

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

FEDERAL-MOGUL WORLD WIDE, INC.,
a Michigan Corporation, and
FEDERAL-MOGUL IGNITION COMPANY,
a Delaware Corporation

Plaintiffs,

Civil Action

v.

Honorable

JURY TRIAL DEMANDED

PYLON MANUFACTURING CORPORATION,
a Delaware Corporation,
QUALITOR, INC., a Delaware Corporation, and
MICHELIN NORTH AMERICA, INC.,
a New York Corporation.

Defendants.

ANDREW M. GROVE (P48868)
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Troy, Michigan 48084
PO Box 4390
Troy, Michigan 48099-4390
248-689-3500
Attorneys for Plaintiff

COMPLAINT

Plaintiffs FEDERAL-MOGUL WORLD WIDE, INC. (“FEDERAL-MOGUL WORLD-WIDE”) and FEDERAL-MOGUL IGNITION COMPANY, INC. (“FEDERAL-MOGUL IGNITION”) by their undersigned attorneys, for their Complaint against defendants PYLON MANUFACTURING CORPORATION (“PYLON”), QUALITOR, INC. (“QUALITOR”) and MICHELIN NORTH AMERICA, INC. (“MICHELIN”) allege as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement and breach of contract arising out of PYLON and MICHELIN'S infringement of U.S. Patent No. 5,885,023 ("the '023 patent") in violation of the patent laws of the United States, 35 U.S.C. §§ 271 and 281-285.

THE PARTIES

2. Plaintiff FEDERAL-MOGUL WORLD WIDE is a Michigan Corporation with a principal place of business at 26555 Northwestern Highway, Southfield, MI 48033.

3. Plaintiff FEDERAL-MOGUL IGNITION is a Delaware Corporation with a principal place of business at 26555 Northwestern Highway, Southfield, MI 48033.

4. Upon information and belief, Defendant PYLON is a Delaware Corporation with a principal place of business at 1341 Newport Center Drive, Deerfield Beach, Florida 33442 USA.

5. Upon information and belief, Defendant QUALITOR is a Delaware Corporation with a principal place of business at 24800 Denso Drive, Suite 255, Southfield, Michigan 48034 USA.

6. Upon information and belief, Defendant MICHELIN is a New York Corporation with a principal place of business at One Parkway South, Greenville, South Carolina, 29615 USA.

JURISDICTION AND VENUE

7. This action arises under the patent laws of the United States, Title 35 of the United States Code.

8. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338.

9. Upon information and belief, this Court has personal jurisdiction over PYLON, QUALITOR and MICHELIN. PYLON and MICHELIN have conducted and continue to conduct business in this judicial district purposefully, have placed infringing wiper blade assemblies into the stream of commerce knowing and intending that this judicial district was and is a likely destination of those products, have caused injury to Plaintiffs in this judicial district and have committed acts of infringement in this judicial district.

10. Upon information and belief, QUALITOR has a principal place of business here in Michigan.

11. QUALITOR owns PYLON.

12. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c), and 1400(b).

COUNT I - PATENT INFRINGEMENT

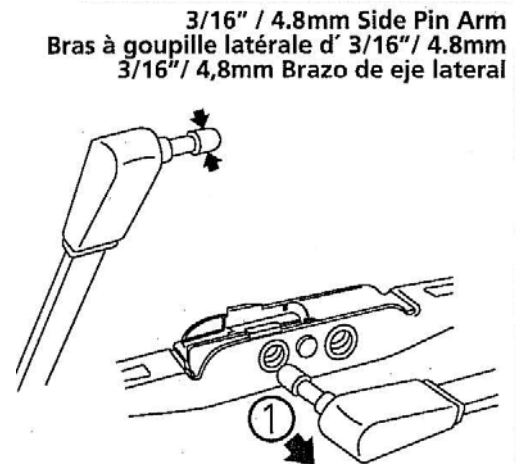
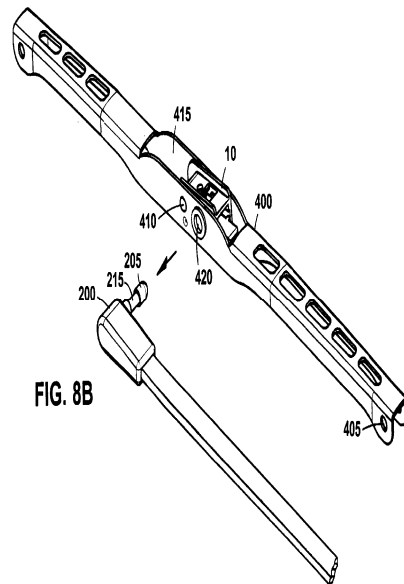
13. The United States Patent and Trademark Office (“PTO”) duly and legally issued the ‘023 patent, entitled “Windshield Wiper Blade Connector,” to Cooper Automotive Products, Inc. on May 23, 1999. The ‘023 patent was subsequently assigned to FEDERAL-MOGUL WORLD WIDE. A true and correct copy of the ‘023 patent is attached as Exhibit A and is made a part of this Complaint.

