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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

THE CHAMBERLAIN GROUP, INC.,
A Connecticut corporation,

Plaintiff,

v.

REXON INDUSTRIAL CORP., LTD.,
a Taiwanese corporation, and
POWER TOOL SPECIALISTS, INC.,
a Massachusetts corporation,

Defendants.

) Civil Action No.:
) **05 C 6542**
) Judge:
) **JUDGE MAROVICH**
)
) Magistrate Judge:
) **MAGISTRATE JUDGE NOLAN**
) **JURY TRIAL DEMANDED**
)
)

COMPLAINT

Plaintiff, The Chamberlain Group, Inc., complains against Defendants, Rexon Industrial Corp., Ltd. and Power Tool Specialists, Inc., as follows:

1. The Chamberlain Group, Inc. ("Chamberlain") is a corporation incorporated under the laws of the State of Connecticut, with its principal place of business in Elmhurst, Illinois.
2. Rexon Industrial Corp., Ltd. ("Rexon") is a Taiwanese corporation with its principal place of business at No. 261, Jen Hwa Road, Tali, Taichung, Taiwan, R.O.C.
3. Power Tool Specialists, Inc. ("PTS") is a Massachusetts corporation having a principal place of business at 3 Craftsman Road, East Windsor, Connecticut 06088.
4. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 271 *et seq.* and for federal trademark infringement, false designation of origin, federal trademark dilution, unfair competition arising under 15 U.S.C. § 1051 *et seq.* and violation of the Illinois Consumer Fraud and Deceptive Trade Practice Act (815 ILCS 505/2

and the Illinois Uniform Deceptive Trade Practices Act (815 ILCS 510/2). The Court has subject matter jurisdiction over this matter pursuant to 15 U.S.C. §§ 1121, 1125(a) and 1125(c), and 28 U.S.C. §§ 1331 and 1338.

5. The Court has personal jurisdiction over Raxon and PTS. Venue in this judicial district is proper under 28 U.S.C. § 1391.

COUNT I

INFRINGEMENT OF PATENT NO. 5,751,224

6. On May 12, 1998, U.S. Patent 5,751,224 ("the '224 Patent") entitled "*Code Learning System For a Movable Barrier Operator*" was duly and legally issued to Chamberlain, on an application filed by James J. Fitzgibbon.

7. Chamberlain is the owner of all right, title and interest in the '224 Patent.

8. Raxon and PTS have been, and are willfully infringing the '224 Patent by making and using, offering to sell, and/or selling, within the United States, garage door openers; by inducing others to infringe the '224 Patent; and/or by contributing to the infringement by others of the '224 Patent. Unless enjoined by the Court, Raxon and PTS will continue to infringe, induce the infringement of, and/or contributorily infringe the '224 Patent.

COUNT II

INFRINGEMENT OF PATENT NO. 5,934,019

9. On August 10, 1999, U.S. Patent 5,934,019 ("the '019 Patent") entitled "*Mounting Bracket For Safety Device Employing Beam Path*" was duly and legally issued to Chamberlain, on an application filed by Jean-Michel R. Rotharmel and Joseph Ergun.

10. Chamberlain is the owner of all right, title and interest in the '019 Patent.

11. Raxon and PTS have been, and are willfully infringing the '019 Patent by making and using, offering to sell, and/or selling, within the United States, garage door openers; by

inducing others to infringe the '019 Patent; and/or by contributing to the infringement by others of the '019 Patent. Unless enjoined by the Court, REXON and PTS will continue to infringe, induce the infringement of, and/or contributorily infringe the '019 Patent.

COUNT III

INFRINGEMENT OF PATENT NO. 5,969,637

12. On October 19, 1999, U.S. Patent 5,969,637 ("the '637 Patent") entitled "*Garage Door Opener With Light Control*" was duly and legally issued to Chamberlain, on an application filed by Loren E. Doppelt, James J. Fitzgibbon and John V. Moravec.

