

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELEA LIMITED, a Gibraltar corporation,
PLASTIC MOLDED TECHNOLOGIES, INC.,
a Michigan corporation, and FERROMATIK
MILACRON MASCHINENBAU GMBH, a
German corporation,

Plaintiffs,

vs.

STEELCASE INC., a Michigan corporation,
CINPRES GAS INJECTION INC., a Delaware
corporation, and MORTON CUSTOM
PLASTICS, LLC, a Kentucky limited liability
company,

Defendants.

GEORGE WOODS
MAGISTRATE JUDGE WALLACE CAPEL, JR.

HONORABLE

CIVIL ACTION NO. 03-2173

JURY TRIAL DEMANDED

FILED
JUN 4 P 4 14
U.S. DIST. COURT CLERK
EAST DIST. MICHIGAN
DETROIT

ERNIE L. BROOKS (P22875) ✓
ROBERT C.J. TUTTLE (P25222) ✓
JOHN E. NEMAZI (P33285) ✓
ROBERT C. BRANDENBURG (P28660) ✓
BROOKS & KUSHMAN P.C.
1000 Town Center
Twenty-Second Floor
Southfield, Michigan 48075
Tel: (248) 358-4400
Fax: (248) 358-3351

Attorneys for Plaintiffs

COMPLAINT FOR PATENT INFRINGEMENT
AND JURY DEMAND

BK
LAW OFFICES
BROOKS & KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

(248) 358-4400

I. THE PARTIES

1. Plaintiff, Melea Limited ("Melea") is a Gibraltar corporation, having an address at First Floor Suites, 38, Irish Town, P.O. Box 466, Gibraltar, Michigan.

2. Plaintiff, Plastic Molded Technologies, Inc. ("PMT"), is a Michigan corporation, having an address at 4440 Phoenix Drive, Sterling Heights, Michigan 48314.

3. Plaintiff, Ferromatik Milacron Maschinenbau GmbH ("Ferromatik"), is a German corporation, having an address at Riegeler Straße 4, D-79364 Malterdingen, Germany.

4. Defendant, Steelcase, Inc. ("Steelcase"), is a Michigan corporation, having its Corporate Headquarters at 901 44th Street, S.E., Grand Rapids, Michigan 49508.

5. Steelcase has appointed Jon D. Botsford, as its agent for service of process, at the same address as its Corporate Headquarters.

6. Defendant Cinpres Gas Injection Inc. ("Cinpres") is a Delaware corporation, having an address at 3915 Research Park Drive, Suite A-4, Ann Arbor, Michigan 48108.

7. Cinpres has appointed CSC-Lawyers Incorporating Service, 601 Abbott Road, East Lansing, Michigan 48823, as its agent for service of process.

8. Defendant Morton Custom Plastics, LLC ("Morton"), is a Kentucky limited liability company, having an address at 655 Industrial Drive, Lebanon, Kentucky 40033.

9. Morton has appointed C T Corporation System, Kentucky Home Life Building, Louisville, Kentucky 40202, as its agent for service of process.



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TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

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II. JURISDICTION

10. The federal claims pleaded herein arise under the Patent Act, 35 U.S.C. § 1 *et seq.*
11. Subject matter jurisdiction for the federal claims is conferred upon the Court by 28 U.S.C. § 1338(a).



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III. PATENT INFRINGEMENT

12. On April 20, 1993, U. S. Patent No. 5,204,051 (“the '051 patent”) was duly and lawfully issued to Christoph Jaroschek for “Process For The Injection Molding Of Fluid-Filled Plastic Bodies.” A true and correct copy of the '051 patent is attached as Exhibit A.

13. On June 13, 1995, U. S. Patent No. 5,423,667 (“the '667 patent”) was duly and lawfully issued to Christoph Jaroschek for “Apparatus For The Injection Molding Of Fluid-Filled Plastic Bodies.” A true and correct copy of the '667 patent is attached at Exhibit B.

14. Ferromatik is the owner by assignment of both the '051 patent and the '667 patent, as evidenced by the records of the Assignment Branch of the United States Patent and Trademark Office.

15. Ferromatik has empowered Melea and PMT (as the authorized representative of Melea) to enforce the '051 patent and the '667 patent, including recovery of damages for past infringement of such patents.

