Ltd. ("Armada"), of Lindsay, Ontario, Canada, for subsequent sale by Brose.

COUNT I

(INFRINGEMENT OF U.S. PATENT 6,409,238)

11. Plaintiff ITW incorporates paragraphs 1 through 10 as though fully set forth herein.

12. A reasonable opportunity for further investigation or discovery will show that Defendant Brose has infringed and continues to infringe, literally or under the doctrine of

equivalents, at least one claim of the '238 patent, either directly, contributorily, by inducement, or otherwise, in violation of 35 U.S.C. § 271, by making, using, selling, or offering to sell automotive door handle parts (including part numbers 980322-101 and 980323-101) that embody the claims of the '238 patent.

13. On information and belief, Brose is engaging in willful and deliberate infringement of the '238 patent, which justifies an increase of three times the damages to be assessed pursuant to 35 U.S.C. § 284, and further qualifies this action as an exceptional case supporting an award of reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

14. Brose's continued infringement of the '238 patent is causing and will continue to cause irreparable injury to ITW unless Brose's infringement is enjoined by this Court.

DEMAND FOR JURY TRIAL

15. Plaintiff ITW hereby demands a jury trial on all issues triable by jury.

PRAYER FOR RELIEF

WHEREFORE, ITW requests the following relief:

A. That U.S. Patent No. 6,409,238 be declared valid and enforceable at law and infringed by Brose;

B. That Brose be permanently enjoined from any infringement of U.S. Patent No. 6,409,238, whether it be direct, contributory, or by inducement;

C. That Brose be ordered to pay ITW any and all damages plus interest;

D. That the amount of actual damages be trebled by this Court because of the willful and deliberate nature of Brose's acts of infringement, as provided for in 35 U.S.C. § 284;

E. That Brose be ordered to pay ITW the costs of this action, and ITW's reasonable attorneys' fees pursuant to 35 U.S.C. §285; and

F. That ITW be awarded such further and additional relief as this Court may deem

just, proper, and equitable.

Respectfully submitted,

Dated: September 9, 2005

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Eligio C. Pimentel (IL Reg. No. 6230049)
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Attorneys for Plaintiff
ILLINOIS TOOL WORKS INC.

Exhibit A

US006409238B1

(12) **United States Patent**
Mikenis et al.

(10) **Patent No.: US 6,409,238 B1**
(45) **Date of Patent: Jun. 25, 2002**

(54) **ANTI-RATTLE STRUCTURE FOR DOOR HANDLE**

(75) Inventors: **Mark R. Mikenis**, New Lenox; **Conrad E. Hlavacek**, Peoria; **Patrick J. Bowden**, Peotone; **Donald T. Boone**; **Sven E. Carlson**, both of Manhattan, all of IL (US)

(73) Assignee: **Illinois Tool Works Inc.**, Glenview, IL (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **09/559,891**

(22) Filed: **Apr. 26, 2000**

(51) **Int. Cl.**[7] **E05B 1/00**
(52) **U.S. Cl.** **292/347**; 292/341.12
(58) **Field of Search** ..... 292/338, 339, 292/341.12, 340, 347, DIG. 38, DIG. 39

(56) **References Cited**

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4,917,412	A	4/1990	Swan et al.	
5,328,219	A	7/1994	Konchan et al.	
5,454,608	A	10/1995	Dzurko et al.	
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5,937,585	A	* 8/1999	Tidbury et al.	292/DIG. 39

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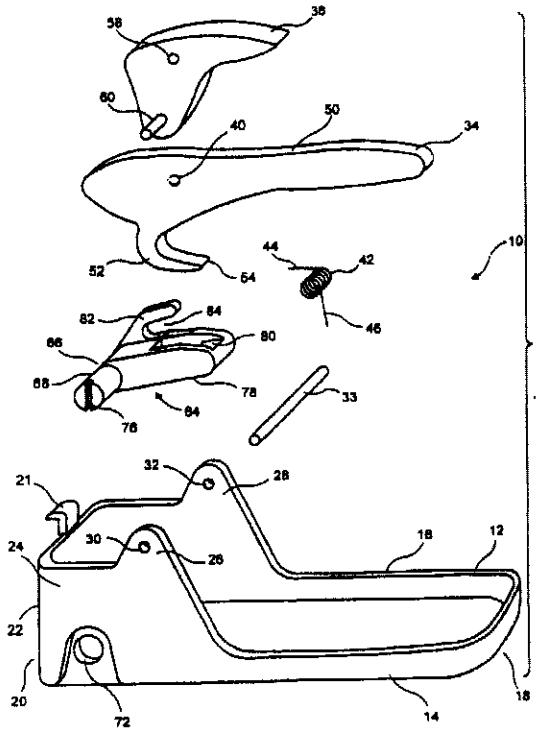
Primary Examiner—Stephen Avila
(74) *Attorney, Agent, or Firm*—Pitney, Hardin, Kipp & Szuch LLP

(57) **ABSTRACT**

The door handle assembly includes a pivoting child lock out cam which pivots between a first locked position and a second unlocked position with respect to a door handle. More particularly, the child lock out cam includes a latch with an aperture through which a hook on an underside of the door handle passes in the first locked position. In order to reduce unwanted noises, such as rattling, from the child lock out cam in a vibratory environment, a flexible tab integrally extends from a plate of the door handle assembly to laterally bear against a radially enlarged cam section on the child lock out cam thereby urging the journal of the child lock out cam against the interior walls of the bearing apertures through which the journal passes.

