



Plaintiff Toyota Gosei Co., Ltd. ("TG") says as follows for its Complaint:

PARTIES

1. Plaintiff TG is a corporation organized and existing under the laws of the country of Japan and having a principal place of business at 1, Nagahata Ochiai, Haruhi-cho, Nishikasugai-gun, Aichi Prefecture 452-8564, JAPAN. TG also has a principal place of business in the United States, through its U.S. subsidiary TG North America Corporation, at 1095 Crooks Road, Troy, Michigan 48348.

2. On information and belief, defendant Stant Manufacturing, Inc. (hereinafter "STANT") is a corporation organized and existing under the laws of the State of Indiana and having a principal place of business at 1620 Columbia Avenue, Connersville, Indiana 47331-1696.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code, Section 1 et seq., including Title 35 of the United States Code, Section 271. This Court has subject matter jurisdiction over TG's claims for patent infringement based on Title 28 of the United States Code, Sections 1331 and 1338(a).

4. This Court has personal jurisdiction over STANT on the grounds, inter alia, that, on information and belief, STANT has, either directly or through its sales agents, offered for sale and/or sold, in Rochester Hills, Michigan, fuel caps that infringe one or more claims of United States Patent No. 6,003,709.

5. In addition, on information and belief, this Court has personal jurisdiction over STANT on the grounds that STANT conducts continuous and systematic business activities within this forum at its Gates Automotive Technical Center, located at 2975 Waterview Drive, Rochester Hills, Michigan 48309.

6. TG re-alleges and incorporates by reference the allegations of paragraphs 4 and 5 above. Venue lies in this Judicial District pursuant to Title 28 of the United States Code, Sections 1391(b), 1391(c), and 1400(b) on the grounds that a substantial part of the events that give rise to TG's claims occurred in this Judicial District and, on information and belief, STANT has a regular and established place of business in, and is a resident of, this Judicial District, and has committed acts of infringement in this Judicial District.

#### COUNT I

7. United States Patent No. 6,003,709 ("the '709 patent"), entitled "Fuel Cap," was duly and legally issued on December 21, 1999 to TG. The inventors listed on the '709 patent are Hiroyuki Hagano and Masayuki Nakagawa. A copy of the '709 patent is attached hereto as EXHIBIT A.

8. TG is the owner by assignment of the entire right, title, and interest in, to, and under the '709 patent including, though not by way of limitation, all rights of recovery for past infringement of the patent.

9. STANT has directly infringed, and continues to directly infringe, one or more of the claims of the '709 patent by, *inter alia*, the use, manufacture, offer for sale, and/or sale, in the United States, of fuel caps which are covered by claims of the '709 patent.

10. Since at least November 14, 2001, STANT has been aware of the '709 patent, and that its use, manufacture, offer for sale, and/or sale in the United States of fuel caps, as described in paragraph 9 above, infringes the patent. STANT's infringement of the '709 patent has been, and continues to be, deliberate and willful.

11. As a result of STANT'S acts of infringement complained of herein, TG has been damaged in its business and property in an amount not yet determined, and unless STANT is enjoined from infringing the claims of the '709 patent, TG will continue to be damaged by such acts in the future.

PRAYER FOR RELIEF


WHEREFORE, TG respectfully requests:

- (a) A judgment by the Court declaring TG's '709 patent infringed by STANT;
- (b) An injunction under 35 U.S.C. § 283 permanently enjoining STANT, and its officers, agents, employees, servants, and all those acting in concert with them from further acts of infringement of said '709 patent including, but not limited to, the use, manufacture, offer for sale, and sale of systems, products, services, and/or apparatuses which infringe the '709 patent;
- (c) An accounting and an award of damages under 35 U.S.C. § 284 adequate to compensate TG for infringement of its '709 patent by STANT, and in no event less than a reasonable royalty, together with prejudgment interest and costs as fixed by the Court;
- (d) A judgment by the Court that STANT's infringement of the '709 patent has been deliberate and willful and for trebling of the damages found or assessed as a result of STANT's infringement of said patent;
- (e) An award of reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and

(f) An award of such other and further relief as this Court may deem just and proper.

Dated: June 7, 2002

Respectfully submitted,

  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

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