

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMERICAN AXLE & MANUFACTURING, INC.

Plaintiff,

v.

VISTEON CORPORATION

Defendant.

02-73832

ARTHUR J. TARNOW

Civil Action No.

Hon.

MAGISTRATE JUDGE SCHEER

COMPLAINT

Plaintiff, American Axle & Manufacturing, Inc. ("AAM"), for its Complaint
against Defendant, Visteon Corporation ("Visteon"), aver and allege as follows:

The Parties

1. AAM is a Delaware Corporation with a principal place of business at 1840 Holbrook Avenue, Detroit, Michigan.
2. Visteon is a Delaware Corporation with a principal place of business at 5500 Auto Club Drive, Dearborn, Michigan.

Jurisdiction and Venue

3. This is an action for patent infringement arising under the patent laws of the United States 35 U.S.C. § 100 *et. seq.* Jurisdiction and venue are conferred upon this Court by 28 U.S.C. § 1338(a) and § 1400(b), respectively.

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U.S. DIST. COURT
EASTERN DISTRICT
DETROIT

Count I

4. AAM hereby incorporates by reference the allegations in paragraphs 1-3.

5. United States Patent No. 6,162,126, entitled "Universal Joint," attached as Exhibit A, was duly and legally issued on December 19, 2000 (hereinafter "the '126 patent"). AAM is the assignee of the '126 patent.

6. Visteon has infringed and is now directly infringing one or more claims of the '126 patent within this District and elsewhere in the United States by making, using, selling, and/or offering to sell universal joints falling within the scope of such claims, all without authority or license from AAM.

7. As a direct result of said infringement, AAM has been irreparably damaged and will continue to be irreparably damaged unless this Court enjoins Visteon from its continuing infringement.

8. Visteon has actual notice of the '126 patent.

9. Visteon's actions of infringement have been willful, deliberate and intentional.

WHEREFORE, AAM requests that this Court enter a judgment in its favor and against Visteon, as follows:

- (a) For a preliminary and permanent injunction restraining Visteon from directly, contributorily, or actively inducing others to infringe United States Patent No. 6,162,126 during the remainder of the term for which the patent has been granted;
- (b) For an award of damages as a result of Visteon's wrongful acts and to account and return to AAM all profits and advantages wrongfully

gained by Visteon;

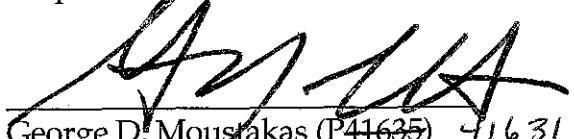
- (c) For an award of damages adequate to compensate for infringement by Visteon pursuant to 35 U.S.C. § 284, together with prejudgment interest;
- (d) For a determination that Visteon's infringement has been willful thereby entitling AAM to an award of treble damages and that Visteon's infringement has been such to render this action exceptional, pursuant to 35 U.S.C. §§284 and 285;
- (e) For an award of costs and expenses reasonably incurred in bringing and prosecuting this action; and
- (f) For such further relief as the Court may deem just and proper.

Jury Demand

Pursuant to Federal Rule of Civil Procedure 38(b), AAM hereby demands a trial by jury on all issues triable of right by jury.

Dated: 9/24/02

Respectfully Submitted,


George D. Moustakas (P41635) 41631 ✓
David A. McLaughry (P48816) ✓
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

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ADDITIONAL
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THAT WERE NOT
SCANNED**