13. Chamberlain is the owner of all right, title and interest in the '637 Patent.

14. REXON and PTS have been, and are willfully infringing the '637 Patent by making and using, offering to sell, and/or selling, within the United States, garage door openers; by inducing others to infringe the '637 Patent; and/or by contributing to the infringement by others of the '637 Patent. Unless enjoined by the Court, REXON and PTS will continue to infringe, induce the infringement of, and/or contributorily infringe the '637 Patent.

COUNT IV

INFRINGEMENT OF PATENT NO. 6,737,821

15. May 18, 2004, U.S. Patent 6,737,821 ("the '821 Patent") entitled "*Barrier Operator With Fault Control*" was duly and legally issued to Chamberlain, on an application filed by James J. Fitzgibbon and Colin B. Willmott.

16. Chamberlain is the owner of all right, title and interest in the '821 Patent.

17. REXON and PTS have been, and are willfully infringing the '821 Patent by making and using, offering to sell, and/or selling, within the United States, garage door openers; by inducing others to infringe the '821 Patent; and/or by contributing to the infringement by others

of the '821 Patent. Unless enjoined by the Court, REXON and PTS will continue to infringe, induce the infringement of, and/or contributorily infringe the '821 Patent.

COUNT V

FEDERAL TRADEMARK INFRINGEMENT

18. Chamberlain is the owner of all right, title and interest in the following Federal trademark registrations:

<u>Mark</u>	<u>Registration No.</u>	<u>Registration Date</u>
LIFTMASTER	863,447	January 14, 1969
LIFT-MASTER	1,781,236	July 13, 1993
ACCESSMASTER	2,034,080	January 28, 1997
GARAGE MASTER	1,401,035	July 15, 1986
LIFTMASTER	2,724,638	June 10, 2003

Chamberlain has adopted and used the above listed marks, and all registrations are valid, in full force and effect, and all but Registration No. 2,724,638 incontestable under 15 U.S.C. § 1065. The above listed marks will be hereinafter referred to as the MASTER family of trademarks.

19. Subsequent to Chamberlain's establishment of its trademark rights, REXON and PTS began distributing, marketing and selling garage door openers bearing the mark HOME MASTER.

20. Long prior to REXON's or PTS's adoption and use of the mark HOME MASTER, Chamberlain was actively engaged in interstate and foreign commerce in the business of manufacturing, distributing, advertising and selling garage door openers bearing the MASTER family of marks.

21. Chamberlain has expended millions of dollars in advertising and promoting its products, and has sold millions of dollars of products bearing the MASTER family of marks in the United States and throughout the world.

22. Rexon and PTS have adopted the HOME MASTER trademark with full knowledge of Chamberlain's famous MASTER trademarks. Rexon and PTS have used the trademarks without the express or implied consent of Chamberlain with the intent to trade and capitalize on the goodwill generated by Chamberlain's extensive and exclusive use of its MASTER family of trademarks.

23. Rexon's and PTS's adoption, use, distribution, offer for sale, and sale of goods bearing the HOME MASTER mark constitutes willful infringement by causing confusion, mistake or deception as to the origin of the goods among the relevant consuming public. The public is likely to believe that defendants' products originate with Chamberlain, are licensed by Chamberlain, or are sponsored by, or connected with, or related to Chamberlain.

24. The statutory notice of trademark registration has been placed on all of the goods bearing one of the registered MASTER family of trademarks.

25. Rexon's and PTS's unauthorized use of the HOME MASTER mark constitutes willful infringement of each and every one of Chamberlain's registered MASTER family of trademarks in violation of 15 U.S.C. § 1114.

COUNT VI

FALSE DESIGNATION OF ORIGIN

26. Chamberlain incorporates herein by reference paragraph nos. 18-25.

27. Rexon's and PTS's unauthorized adoption and use of the HOME MASTER mark constitutes willful violations of the Lanham Act, 15 U.S.C. § 1125(a).

