

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

WESTERBEKE CO.,

Plaintiff

v.

MASE GENERATORS  
OF NORTH AMERICA L.L.C.,  
MASE GENERATORS S.p.A.,

Defendants

Civil Action No.

01cv \_\_\_\_\_

Complaint and Demand  
for Jury Trial

**01-11234NG**

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For its Complaint, Plaintiff alleges:

**PARTIES**

1. Plaintiff Westerbeke Corporation ("Westerbeke") is a corporation organized and existing under the laws of the Commonwealth of Massachusetts and having a place of business at 150 John Hancock Road, Taunton, Massachusetts 02780-7319.

2. Defendant, Mase Generators of North America, L.L.C. ("Mase N.A."), upon information and belief, is a limited liability corporation organized and existing under the laws of the State of Florida, having a place of business at 12344 Wiles Road, Coral Springs, Florida 33076.

3. Defendant, Mase Generators S.p.A. ("Mase"), upon information and belief, is an Italian corporation having a place of business at Via Tortona 345, 47020 Cesena, FO, Italy.

**JURISDICTION AND VENUE**

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

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5. Upon information and belief, Defendant Mase N.A. is doing and has done substantial business relevant to Westerbeke's claims in this District. Mase N.A. is therefore subject to personal jurisdiction in this District.

6. Upon information and belief, Defendant Mase is doing and has done substantial business relevant to Westerbeke's claims in this district. Mase is therefore subject to personal jurisdiction in this District.

7. Venue is proper in this judicial District pursuant to 28 U.S.C. § 1400(b).

### **CLAIMS**

#### **COUNT I INFRINGEMENT OF THE '660 PATENT (Mase N.A.)**

8. Westerbeke incorporates and realleges the allegations of paragraphs 1 through 7 as if fully set forth herein.

9. Westerbeke is the owner by assignment of United States Patent No. 5,014,660 entitled, Cooling System for an Enclosed Heat Source ("the '660 patent") that was duly and legally issued by the United States Patent and Trademark Office to John L. Westerbeke, Jr., on May 14, 1991. A copy of the '660 patent is attached as Exhibit A to this Complaint.

10. Mase N.A. has infringed one or more claims of the '660 patent in this District and elsewhere, and will continue to do so unless enjoined therefrom by this Court.

#### **COUNT II INFRINGEMENT OF THE '660 PATENT (Mase S.p.A.)**

11. Westerbeke incorporates and realleges the allegations of paragraphs 1 through 9 as if fully set forth herein.

12. Mase S.p.A. has infringed one or more claims of the '660 patent in this District and elsewhere, and will continue to do so unless enjoined therefrom by this Court.

**PRAYER FOR RELIEF**

WHEREFORE, Westerbeke prays:

1. That this Court preliminarily and permanently enjoin each and every Defendant, its agents and employees, and any others acting in concert with it, from infringing U.S. Patent No. 5,014,660;
2. That this Court award Westerbeke its damages resulting from Defendants' infringement;
3. That this Court grant Westerbeke its costs and attorneys fees and such other relief as is just.

**JURY DEMAND**

Westerbeke demands trial by jury.

**WESTERBEEK CO.**

Date:

July 17, 2001

By:

Michael E. Zelig

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