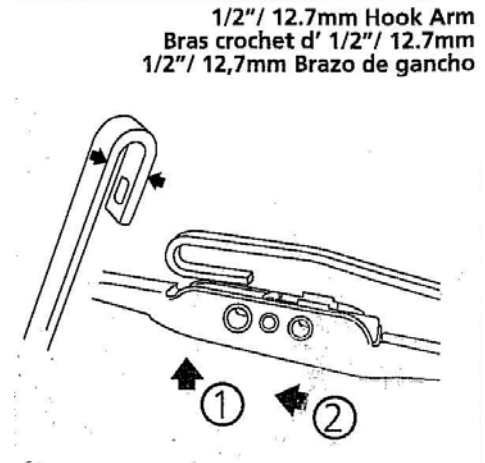
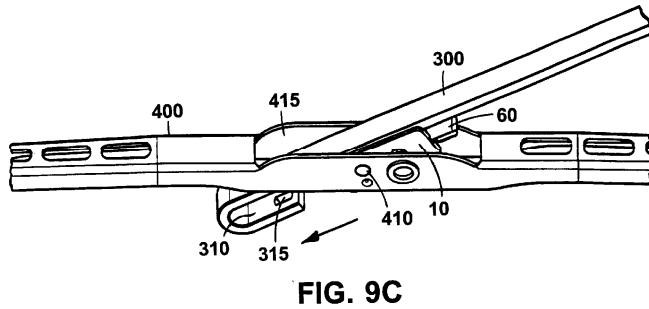
14. FEDERAL-MOGUL WORLD WIDE is the owner of this patent and has been the owner throughout the period of infringement.

15. FEDERAL-MOGUL IGNITION is the exclusive licensee of the '023 patent.

16. At least PYLON and MICHELIN are infringing the '023 patent by at least making, importing, using, and selling windshield wiper blade products embodying the invention covered by the '023 patent.

17. The Court can get an introduction to the infringement by comparing the '023 patent drawings shown below on the left with the instruction drawings from PYLON and MICHELIN's infringing products, which are shown below on the right. These instruction drawings are on the packaging for the Michelin 15 inch wiper blade, which says "Manufactured under license by Pylon."





FEDERAL-MOGUL WORLD WIDE and FEDERAL-MOGUL IGNITION are prepared to prove infringement by comparing the claims of the '023 patent with the accused infringing products.

18. FEDERAL-MOGUL WORLD WIDE and FEDERAL-MOGUL IGNITION are being damaged by the infringement.

19. At least PYLON'S infringement is willful. At least PYLON has known about the '023 patent since 2000 when FEDERAL-MOGUL WORLD WIDE and FEDERAL-MOGUL IGNITION sued PYLON before for infringing the '023 patent, and yet PYLON is infringing again.

COUNT II-BREACH OF CONTRACT

20. FEDERAL-MOGUL WORLD WIDE and FEDERAL-MOGUL IGNITION sued PYLON in this Court in 2000 for infringing the same patent.

21. FEDERAL-MOGUL WORLD WIDE and FEDERAL-MOGUL IGNITION settled the case with PYLON by entering into a SETTLEMENT AGREEMENT with PYLON.

22. A true and correct copy of the SETTLEMENT AGREEMENT is attached as Exhibit B.

23. PYLON agreed that the '023 patent was valid and infringed, and that it would not sell new products that infringed the '023 patent:

Pylon stipulates that the '016 and '023 patents are valid and infringed by the Accused product at issue in the Civil Action. Except as provided in Paragraph 5 herein, Pylon agrees not to infringe the '016 or '023 patents in the future. (Exhibit B, ¶ 7).

24. PYLON has breached the Agreement by, among other things, infringing the '023 patent despite promising not to.

25. The SETTLEMENT AGREEMENT additionally binds all companies owning or controlling the parties to the agreement; and this includes QUALITOR.

26. FEDERAL-MOGUL WORLD WIDE and FEDERAL-MOGUL IGNITION are being damaged by the breach.

RELIEF REQUESTED

WHEREFORE, Plaintiff FEDERAL-MOGUL respectfully requests that this Court enter a judgment and order that:

- A. PYLON and MICHELIN have infringed the '023 patent;
- B. PYLON and MICHELIN's infringement of the '023 patent has been willful and deliberate;
- C. PYLON and MICHELIN and their respective officers, agents, representatives, employees and all others in concert or participation with them, directly or

indirectly, be enjoined preliminarily and permanently from infringing, inducing others to infringe and contributing to the infringement of the '023 patent;

D. Plaintiffs FEDERAL-MOGUL WORLD WIDE and FEDERAL-MOGUL IGNITION be awarded damages adequate to compensate for PYLON and MICHELIN's infringement of the '023 patent together with pre-judgment interest pursuant to 35 U.S.C. § 284;

E. Plaintiffs FEDERAL-MOGUL WORLD WIDE and FEDERAL-MOGUL IGNITION be awarded treble damages, costs and reasonable attorneys' fees, and expenses in this action in accordance with 35 U.S.C. §§ 284 and 285;

F. Plaintiffs FEDERAL-MOGUL WORLD WIDE and FEDERAL-MOGUL IGNITION be awarded damages for the breach of the SETTLEMENT AGREEMENT;
and

G. Plaintiffs FEDERAL-MOGUL WORLD WIDE and FEDERAL-MOGUL IGNITION be awarded such other and further relief as this Court may deem just and proper.

Respectfully Submitted,

REISING, ETHINGTON, BARNES, KISSELLE, P.C.

s/ Andrew M. Grove

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Attorneys for Plaintiff

Dated: December 23, 2008

JURY DEMAND

Plaintiffs FEDERAL-MOGUL WORLD WIDE and FEDERAL-MOGUL
IGNITION hereby request a trial by jury on all issue so triable, pursuant to Federal Rule
of Civil Procedure 38.

Respectfully Submitted,

REISING, ETHINGTON, BARNES, KISSLLE, P.C.

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