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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TRUDEAU CORPORATION 1889 INC.,

Plaintiff,

v

DUO YEU METAL CO., LTD,

Defendant.

Case: 2:06-cv-11752  
Assigned To : Cleland, Robert H  
Referral Judge: Whalen, R Steven  
Assign. Date : 4/11/2006 @4:30 P.M.  
Description: cmp TRUDEAU CORP  
1889 INC V. DUO YEU METAL CO,  
LTD (TAM)

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Thomas J. Murray (P56331)  
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1889 Inc.  
901 New York Avenue NW  
Washington, DC 20001-4413  
(202) 408-4000

**COMPLAINT**

Trudeau Corporation 1889, Inc. ("Trudeau" or "Plaintiff"), by its undersigned attorneys,  
for its Complaint alleges as follows:

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U.S. DISTRICT COURT

**NATURE OF THE CASE**

1. This is a civil action for declaratory judgment of non-infringement of U.S. Patent No. 6,830,205 ("the '205 patent"), titled "Electric Pepper Mill."

**PARTIES**

2. Plaintiff Trudeau is a Canadian corporation with a corporate headquarters in Longueuil/Boucherville, in the province of Quebec. Plaintiff Trudeau also has an office, showroom, and warehouse in the United States and has an extensive network of sales representatives throughout the United States and other countries in the world. Trudeau's

products are sold in the United States by several distributors/retailers, including Bed Bath & Beyond and Crate and Barrel.

3. On information and belief, Defendant Duo Yeu Metal Co., Ltd. ("Duo Yeu") is a Taiwanese corporation with its principal place of business at 8-18, Liu Kuai Liao, An Ding Hsiang, Tainan Hsien, Taiwan.

4. On information and belief, Defendant Duo Yeu offers its products for sale in the United States and this Judicial District via the internet, or otherwise has sufficient contacts with and in the United States and this District for this Court to have personal jurisdiction over it.

#### **JURISDICTION AND VENUE**

5. This action arises under the Declaratory Judgments Act and the Patent Laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has original and exclusive jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), 1367, 2201, and 2202.

6. On information and belief, this Court has personal jurisdiction over the Defendant.

7. Venue is proper in this Court under 28 U.S.C. § 1391(d), because Plaintiff is being harmed in this District and because the Defendant is a foreign entity.

#### **DECLARATORY JUDGMENT OF NO INFRINGEMENT OF THE '205 PATENT**

8. Plaintiff restates and re-alleges the allegations set forth in paragraphs 1 through 7 and incorporate them by reference.

9. Upon information and belief, Defendant is the owner of U.S. Patent No. 6,830,205 ("the '205 patent"), titled "Electric Pepper Mill."

10. Plaintiff Trudeau has developed and marketed for sale, through its U.S. retailers, several products, including an electric spice mill.

11. Defendant has taken actions that leave Plaintiff Trudeau in reasonable apprehension of suit for infringement of the '205 patent.

12. Defendant has notified Plaintiff of Defendant's '205 patent, asserted that Plaintiff infringes the '205 patent, and demanded that Plaintiff and its U.S. Distributors/retailers cease and desist from producing and distributing in the U.S. certain electric spice mills.

13. Defendant has stated in communications with Plaintiff Trudeau and its U.S. retailers Bed Bath & Beyond and Crate and Barrel, that Plaintiff and its U.S. retailers are not authorized to use Defendant's intellectual property, which includes the '205 patent.

14. Plaintiff Trudeau is continuing to make, use, sell, and offer for sale in the U.S. the electric spice mill alleged to infringe the '205 patent.

15. Plaintiff Trudeau does not infringe the '205 patent, and Defendant does not have any rights in the '205 patent that can be asserted against Plaintiff or its products.

16. There exists a justiciable case and controversy between the parties regarding the '205 patent and defendant's assertion of that patent against Plaintiff.

#### **DEMAND FOR RELIEF**

Wherefore, Plaintiff Trudeau respectfully requests that this Court:

A. Declare that Plaintiff Trudeau has not infringed the '205 patent either directly or indirectly and that Defendant has no rights in the '205 patent that it can assert against Trudeau;

B. Declare this case exceptional under 35 U.S.C. § 285 and award Plaintiff its costs, disbursements, and attorney fees in connection with this action under 35 U.S.C. § 285, and any other authority deemed appropriate by the Court; and

C. Award Plaintiff any other and further relief as this Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury on all matters properly tried by jury.



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Date: April 11, 2006

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JS 44 (Rev. 11/04)

**CIVIL COVER SHEET** County in which this action arose Oakland

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**  
 Trudeau Corporation 1889 Inc.

**(b) County of Residence of First Listed Plaintiff** Canada  
 (EXCEPT IN U.S. PLAINTIFF CASES) **99999**

**(c) Attorney's (Firm Name, Address, and Telephone Number)**  
 Paul L. Nystrom and Thomas J. Murray Dykema Gossett PLLC  
 39577 Woodward Ave., Suite 300 Bloomfield Hills, MI 48304 (248) 203-0700

**DEFENDANTS**  
 Duo Yeu Metal Co., Ltd.

County of Residence of First Listed Defendant Taiwan  
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. **99999**

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Select One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP**

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 Description: cmp TRUDEAU CORP 1889 INC V. DUO YEU METAL CO, LTD (TAM)

Citizen For

**IV. NATURE OF SUIT** (Select One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 828 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395H) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

**V. ORIGIN** (Select One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 28 USC 2201

Brief description of cause:  
 Declaratory judgment action for non-infringement of patent

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

**DEMAND \$** Declaratory Judgment **APR 11 2006**

CHECK YES only if demanded in complaint:  
 Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE

DATE: April 10, 2006

SIGNATURE OF ATTORNEY OF RECORD

**FOR OFFICE USE ONLY**

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### PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

Yes

No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes

No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Notes :

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