10 Claims, 8 Drawing Sheets



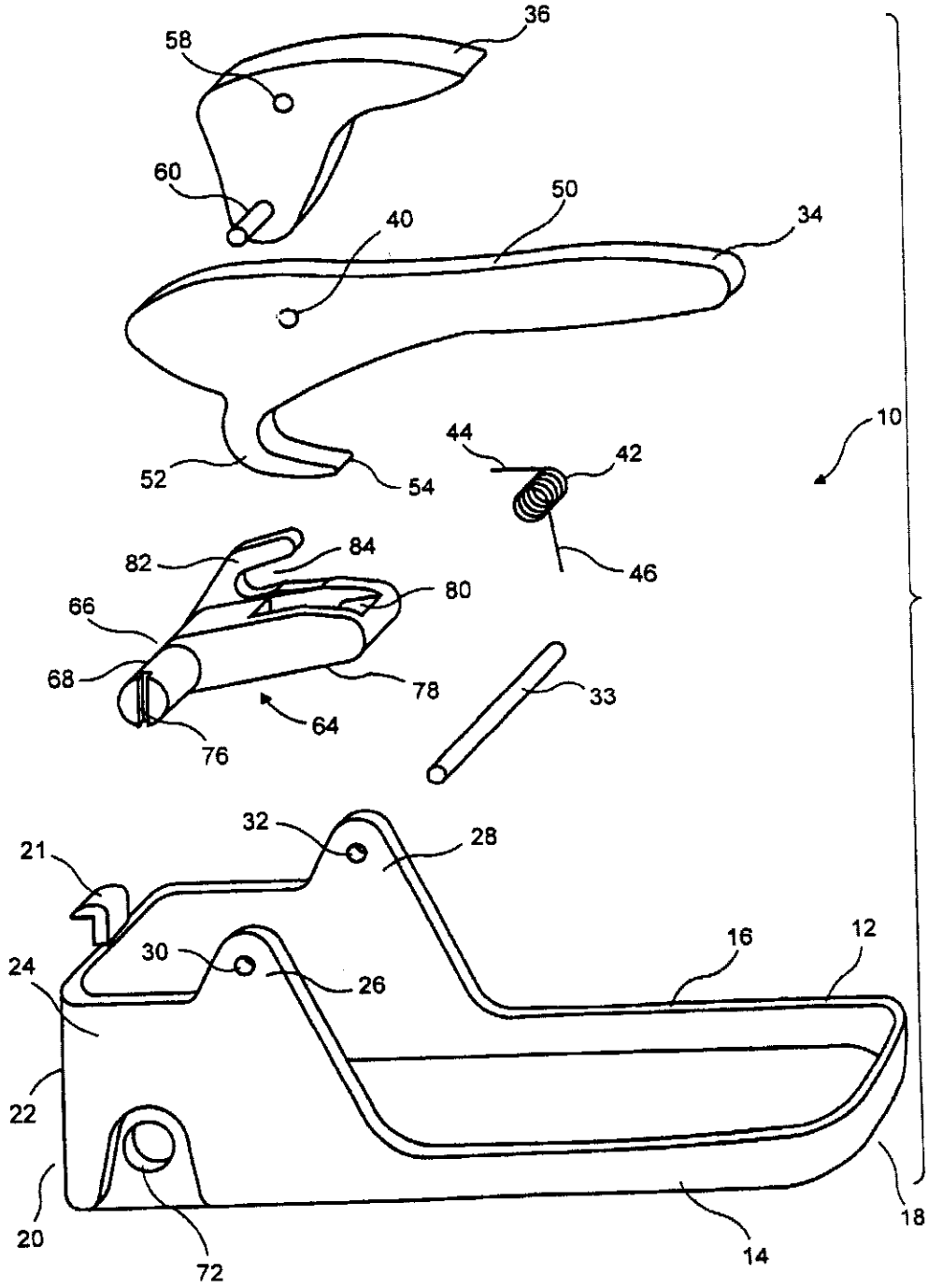

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FIG. 1

