

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

THE CHAMBERLAIN GROUP, INC.,	)	Civil Action No.: 1:05-cv-7127
a Connecticut corporation,	)	
	)	The Honorable Joan B. Gottschall
Plaintiff,	)	
	)	Magistrate Judge Morton Denlow
v.	)	
	)	<b><u>JURY TRIAL DEMANDED</u></b>
OVERHEAD DOOR CORPORATION,	)	
an Indiana corporation, and	)	
GMI HOLDINGS, INC.,	)	
a Delaware corporation,	)	
	)	
Defendants.	)	

**FIRST AMENDED COMPLAINT**

Plaintiff, The Chamberlain Group, Inc., complains against Defendants, Overhead Door Corporation and GMI Holdings, Inc. as follows:

1. The Chamberlain Group, Inc. (“Chamberlain”) is a corporation incorporated under the laws of the State of Connecticut, with its principal place of business in Elmhurst, Illinois.
2. Overhead Door Corporation (“Overhead”) is an Indiana corporation with its principal place of business at 1900 Crown Drive, Farmers Branch, Texas 75234.
3. On information and belief, GMI Holdings, Inc., doing business as The Genie Company, Genie Company, and/or Genie, (“GMI”) is a Delaware corporation with its principal place of business at 22790 Lake Park Blvd., Alliance, Ohio 44601.
4. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 271 *et seq.* The Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. The Court has personal jurisdiction over Overhead and GMI. Venue in this judicial district is proper under 28 U.S.C. § 1391.

**COUNT I**

**INFRINGEMENT OF PATENT NO. 6,737,968**

6. On May 18, 2004, U.S. Patent 6,737,968 (“the ‘968 Patent”) entitled “*Movable Barrier Operator Having Passive Infrared Detector*” was duly and legally issued to Chamberlain, on an application filed by Joseph J. Ergun, Thomas Brookbank, Sandor Goldner and David Daly.

7. Chamberlain is the owner of all right, title and interest in the ‘968 Patent.

8. Overhead has been, and is willfully infringing the ‘968 Patent by making, using, offering to sell, and/or selling, within the United States, infringing wall control units for garage door operators; by inducing others to infringe the ‘968 Patent; and/or by contributing to the infringement by others of the ‘968 Patent. Unless enjoined by the Court, Overhead will continue to infringe, induce the infringement of, and/or contributorily infringe the ‘968 Patent.

**COUNT II**

**INFRINGEMENT OF PATENT NO. 5,831,548**

9. On November 3, 1998, U.S. Patent 5,831,548 (“the ‘548 Patent”) entitled “*Radio Frequency Transmitter Having Switched Mode Power Supply*” was duly and legally issued to Chamberlain, on an application filed by James J. Fitzgibbon.

10. Chamberlain is the owner of all right, title and interest in the ‘548 Patent.

11. Overhead and GMI have been, and are willfully infringing the ‘548 Patent by making, using, offering to sell, and/or selling, within the United States, infringing hand-held radio frequency transmitters; by inducing others to infringe the ‘548 Patent; and/or by contributing to the infringement by others of the ‘548 Patent. Unless enjoined by the Court,

Overhead and GMI will continue to infringe, induce the infringement of, and/or contributorily infringe the '548 Patent.

**PRAYER FOR RELIEF**

WHEREFORE, Chamberlain prays:

1. Judgment that the '968 patent is valid, enforceable and infringed by Overhead;
2. Judgment that the '548 patent is valid, enforceable and infringed by Overhead and GMI;
3. A preliminary and permanent injunction enjoining Overhead, its officers, agents, servants, employees and those persons acting in active concert or participation with Overhead from infringing, inducing infringement of, or contributorily infringing the '968 patent;
4. An award of damages arising out of Overhead's infringement, inducing infringement, or contributory infringement of the '968 patent, together with interest;
5. A preliminary and permanent injunction enjoining Overhead and GMI, their officers, agents, servants, employees and those persons acting in active concert or participation with Overhead and GMI from infringing, inducing infringement of, or contributorily infringing the '548 patent;
6. An award of damages arising out of GMI's and Overhead's infringement, inducing infringement, or contributory infringement of the '548 patent, together with interest;
7. Judgment that damages so adjudged be trebled in accordance with 35 U.S.C. § 284;
8. Judgment that Chamberlain be awarded its attorneys' fees, costs and expenses incurred in this action in accordance with 35 U.S.C. § 285;
9. Such other and further relief as the Court may deem just and proper.

**JURY DEMAND**

Chamberlain demands trial by jury of all issues triable of right by a jury.

Date: April 6, 2006

s/Nicholas T. Peters

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