

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION

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SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

MINKA LIGHTING, INC.,)

PLAINTIFF,)

V.)

FANIMATION, INC.,)

DEFENDANT.)

1:09-cv-0355 RLY-JMS

COMPLAINT

Plaintiff Minka Lighting, Inc. ("Minka") files this Complaint for patent infringement against Defendant Fanimation, Inc. ("Fanimation"), and for cause would show as follows:

THE PARTIES

1. Plaintiff Minka Lighting, Inc. ("Minka") is a corporation organized and existing under the laws of the State of California, with its principal place of business at 1151 West Bradford Court, Corona, California 92882.

2. On information and belief, Defendant Fanimation is a corporation organized and existing under the laws of the State of Indiana, with its principal place of business at 10983 Bennett Parkway, Zionsville, Indiana 46077. Defendant Fanimation may be served with process by serving its registered agent, Dwayne Issacs, at 2700 Market Tower, 10 W. Market St., Indianapolis, Indiana 46204.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this controversy pursuant to 28 U.S.C. §§ 1331 and 1338 because it is a civil action involving a federal question related to claims for patent infringement arising under the Patent Act, Title 35 of the United States Code.

4. This Court has personal jurisdiction over Defendant Fanimation because it is not only a resident of this State, but also conducts business in this State, including without limitation, the manufacturing, distribution, use, importation, sale and/or offer for sale of infringing products in this State and this District. Based on Defendant Fanimation's conduct of business in this State, and particularly in this District, Defendant Fanimation should reasonably anticipate being haled into court in this State.

5. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and 1400(b) because a substantial part of the events giving rise to Minka's claims occurred in this District, including without limitation, the display, offer for sale and/or sale of the infringing products in this District; Defendant is subject to personal jurisdiction in this District; and Defendant has committed torts in whole or in part in this District.

GENERAL ALLEGATIONS

6. Plaintiff Minka is in the business of designing, manufacturing, importing, distributing, marketing, offering to sell and/or selling high-quality home products, including ceiling fans. Minka sells its ceiling fans via authorized distributors located throughout the United States, including in this District.

7. Minka has invested substantial time, effort, skill, expense, and resources in designing and engineering its ceiling fans.

8. On information and belief, Defendant Fanimation is also in the business of manufacturing, importing, distributing, marketing, offering to sell and/or selling ceiling fans. On information and belief, Defendant Fanimation directly competes with Minka in the U.S. ceiling fan industry.

9. On information and belief, Defendant Fanimation sells its ceiling fans to end consumers through authorized distributors throughout this State, as well as throughout the United

States. On information and belief, Defendant's authorized distributors in this State and in this District offer for sale and sell Defendant's infringing ceiling fans.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,481,626

10. Minka repeats and realleges the allegations of Paragraphs 1 through 9 as if fully set forth herein.

11. Minka is the sole owner of U.S. Patent No. 7,481,626 (the "'626 Patent") entitled "Ceiling Fan with Integrated Fan Blades and Housing" issued on January 27, 2009. A true and correct copy of the '626 Patent is attached as Plaintiff's Exhibit 1 and incorporated by reference herein.

12. Minka offers for sale and sells ceiling fans embodied in the '626 Patent, including without limitation, a ceiling fan offered under the trademark "ARTEMIS." Minka offers for sale and sells its patented "ARTEMIS" ceiling fans throughout the United States, including in this District.

13. At all times relevant hereto, Minka has marked its "ARTEMIS" ceiling fans with the '626 Patent number.

14. Minka has not licensed any of its rights in the '626 Patent to Defendant.

15. On information and belief, Defendant, without license from Minka, has made, used, imported, sold or offered for sale and is selling and/or offering for sale the "TORTO" line of ceiling fans, including without limitation, Model Number FP7900, that infringe, literally and/or under the Doctrine of Equivalents, one or more claims of the '626 Patent.

16. By reason of the Defendant's infringement, Plaintiff Minka is entitled to damages to the full extent authorized by 35 U.S.C. § 284, and injunctive relief pursuant to 35 U.S.C. § 283. Minka is entitled to its attorneys' fees under 35 U.S.C. § 285.

17. The infringing acts of Defendant have been the actual and proximate cause of damage to Plaintiff. Plaintiff has sustained substantial damages and will continue to sustain damages as a result of Defendant's infringement of the '626 Patent.

18. Plaintiff has no adequate remedy at law. The foregoing acts of Defendant have caused Plaintiff irreparable harm. Unless enjoined, Defendant's acts as alleged herein will continue to cause Plaintiff irreparable harm, loss and injury.

RELIEF REQUESTED

Wherefore, Plaintiff Minka Lighting, Inc. prays for a judgment that:

A. Defendant has infringed and is infringing Minka's rights in the '626 Patent in violation of 35 U.S.C. § 271;

B. Minka be awarded damages adequate to compensate it for the actual damages it has suffered as a result of Defendant's infringement of the '626 Patent, but not less than a reasonable royalty, pursuant to 35 U.S.C. § 284;

C. Defendant be ordered to pay pre-judgment interest to Minka on all amounts awarded and post-judgment interest until paid at the maximum lawful rate;

D. Defendant, its officers, agents, servants, employees, attorneys and all persons acting in concert or participation with them who receive actual notice of the Court's order, be permanently enjoined pursuant to 35 U.S.C. § 283 from:

- (1) directly or indirectly manufacturing, importing, using, offering for sale, selling, causing to be sold, or in any way distributing any ceiling fan that directly infringes the '626 Patent;
- (2) directly or indirectly manufacturing, importing, using, offering for sale, selling, causing to be sold, or in any way distributing any ceiling fan that infringes the '626 Patent under the Doctrine of Equivalents; and

(3) Attempting, causing, or assisting any of the above-described acts.

E. The Court retain jurisdiction of this action for the purpose of enabling Minka to apply to the Court at any time for such further orders and interpretation or execution of any order entered in this action; for the modification of any such order; for the enforcement or compliance therewith; and for the punishment of any violations thereof;

F. Defendant be ordered to pay attorneys' fees to Minka, as provided by 35 U.S.C. § 285; and

G. Minka be awarded such other and further relief, at law or in equity, as the Court may deem just.

Dated: March 20, 2009

Respectfully submitted,

By Lisa H. Meyerhoff

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