

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

Whelen Engineering Company, Inc	)	
	)	
Plaintiff	)	Civil Action No.
	)	
vs.	)	
	)	March 1, 2006
Star Headlight & Lantern Co., Inc.	)	
	)	
Defendant	)	

**COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND**

**Parties**

1. Plaintiff, Whelen Engineering Company, Inc. (hereinafter "Plaintiff") is a corporation organized and existing under the laws of the State of Connecticut and having its principal place of business at Route 145, Winthrop Road, Chester, Connecticut 06412.

2. Defendant, Star Headlight & Lantern Co., Inc., (hereinafter "Defendant") is a corporation organized and existing under the laws of the State of New York and having its principal place of business at 455 Rochester Street, Avon, New York 14414.

**Jurisdiction**

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 U.S.C. §1 *et seq.* Subject matter jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

4. Defendant resides in and/or has engaged in business activity within this judicial district sufficient to vest this Court with personal jurisdiction over Defendant.

**Venue**

5. Venue is proper in this Judicial District with respect to Defendant under 28 U.S.C. §§ 1391(b) and (c) and/or §1400(b), in that Defendant is a corporation residing in this judicial district. Defendant has also committed acts in this judicial district that are direct and/or indirect infringement, contributory infringement and inducement of infringement.

**Infringement**

6. United States Letters Patent No. 6,461,009 entitled "Modular Rotatable Warning Light," a copy of which is attached hereto (hereinafter "the '009 Patent"), was duly and legally issued by the U.S. Patent and Trademark Office on October 8, 2002, and named as inventor Kevin M. Smith, resident of the State of Connecticut.

7. United States Letters Patent No. 6,789,912 entitled "Modular Rotatable Warning Light," a copy of which is attached hereto (hereinafter "the '912 Patent"), was duly and legally issued by the U.S. Patent and Trademark Office on September 14, 2004, and named as inventor Kevin M. Smith, resident of the State of Connecticut.

8. Plaintiff is, and at all times relevant has been, the lawful owner of all right, title and interest in and to the '009 and '912 Patents, including all rights to recover for past infringement thereof by virtue of an assignment from inventor Kevin M. Smith, duly executed on April 24, 2001, and recorded in the Assignment Division of the United States Patent and Trademark Office at reel/frame 011764/0667.

9. Defendant has infringed and is continuing to infringe, one or both of the '009 and '912 Patents under 35 U.S.C. §271 by manufacturing, using, offering to sell or selling within the United States or importing into the United States; and by actively inducing others to manufacture, use, offer to sell or sell in the United States or import into the United States products covered by one or more claims of the '009 and '912 Patents.

10. Defendant's acts of infringement and active inducement of infringement set forth above have damaged Plaintiff and will continue to cause Plaintiff irreparable harm for which Plaintiff has no

adequate remedy at law unless such acts of infringement and active inducement of infringement are enjoined and restrained by this Court.

**DEMAND FOR JURY TRIAL**

Plaintiff respectfully demands a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure on any issues triable of right by a jury in the above-captioned action.

**PRAYER FOR RELIEF**

Wherefore, Plaintiff requests that this Court adjudicate the rights of the parties and enter judgment as follows:

(a) That Plaintiff is the lawful owner of the '009 and '912 Patents and has all rights to recover for infringement thereof;

(b) That the '009 and '912 Patents are valid and enforceable;

(c) That Defendant has infringed, and actively induced others to infringe, the '009 Patent;

(d) That Defendant has infringed, and actively induced others to infringe, the '912 Patent;

(e) That Defendant, its officers, agents, servants, employees, attorneys, all parent, subsidiary and affiliate corporations or other business entities, and all other persons acting in concert, participation or in privity with them, and their successors and assigns be permanently enjoined and restrained from further infringement and inducement of infringement of the '009 Patent as provided by 35 U.S.C. §283;

(f) That Defendant, its officers, agents, servants, employees, attorneys, all parent, subsidiary and affiliate corporations or other business entities, and all other persons acting in concert, participation or in privity with them, and their successors and assigns be permanently enjoined and restrained from further infringement and inducement of infringement of the '912 Patent as provided by 35 U.S.C. §283;

(g) That Plaintiff be awarded damages, together with pre-judgment interest and costs, as provided by 35 U.S.C. §284;

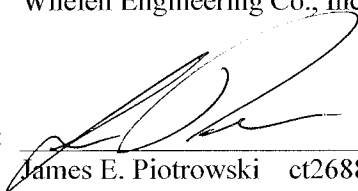
(h) That Plaintiff be awarded such other relief as this Court may deem just and proper.

Dated this the 15<sup>th</sup> day of March, 2006.

Respectfully Submitted,

Whelen Engineering Co., Inc.

By:

  
James E. Piotrowski ct26889  
Attorney for Plaintiff  
Alix, Yale & Ristas, LLP  
750 Main Street  
Hartford, CT 06103  
Tel. (860) 527-9211  
Fax (860) 527-5029

Attorney's Ref: WEN/M744

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