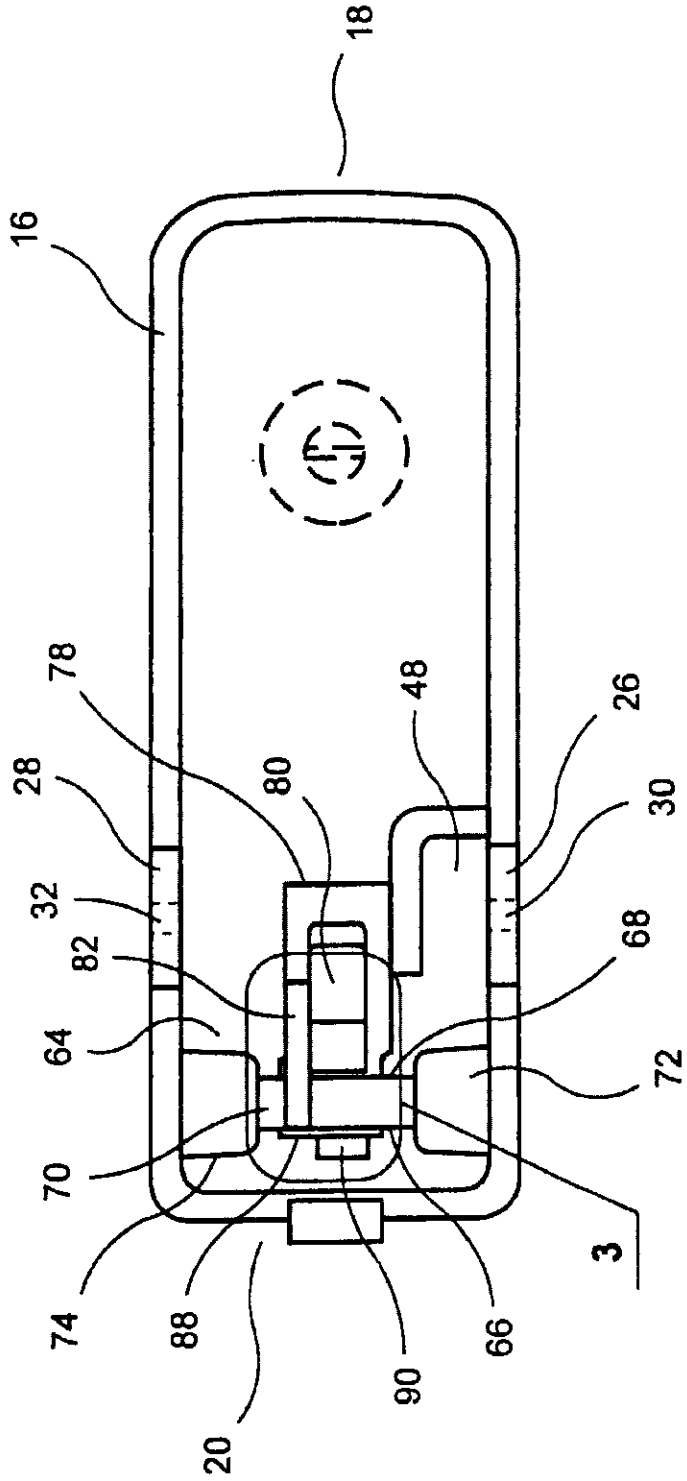

FIG. 2

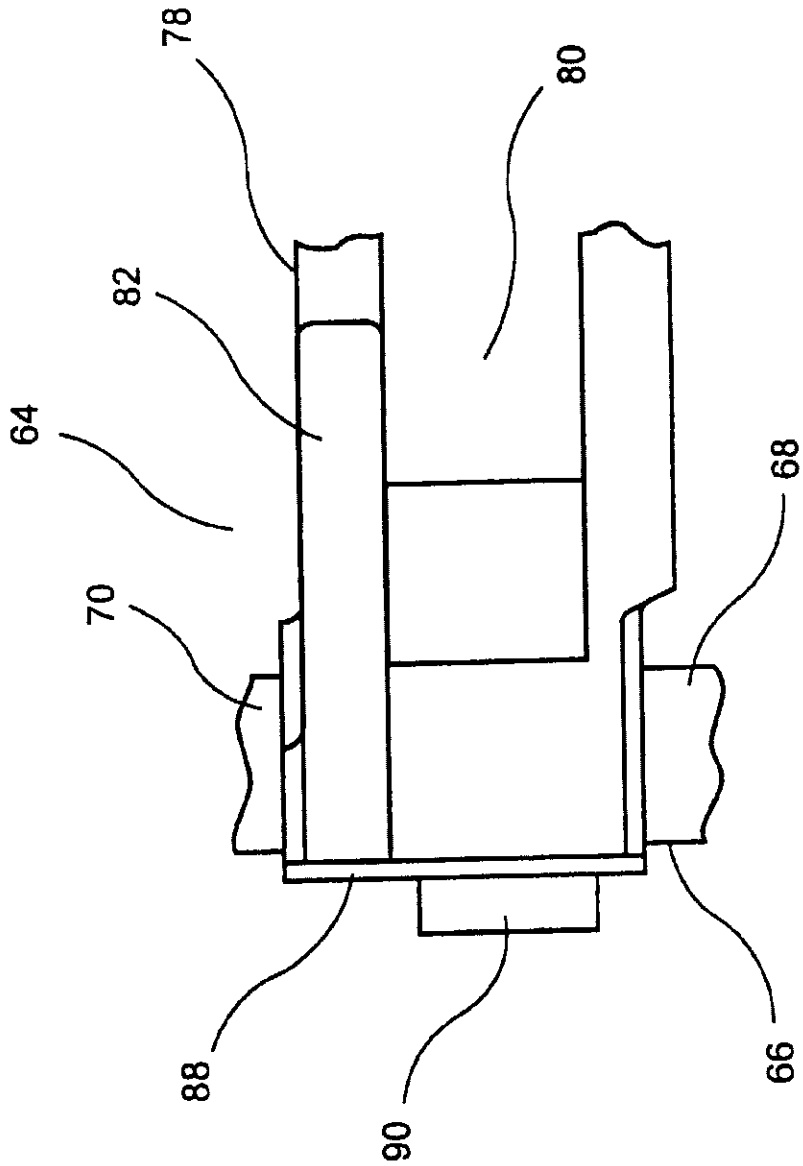

FIG. 3

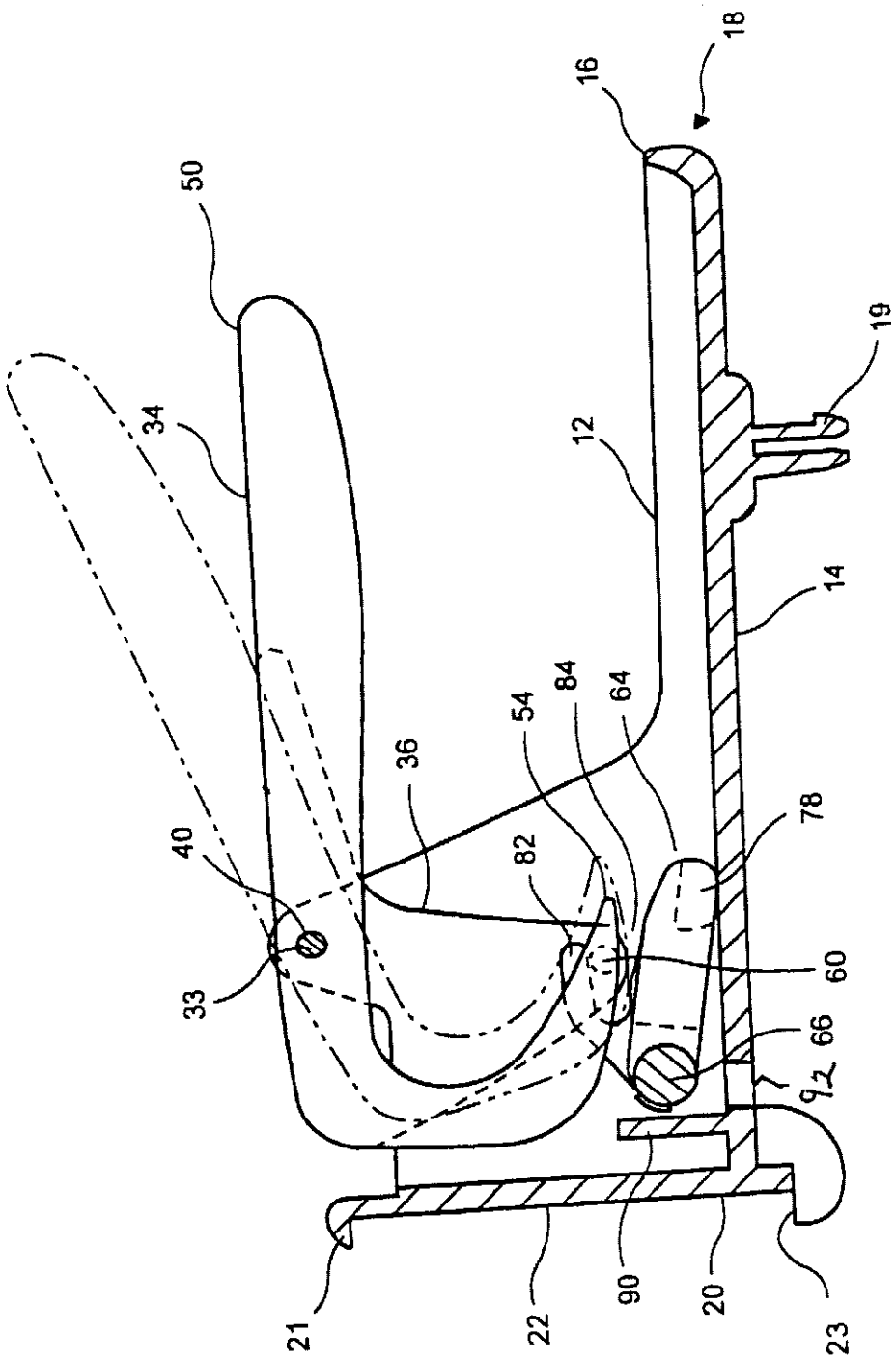

FIG. 4

