

IN THE UNITED STATES DISTRICT COURT
SOUTHER DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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CEG HOLDINGS, LLC.)
)
 Plaintiff)
)
 v.)
)
 NEPTUNE INTERNATIONAL,)
)
 Defendant)

Civil Action No.

1: 07-cv-0785-LJM-WTL

COMPLAINT FOR PATENT INFRINGEMENT

1. This action arises under the Patent Laws of the United States, Title 35, United States Code, sections 101 *et seq.* This Court has jurisdiction over the subject matter for this action pursuant to 28 U. S.C. sections 1331 and 1338.

2. Plaintiff, CEG Holdings, LLC. (“CEG”) is an Indiana limited liability company with a principal place of business at 8100 Steepleside Dr., Burr Ridge, Illinois 60527.

3. Defendant, Neptune International (“Neptune”), is believed to be a Canadian corporation with its principal place of business at 6835 rue Picard, St-Hyacinth, Quebec, Canada and conducts substantial business in Indiana.

4. Defendant is subject to this Court’s personal jurisdiction because, on information and belief, they regularly solicit business from, do business with and/or derive and/or engage in significant business activities in this district as set forth in Paragraph 3 of this Complaint.

5. Venue is proper in this judicial district under 28 U.S.C. sections 1391(c) and 1400(b) because Defendant regularly solicits business from, does business with and/or derives and/or engages in significant business activities in this district as set forth in Paragraph 3 of this Complaint.

THE ASSERTED PATENTS

6. U.S. Patent No. 6,279,177 B1 entitled “Method and Apparatuses for Purging Water From a Whirlpool System”, issued on August 28, 2001. The ‘177 patent is directed towards methods and apparatuses for circulating water in whirlpool bathtubs. See Appendix A.

7. CEG is the rightful owner of all right, title and interest in the ‘177 patent.

8. U. S. Patent No. 6,357,060 B2 entitled, “Method and Apparatuses for Purging Water From a Whirlpool System,” issued on March 19, 2002. The ‘060 patent is directed towards methods and apparatuses for circulating water in whirlpool bathtubs. See Appendix B.

9. CEG is the rightful owner of all right, title and interest in the ‘060 patent.

10. U. S. Patent No. 6,523,192 B2 entitled, “Method and Apparatuses for Purging Water From a Whirlpool System,” issued on March 19, 2002. The ‘192 patent is directed towards methods and apparatuses for circulating water in whirlpool bathtubs. See Appendix C.

11. CEG is the rightful owner of all right, title and interest in the ‘192 patent.

COUNT I: INFRINGEMENT OF '177 PATENT

12. CEG realleges and incorporates by reference Paragraphs 1-11 of this Complaint as fully set forth herein.

13. Defendant manufactures, uses, sells, offers for sale and/or provides whirlpool bathtubs under the OnsenTM mark, and perhaps other marks attributed to owned and/or controlled by Defendant as well, to customers in the territory of the United States. See Appendix C.

14. One such device as named in paragraph 12 of this Complaint is sold by Defendant under the OnsenTM mark. See Appendix D.

15. Plaintiff contacted Defendant on at least two (2) previous occasions putting Defendant on notice of Plaintiff's '177 patent rights. See Appendices E and F. Nonetheless, Neptune appears to be intent on continuing to infringe the '177 patent unless enjoined by this Court.

COUNT II: INFRINGEMENT OF '060 PATENT

16. CEG realleges and incorporates by reference Paragraphs 1-15 of this Complaint as fully set forth herein

17. On information and belief, Defendant has and/or is infringing at least one claim of the Plaintiff's '060 patent by manufacturing, using, selling, offering for sale and/or providing whirlpool bathtubs under the OnsenTM mark, and perhaps other marks assigned owned and/or controlled by Defendant as well, to customers in the territory of the United States. See Appendix D.

18. Plaintiff contacted Defendant on at least two (2) previous occasions putting Defendant on notice of Plaintiff's '060 patent rights. See Appendices E and F.

Nonetheless, Neptune appears to be intent on continuing to infringe the '060 patent unless enjoined by this Court.

COUNT III: INFRINGEMENT OF '192 PATENT

19. CEG realleges and incorporates by reference Paragraphs 1-18 of this Complaint as fully set forth herein

20. On information and belief, Defendant has and/or is infringing at least one claim of the Plaintiff's '192 patent by manufacturing, using, selling, offering for sale and/or providing whirlpool bathtubs under the OnsenTM mark, and perhaps other marks assigned owned and/or controlled by Defendant as well, to customers in the territory of the United States. See Appendix D.

21. Plaintiff contacted Defendant on at least two (2) previous occasions putting Defendant on notice of Plaintiff's '192 patent rights. See Appendix E. Nonetheless, Neptune appears to be intent on continuing to infringe the '192 patent unless enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, CEG demands judgment against Defendant and prays for an Order granting:

A. An injunction permanently restraining Defendant, its officers, agents, servants, employees, and attorneys, and all persons and/or business entities in active concert or participation with it, from further acts of infringement of the '177, '060 pr '192 patents.

B. An accounting to determine the damage caused Plaintiff by Defendant's acts of infringement and an award to Plaintiff of the amount of damage so determined, together with interest and costs.

C. Increased damages up to three (3) times the amount of actual damages pursuant to 35 U.S.C. section 284.

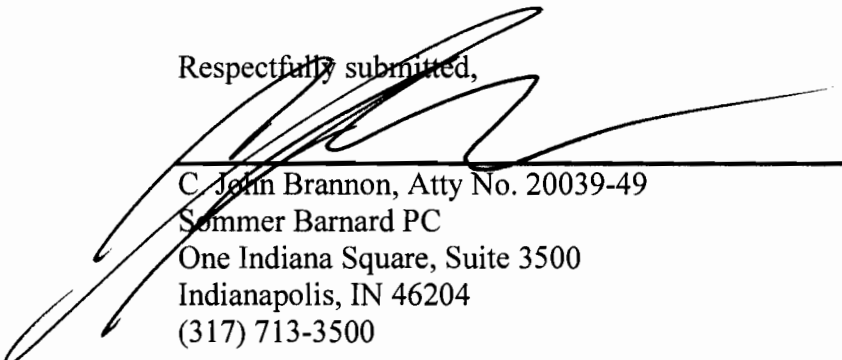
D. An award to plaintiff of its reasonable attorney's fees under 35 U.S.C. section 285.

E. Such other and further relief as may be appropriate.

DEMAND FOR JURY TRIAL

Pursuant to F.R.C.P. 38(b), Plaintiff hereby demands a trial by jury for all issues so triable.

Respectfully submitted,



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