16. PMT does business as “GAIN Technologies” and its business includes products and services in the field of gas-assisted plastic injection molding technology. www.gaintechnologies.com.

17. Steelcase produces and sells the “Cachet” line of seating products in the United States. *See* the Steelcase product data sheet titled “THE CACHET CHAIR.” (Exhibit C.)



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TWENTY-SECOND FLOOR
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18. The structural frame members for the "Cachet" line of seating products are molded by Morton using a gas-assisted plastic injection molding process and device covered by the claims of the '051 patent and the '667 patent, respectively.

19. Morton supplies these structural components, produced using the patented process and device, to Steelcase for assembly in Michigan.

20. The molds used by Morton to produce such structural parts by the patented process and device are fabricated by the Rapid Tooling Group of Steelcase Inc., located in Caledonia, Michigan.

21. The gas-assist equipment and process technology used by Morton to infringe the '051 patent and the '667 patent is supplied under a customer-supplier relationship with Cinpres.

22. Cinpres sponsors and licenses a so-called "Plastic Expulsion Process." See technical paper titled "Optimizing Long Fiber Molding By Gas Assist," by Terry Pearson, and *Plastics Technology*, July 2002 article, titled "Innovation Sitting Pretty On New Technology." (Exhibits D and E.)

23. Upon information and belief, Steelcase, Morton and Cinpres have at all relevant times had notice of the exclusive rights secured by the '051 patent and the '667 patent.

24. Upon information and belief, Steelcase, Morton and Cinpres have jointly and severally proceeded in willful and deliberate disregard of the exclusive rights secured by the '051 patent and the '667 patent.

25. Steelcase is liable to the plaintiffs for patent infringement, direct, contributorily, and by inducement.



LAW OFFICES
BROOKS & KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
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26. Morton is liable to plaintiffs for patent infringement, direct and by inducement.

27. Cinpres is liable to plaintiffs for patent infringement by inducement.

28. Plaintiffs have been harmed, pecuniarily and irreparably, by the infringing conduct of defendants.

29. Defendants' infringing conduct will continue unless enjoined by the Court.



LAW OFFICES

BROOKS & KUSHMAN P.C.

1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

(248) 358-4400

IV. DEMAND FOR RELIEF

WHEREFORE, plaintiffs demand entry of judgment against defendants granting relief as follows:

- A. A determination that Steelcase has infringed the '051 patent and the '667 patent, directly, contributorily, and by inducement;
- B. A determination that Morton has infringed the '051 patent and the '667 patent, directly and by inducement;
- C. A determination that Cinpres has infringed the '051 patent and the '667 patent by inducement;
- D. A determination that such infringement by defendants has been willful and deliberate;
- E. An award of damages adequate to compensate for such infringement;
- F. An enhancement of the compensatory damages, up to three (3) times;
- G. A determination that this case is "exceptional," in the sense of 35 U.S.C. § 285;
- H. An order preliminarily and permanently enjoining Steelcase, Morton and Cinpres, their officers, agents, servants, employees, contractors, suppliers and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, from committing further acts of infringement of the '051 patent and the '667 patent;



LAW OFFICERS
BROOKS & KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

(248) 358-4400

I. An award in favor of plaintiffs, and against defendants, for the costs incurred in bringing and maintaining this action, including reasonable attorneys' fees; and

J. Such other, further, and different relief as may be just and equitable on the proofs.



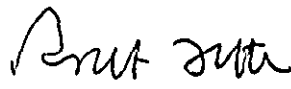
LAW OFFICES
BROOKS & KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

(248) 358-4400

V. JURY DEMAND

Plaintiffs demand trial by jury for all issues so triable.

Respectfully submitted,

By: 
ERNIE L. BROOKS (P22875)
ROBERT C.J. TUTTLE (P25222)
JOHN E. NEMAZI (P33285)
ROBERT C. BRANDENBURG (P28660)
BROOKS & KUSHMAN P.C.
1000 Town Center
Twenty-Second Floor
Southfield, Michigan 48075
Tel: (248) 358-4400
Fax: (248) 358-3351
Attorneys for Plaintiffs

Dated: June 4, 2003



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BROOKS & KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

(248) 358-4400

UNITED STATES DISTRICT COURT
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**SEE CASE FILE FOR
ADDITIONAL
DOCUMENTS OR PAGES
THAT WERE NOT
SCANNED**