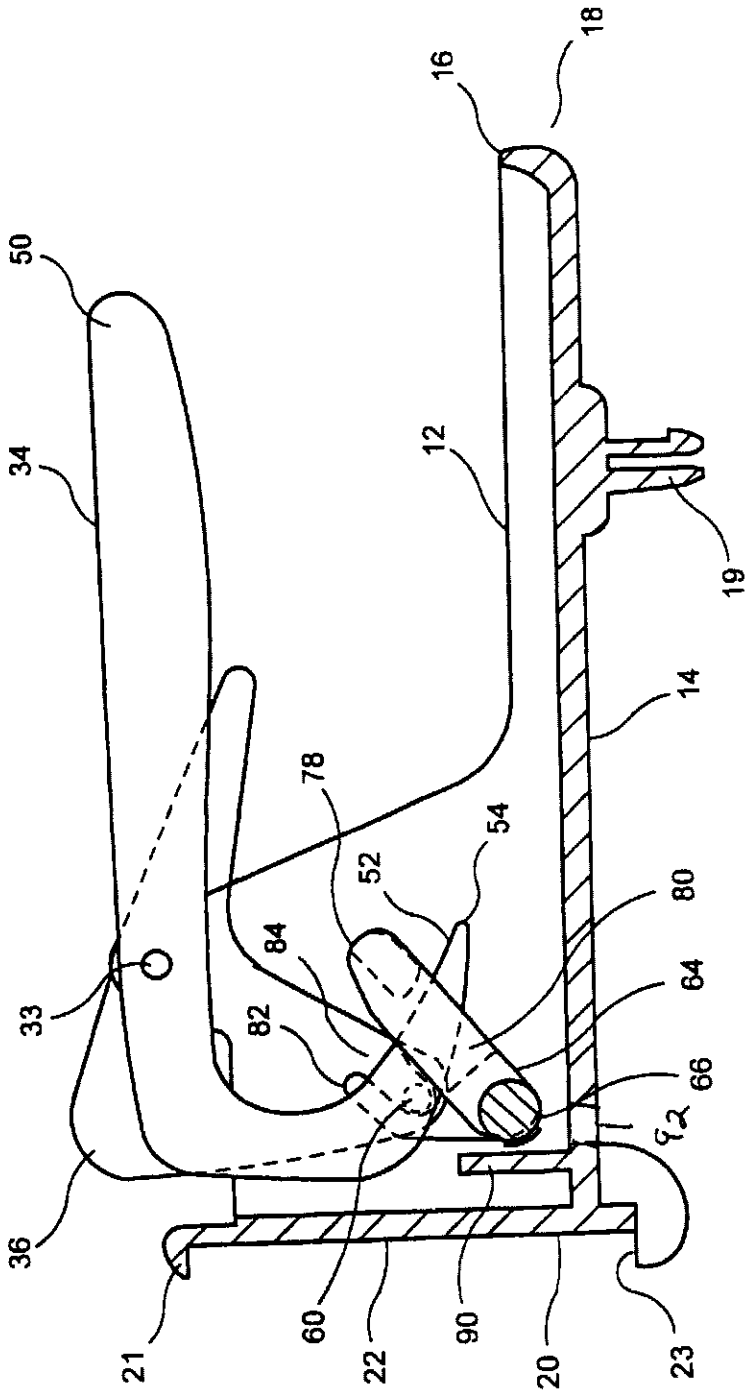

FIG. 5

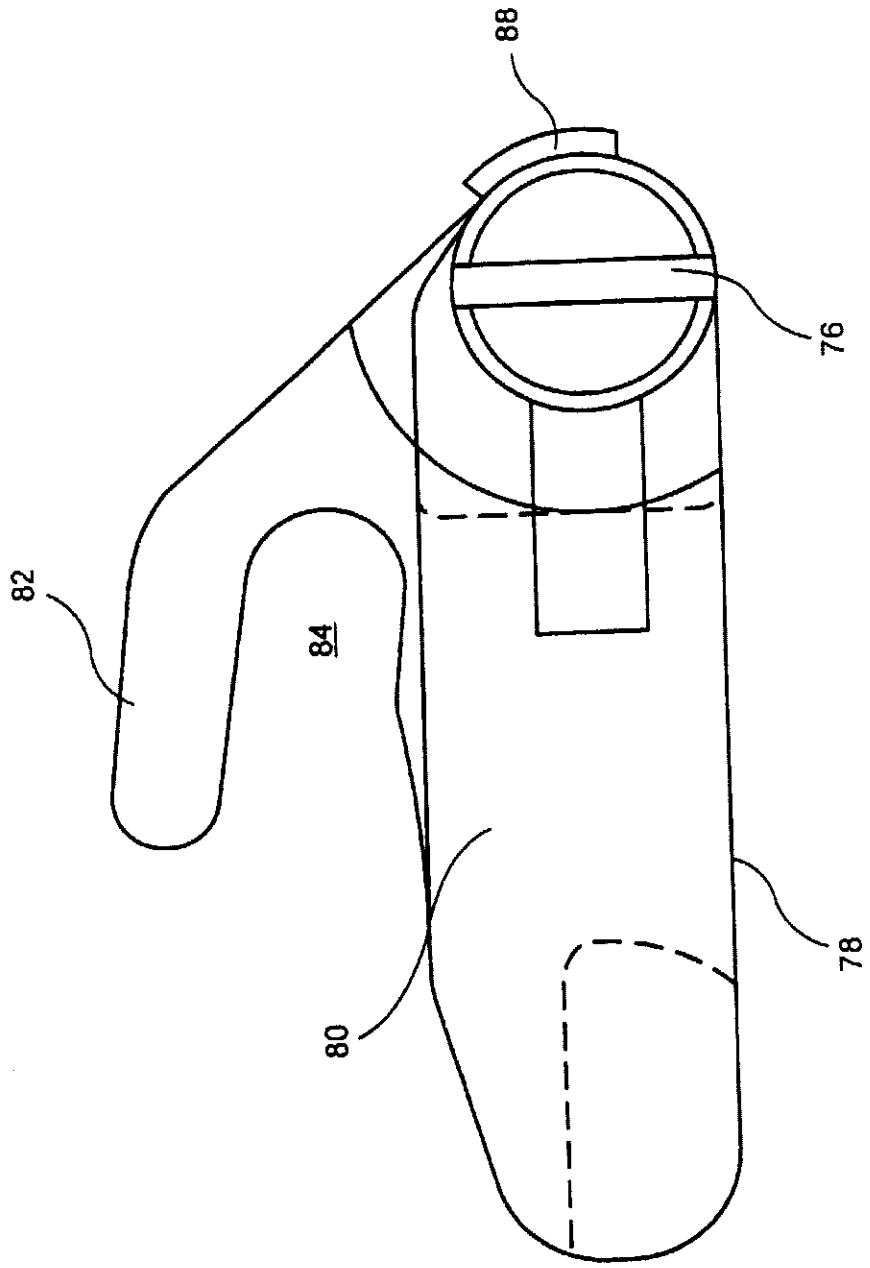

FIG. 6

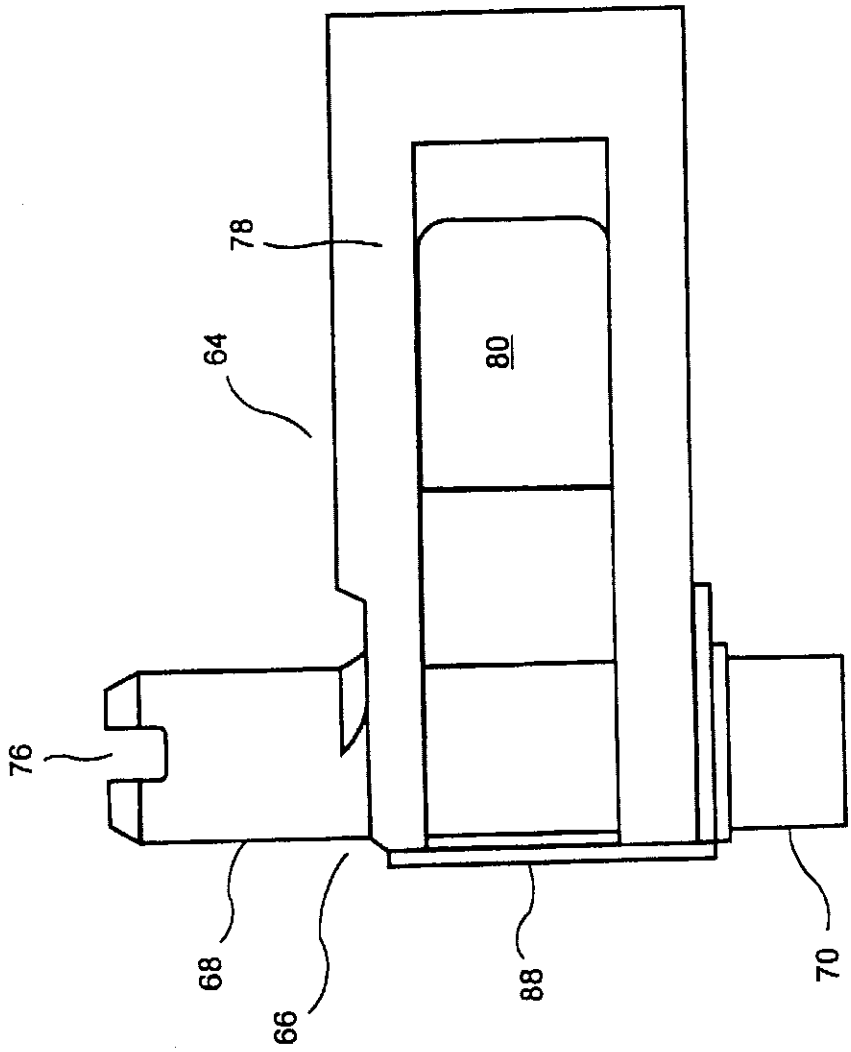

FIG. 7