COUNT VII

FEDERAL TRADEMARK DILUTION

28. Chamberlain incorporates herein by reference paragraph nos. 18-25.

29. Long prior to Rexon's and PTS's adoption and use of the mark HOME MASTER, Chamberlain's MASTER marks became famous by reason of extensive marketing and advertising for the high quality goods bearing the MASTER family of trademarks.

30. Rexon's and PTS's unauthorized adoption and use of the HOME MASTER mark constitutes dilution of each and every one of Chamberlain's famous MASTER family of trademarks in violation of 15 U.S.C. § 1125(c).

COUNT VIII

UNFAIR COMPETITION

31. Chamberlain incorporates herein by reference paragraph nos. 18-25.

32. Rexon's and PTS's unauthorized adoption and use of the HOME MASTER mark constitutes willful trademark infringement, unfair competition and dilution in violation of Illinois common law.

COUNT IX

CONSUMER FRAUD AND DECEPTIVE PRACTICES ACT

33. Chamberlain incorporates herein by reference paragraph nos. 18-25.

34. Rexon's and PTS's unauthorized adoption and use of the HOME MASTER mark constitutes willful trademark infringement and unfair competition in violation of the Illinois Consumer Fraud And Deceptive Practices Act, 815 ILCS 505/2.

COUNT X

UNIFORM DECEPTIVE TRADE PRACTICES ACT

35. Chamberlain incorporates herein by reference paragraph nos. 18-25.

36. Rexon's and PTS's unauthorized adoption and use of the HOME MASTER mark constitutes willful trademark infringement and unfair competition in violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS 510/2.

PRAYER FOR RELIEF

WHEREFORE, Chamberlain prays:

1. Judgment that the '224, '019, '637 and '821 patents are each valid, enforceable and infringed by Raxon and PTS;
2. A preliminary and permanent injunction enjoining Raxon and PTS, their officers, agents, servants, employees and those persons acting in active concert or participation with Raxon and PTS from infringing, inducing infringement of, or contributorily infringing each of the '224, '019, '637 and '821 patents;
3. An award of damages arising out of Raxon's and PTS's infringement, inducing infringement, or contributory infringement of each of the '224, '019, '637 and '821 patents, together with interest;
4. Judgment damages so adjudged be trebled in accordance with 35 U.S.C. § 284 and 15 U.S.C. § 1117;
5. Judgment that Chamberlain be awarded its attorneys' fees, costs and expenses incurred in this action in accordance with 35 U.S.C. § 285 and 15 U.S.C. § 1117;
6. Judgment that all rights in Chamberlain's MASTER family of trademarks are valid and enforceable and have been infringed by Raxon and PTS and that Raxon's and PTS's above-described acts constitute trademark infringement, false designation of origin, dilution and unfair competition in violation of the federal and state laws and regulations cited herein;
7. Judgment that Raxon and PTS, their agents, servants, employees, successors, and assigns and all others in concert and privity with them be enjoined preliminarily during the pendency of this action and permanently thereafter from infringement of Chamberlain's trademarks, from unfairly competing with Chamberlain, and from engaging in unfair and deceptive trade practices;

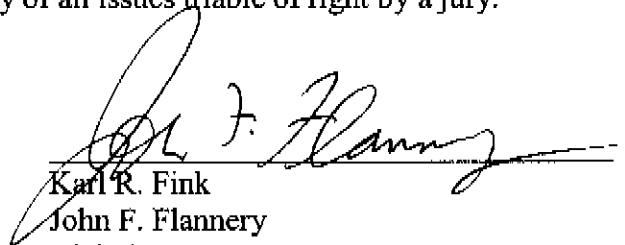
8. That Rcxon and PTS be ordered to surrender for impoundment during the pendency of this action and destruction upon entry of judgment all products, nameplates, labels, advertisements, and other materials constituting unfair competition with Chamberlain's MASTER trademarks in accordance with 15 U.S.C. § 1118; and

9. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Chamberlain demands trial by jury of all issues triable of right by a jury.

Date: November 17, 2005



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