

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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PASS & SEYMOUR, INC.,

Plaintiff,

Civil Action No.:  
07-CV-833 DNH/DEP

-vs-

GENERAL PROTECHT GROUP, INC.,  
G-TECHT GLOBAL CORPORATION, and  
SECURELECTRIC CORPORATION a/k/a  
ERIC CHEN SECURELECTRIC  
CORPORATION,

**AMENDED/SUPPLEMENTAL  
COMPLAINT (WITH DEMAND  
FOR JURY TRIAL)**

Defendants.

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Plaintiff Pass & Seymour, Inc. ("P&S") by and through its attorneys, alleges for its Complaint against defendants General Protecht Group, Inc., G-Techt Global Corporation, and SecurElectric Corporation a/k/a Eric Chen SecurElectric Corporation (collectively, "Defendants") as follows:

### **INTRODUCTION**

1. This is an action for damages and for declaratory and injunctive relief to remedy Defendants' infringement of patents assigned to and owned by P&S ("the P&S patents"). The P&S patents relate generally to protective devices, such as ground fault circuit interrupters, which are designed to prevent electrocution during the use of electrical receptacles.

**PARTIES**

2. P&S is a corporation organized and existing under the laws of the State of New York, having its principal place of business at 50 Boyd Avenue, Syracuse, New York 13209. Since its founding over 100 hundred years ago on the banks of the Erie Canal in Syracuse, New York, P&S has improved and expanded its line of products. Today, P&S is one of the world's leaders in the design and manufacture of low voltage electrical devices.

3. Defendant General Protecht Group, Inc., f/k/a Zhejiang Dongzheng Electrical Company ("General Protecht"), is a corporation organized under the laws of the Country of China, having its principal place of business at 555 Daxing Rd W Liushi Yueqing, Zhejiang 325600 China. Upon information and belief, General Protecht purposely directs ground fault circuit interrupters into the United States through intermediaries and/or established distribution channels for sale or resale throughout the United States, including in the Northern District of New York.

4. Defendant G-Techt Global Corporation ("G-Techt") is a corporation organized under the laws of the State of Georgia. Upon information and belief, G-Techt has its principal place of business at 560 Wharton Circle, Suite B1, Atlanta, Georgia 30336, and also maintains offices at 200 Galleria Parkway SE, Suite 1275, Atlanta, GA 30339. Upon further information and belief, G-Techt imports, distributes, offers to sell, and/or sells ground fault circuit interrupters throughout the United States and the

Northern District of New York, including ground fault circuit interrupters that were manufactured by General Protecht.

5. Defendant SecurElectric Corporation a/k/a Eric Chen SecurElectric Corporation (“SecurElectric”) is a corporation organized under the laws of the State of Missouri. Upon information and belief, SecurElectric has its principal place of business at 2071 Congressional Drive, St. Louis, Missouri 63146, and also maintains offices at 560 Wharton Circle, Suite B1, Atlanta, Georgia 30336. Upon further information and belief, SecurElectric imports, distributes, offers to sell, and/or sells ground fault circuit interrupters throughout the United States and the Northern District of New York, including ground fault circuit interrupters that were manufactured by General Protecht.

#### **JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), and 35 U.S.C. § 281.

7. This Court has personal jurisdiction over Defendants because they import, manufacture, sell and/or offer to sell in the United States and in the Northern District of New York, either directly or through intermediaries and/or established distribution channels, ground fault circuit interrupters that infringe one or more of the P&S patents, and have thus: (a) transacted business within the state or contracted anywhere to supply infringing goods in this State and in this District; (b) committed tortious acts of infringement within this State and in this District; and/or (c) committed

tortious acts of infringement without this State that cause injury within this State and this District either (i) while regularly doing business, engaging in a persistent course of conduct, or deriving substantial revenue from infringing goods sold to consumers in this State and in this District and/or (ii) while deriving substantial revenue from interstate or international commerce and while expecting that their infringing acts would have consequences within this State and this District.

8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c), and 28 U.S.C. § 1400(b).

#### **FACTUAL BACKGROUND**

9. P&S is a leading provider of electrical devices for use in residential and commercial construction. P&S originally invented and pioneered the ground fault circuit interrupter receptacle in the 1970's. Ground fault circuit interrupters are intended to prevent electrocution in the event of a ground fault, which is an imbalance in the electrical current flowing in the electrical outlet. A ground fault circuit interrupter automatically detects the ground fault and opens the circuit, thereby cutting off power to the outlet and preventing electrocution. Since its pioneering work in the 1970's, P&S has been at forefront of the development and improvement of ground fault circuit interrupters and is widely recognized as a leading provider of ground fault circuit interrupters for residential and commercial construction in the United States. P&S also provides a wide range of other electrical devices, such as

switches, receptacles and face plates, used in residential and commercial construction in the United States.