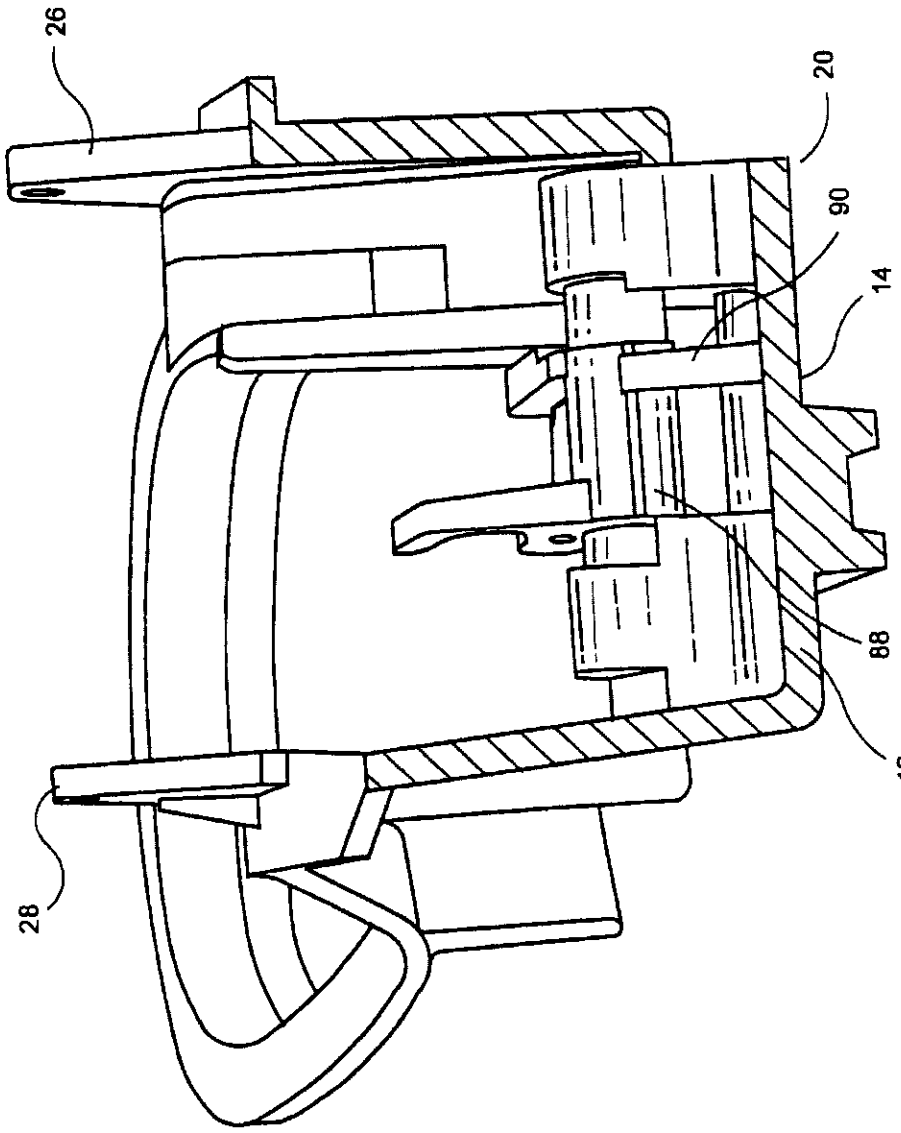

FIG. 8

ANTI-RATTLE STRUCTURE FOR DOOR HANDLE

BACKGROUND OF THE INVENTION

1. Field of the Invention

This invention pertains to the use of a flexible tab bearing against a cam of an automotive or similar door handle to reduce or eliminate the rattle of the door handle.

2. Description of the Prior Art

In the prior art, it is known to attempt to reduce or eliminate rattles, squeaks, buzzes and other sounds from automotive or similar components which operate in a vibratory environment. In order to reduce or eliminate these unwanted noises in door handles and other rotational components, particularly child lock out cams, it is known to bias a piece of foam rubber or similar material against the component. However, the installation of the foam rubber in such an application is not amenable to high-speed automated operation.

Similarly, mechanical solutions to this problem frequently resulted in interference with the range of motion of the component or in interference with the operation of the component.

Prior art references in the automotive door handle art include U.S. Pat. No. 5,899,508 entitled "Double Locking Vehicle Door Latch" issued on May 4, 1999 to Cetnar et al.; U.S. Pat. No. 5,649,726 entitled "Vehicle Closure Latch" issued on Jul. 22, 1997 to Rogers, Jr. et al.; U.S. Pat. No. 5,454,608 entitled "Vehicle Door Latch", issued on Oct. 3, 1995 to Dzurko et al.; U.S. Pat. No. 5,328,219 entitled "Vehicle Closure Latch" issued on Jul. 12, 1994 to Konchan et al.; U.S. Pat. No. 4,917,412 entitled "Vehicle Door Lock System Providing a Plurality of Spaced Rotary Latches" issued on Apr. 17, 1990 to Swan et al.; U.S. Pat. No. 4,896,908 entitled "Elastomer-Clad Motor-Vehicle Door Latch" issued on Jan. 30, 1990 to Kleefeldt; U.S. Pat. No. 4,824,152 entitled "Vehicle Door Latch" issued on Apr. 25, 1989 to Jeavons; U.S. Pat. No. 4,586,737 entitled "Vehicle Body Door Lock" issued on May 6, 1986 to Arlauskas; and U.S. Pat. No. 4,585,261 entitled "Vehicle Closure Latch" issued on Apr. 29, 1986 to Adams et al.

OBJECTS AND SUMMARY OF THE INVENTION

It is therefore an object of this invention to provide a structure for an automotive door handle, particularly the child lock out cam, which reduces or eliminates unwanted noise in a vibratory environment.

It is therefore a further object of this invention to provide a structure for an automotive door handle, particularly the child lock out cam, which is am enable to high-speed automated assembly.

It is therefore a still further object of this invention to provide a structure for an automotive door handle, particularly the child lock out cam, which achieves the above objects while maintaining a simple, reliable structure with a low cost of manufacture.

These and other objects are achieved by providing a door handle with a child lock out cam, wherein a flexible tab protrudes within the internal structure of the door handle so as to bear against a corresponding cam portion of the pivotable child lock out cam. The flexible tab bearing against the pivotable child lock out cam urges the journal of the child lock out cam against the wall of the bearing apertures thereby preventing rattling therewithin while maintaining the full range of motion of the child lock out cam.

BRIEF DESCRIPTION OF THE DRAWINGS

Further objects and advantages of the invention will become apparent from the following description and claims, and from the ac drawings, wherein:

FIG. **1** is an exploded perspective view of the door handle assembly o resent invention.

FIG. **2** is a plan view of the base plate of the door handle assembly of the present invention, including the child lock out cam.

FIG. **3** is a detailed view of the area indicated in FIG. **2**.

FIG. **4** is an internal plan view showing the unlocked configuration of the door handle assembly of the present invention, with the range of motion of the door handle shown in phantom.

FIG. **5** is an internal plan view showing the locked configuration of the door handle assembly of the present invention.

FIG. **6** is side plan view of the child lock out cam of the door handle assembly of the present invention.

FIG. **7** is a bottom plan view of the child lock out cam of the door handle assembly of the present invention.

FIG. **8** is a cut-away view of a portion of the door handle assembly of the present invention, showing the relationship between the flexible tab and the child lock out cam.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring now to the drawings in detail wherein like numerals indicate like elements throughout the several views, one sees that FIG. **1** is an exploded view of a door handle assembly **10** which is adaptable to the present invention. The components of door handle assembly **10** can be formed of molded plastic, or many similar materials as will be apparent to those skilled in the art.

Base plate **12** is typically affixed within the automotive door (not shown). Base plate **12** is shown in further detail in FIGS. **2–5**. Base plate **12** includes a generally planar lower surface **14** with upturned lip **16** about the periphery of a first end **18** thereof, and further includes detent installation prongs **19** extending from a bottom of lower surface **14**. Second end **20**, however, includes upwardly extending portion **22** which provides housing **24** for the various mechanical parts. Second end **20** further provides support for upper and lower installation hooks **21, 23**. Bearing ears **26, 28** extend upwardly from housing **24** and include apertures **30, 32**. Apertures **30, 32** are engaged and secured to axle **33** which provides an axis for the pivoting of both door handle **34** and locking handle **36** which are adjacent to each other. Door handle **34** includes aperture **40** through which axle **33** is inserted. Moreover, coil spring **42** is wrapped about axle **33** with first end **44** abutting the underside of door handle **34** and second end **46** inserted into chamber **48** of housing **24** (see FIG. **2**) so as to bias door handle **34** toward the position parallel to base plate **12** (as shown in solid in FIGS. **4** and **5**). Door handle **34** further includes gripping portion **50** and lower locking hook structure **52** with tip **54** pointing somewhat away from gripping portion **50**.