10. P&S is the owner of all right, title and interest in the P&S patents, which comprise the following:

- (a) U.S. Patent No. 5,594,398 (“the ’398 patent”);
- (b) U.S. Patent No. 7,164,564 (“the ’564 patent”);
- (c) U.S. Patent No. 7,212,386 (“the ’386 patent”);
- (d) U.S. Patent No. 6,522,510 (“the ’510 patent”);
- (e) U.S. Patent No. 7,133,266 (“the ’266 patent”); and
- (f) U.S. Patent No. 7,283,340 (“the ’340 patent”).

11. P&S takes reasonable measures to have all products made under the P&S patents marked in accordance with 35 U.S.C. § 287.

### **PATENT INFRINGEMENT**

12. Defendants have been and are now directly infringing, contributorily infringing, and/or inducing infringement of at least one claim of one of the P&S patents, within the meaning of 35 U.S.C. § 271(a)-(c) and (g), by making, using, importing, offering for sale, or selling ground fault circuit interrupters, either directly or through established distribution channels.

13. Upon information and belief, exemplary ground fault circuit interrupters that infringe at least one claim of one of the P&S patents include the following: (a) General Protecht ground fault circuit interrupters, exemplary models of which are the “Sunlite E501 Ground Fault Circuit Interrupter” and

the “SecurElectric Corporation DG15-WW-B”; (b) G-Techt ground fault circuit interrupters, an exemplary model of which is the “DG15-WW”; and (c) SecurElectric Corporation ground fault circuit interrupters, an exemplary model of which is the “SecurElectric Corporation DG15-WW-B”.

14. Upon information and belief, General Protecht’s ground fault circuit interrupters infringe at least one claim of each of the ’386, ’398, ’510, ’266, ’340, and ’564 patents.

15. Upon information and belief, G-Techt’s ground fault circuit interrupters infringe at least one claim of each of the ’386, ’398, ’510, ’266, ’340, and ’564 patents.

16. Upon information and belief, SecurElectric’s ground fault circuit interrupters infringe at least one claim of each of the ’386, ’398, ’510, ’266, ’340, and ’564 patents.

17. Defendants have infringed the P&S patents and, upon information and belief, Defendants’ direct, contributory and induced infringement has been and is willful and deliberate.

18. Defendants have profited from and will continue to profit from their infringing activities.

19. P&S has been damaged by Defendants’ infringing activities and will continue to be irreparably injured unless those infringing activities are enjoined by this Court.

WHEREFORE, P&S prays that the Court:

(A) Enter judgment in favor of P&S and against all Defendants on all counts asserted in this Complaint.

(B) Enter judgment that Defendants have infringed U.S. Patent No. 5,594,398; U.S. Patent No. 7,164,564; U.S. Patent No. 7,212,386; U.S. Patent No. 6,522,510; U.S. Patent No. 7,133,266; and U.S. Patent No. 7,283,340.

(C) Enter judgment pursuant to 35 U.S.C. § 283, enjoining Defendants, their subsidiaries, affiliates, divisions, officers, agents, servants, employees, directors, partners, representatives and all parties in active concert and/or participation with them from further infringement of U.S. Patent No. 5,594,398; U.S. Patent No. 7,164,564; U.S. Patent No. 7,212,386; U.S. Patent No. 6,522,510; U.S. Patent No. 7,133,266; and U.S. Patent No. 7,283,340.

(D) Award P&S all of its damages caused by Defendants' acts of infringement, including any lost profits, together with interest and costs pursuant to 35 U.S.C. § 284;

(E) Enter judgment that Defendants' infringements have been willful, and increase the damages to three times the amount found or assessed pursuant to 35 U.S.C. § 284;

(F) Enter judgment determining that this is an exceptional case and award P&S its attorneys' fees in this action pursuant to 35 U.S.C. § 285; and

(G) Award P&S such other and further relief as the Court may deem just and proper.

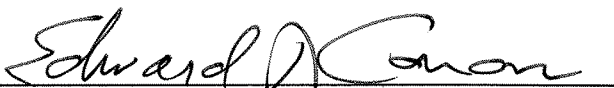
**JURY DEMAND**

P&S hereby requests trial by jury of all issues so triable.

Dated: August 11, 2011

Respectfully submitted,

BOND, SCHOENECK & KING, PLLC

By: 

Edward R. Conan (101387)

George R. McGuire (509058)

David L. Nocilly (510759)

Stephanie M. Campbell (516182)

One Lincoln Center

Syracuse, New York 13202-1355

Telephone: (315) 218-8000

- and -

Mark J. Abate

Ankur P. Parekh

Calvin Wingfield

GOODWIN PROCTER LLP

599 Lexington Avenue

New York, NY 10022

Telephone: (212) 813-8800

*Attorneys for Plaintiff Pass & Seymour, Inc.*




**CERTIFICATE OF SERVICE**

I hereby certify that on August 11, 2011, I electronically filed the foregoing Amended/Supplemental Complaint (With Demand For Jury Trial) with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

Ann G. Fort, Esq.  
William F. Long, Esq.  
Lei Fang, Esq.  
Joshua D. Curry, Esq.  
SUTHERLAND ASBILL & BRENNAN LLP  
999 Peachtree Street N.E.  
Atlanta, Georgia 30309-3996

*Attorneys for Defendants*

  
Edward R. Conan