Locking handle **36** is positioned between door handle **34** and bearing ear **28** and includes aperture **58** through which axle **33** is inserted, thereby providing for the pivoting of locking handle **36**. The body of locking handle **36** further includes boss **60** which protrudes parallel to axle **33** toward door handle **34**. As will be explained hereinafter, boss **60** is used to activate and deactivate the locking function of door handle assembly **10**.

As shown in FIGS. **1, 2, 6** and **7**, child lock out cam **64** includes journal **66** with ends **68, 70** which are engaged by bearing apertures **72, 74** formed through housing **24**. End **68** includes a flat-head slot **76** which protrudes through bearing aperture **72** in housing **24** thereby providing an external mechanical connection for child lock out cam **64**. For instance, child lock out cam **64** could be electromechanically rotated via flat-head slot **76**. Child lock out cam **64** further includes radially extending latch **78** which hollowed-out area **80** formed therein. Hook **82** extends above radially extending latch **78** thereby forming cam slot **84** between hook **82** and radially extending latch **78**. Boss **60** of locking handle **36** travels within cam slot **84** whereby when locking handle **36** is relatively flush with gripping portion **50** of door handle **34**, boss **60** is in a relatively lower position (see FIG. **4**) so that lower locking hook structure **52** of door handle **34** can travel freely without engagement by radially extending latch **78** of child lock out cam **64**. However, when locking handle **36** is pivoted as shown in FIG. **5**, boss **60** is raised, thereby pivoting child lock out cam **64** so that lower locking hook structure **52** of door handle **34** protrudes through and is engaged by hollowed-out area **80** of radially extending latch thereby locking door handle **34** into a fixed position.

As shown in FIG. **6**, journal **66** of child lock out cam **64** further includes a radially enlarged cam portion **88** of increased diameter. As shown in FIGS. **2, 3, 4, 5** and **8**, flexible tab **90** is integral with lower surface **14** of base plate **12** and arises therefrom and urges laterally against cam portion **88** of child lock out cam **64**. The elasticity of molded plastic allows flexible tab **90** to be formed integrally with base plate **12** and further provides the force required for the lateral urging. The lateral urging of flexible tab **90** against cam portion **88** of child lock out cam **64** urges ends **68, 70** of journal **66** of child lock out cam **64** against the internal walls of bearing apertures **72, 74** thereby reducing or eliminating any rattling or similar motion of journal **66** of child lock out cam **64** within bearing apertures **72, 74**. In order to control, and generally reduce, the lateral urging force of flexible tab **90**, slot **92** can be formed immediately laterally adjacent to flexible tab **90** as shown in FIGS. **4** and **5**. This can be important for low lock knob efforts.

Thus the several aforementioned objects and advantages most effectively attained. Although a single preferred embodiment of the invention has been disclosed and described in detail herein, it should be understood that this invention is in no sense limited thereby and its scope is to be determined by that of the appended claims.

What is claimed is:

1. A door handle assembly including:

a base element;

a pivoting element including a journal pivotally engaging a bearing element in said base element; and

a protrusion integrally formed from a portion of said base element and extending toward and bearing against said journal thereby urging said journal against an interior portion of said bearing element thereby reducing rattling of said journal within said bearing element in a vibratory environment.

2. The door handle assembly of claim **1** wherein said protrusion is integral with said base element.

3. The door handle assembly of claim **2** wherein said pivoting element includes a radially enlarged cam portion in contact with said protrusion.

4. The door handle assembly of claim **2** wherein a slot is formed in said base element immediately laterally adjacent to said protrusion.

5. A door handle assembly including:

a base element;

a pivoting element including a journal pivotally engaging a bearing element in said base element; and

a protrusion extending from and integral with said base element and bearing against a portion of said pivoting element thereby urging said journal against an interior portion of said bearing element thereby reducing rattling of said journal within said bearing element in a vibratory environment;

wherein said pivoting element further includes a radially enlarged cam portion in contact with said protrusion; and

wherein said base element includes housing walls extending from a plate element and wherein said bearing element includes a passageway proximate to said base element with openings of said bearing element formed on said housing walls.

6. The door handle assembly of claim **5** wherein said journal includes an end extending through one of said openings, said end further including a structure for receiving a mechanical connection.

7. The door handle assembly of claim **6** further including a pivoting door handle and wherein said pivoting element is a child lock out cam which pivots from a first position locking said door handle to a second position unlocking said door handle.

8. The door handle assembly of claim **7** wherein said door handle includes a first detent element and said child lock out cam includes a second detent element, wherein said first detent element engages said second detent element in said first position, and wherein said first detent element is free of engagement with said second detent element in said second position.

9. The door handle assembly of claim **8** wherein said first detent element is a hook and wherein said second detent element is a latch including an aperture through which said hook passes in said first position.

10. A door handle assembly including:

a base element;

a pivoting element including a journal pivotally engaging a bearing element in said base element; and

a protrusion extending from said base element and bearing against a portion of said pivoting element thereby urging said journal against an interior portion of said bearing element thereby reducing rattling of said journal within said bearing element in a vibratory environment;

wherein a slot is formed in said base element immediately laterally adjacent to said protrusion thereby reducing a force of said protrusion against said portion of said pivoting element.

* * * * *