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9 Attorneys for Plaintiff Trombetta, LLC

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE WESTERN DISTRICT OF WISCONSIN**

<p>12 TROMBETTA, LLC 13 Plaintiff</p> <p>14 v.</p> <p>15 DANA CORPORATION AND AMERICAN 16 ELECTRONIC COMPONENTS d/b/a AEC 17 Defendants.</p>	<p>18)</p> <p>19)</p> <p>20)</p> <p>21)</p> <p>22)</p> <p>23)</p> <p>24)</p> <p>25)</p> <p>26)</p> <p>27)</p> <p>28)</p> <p>COMPLAINT</p> <p>JURY TRIAL DEMANDED</p> <p>Case No. _____</p>
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19 Plaintiff, Trombetta, LLC, located at 13901 Main Street, Menomonee Falls, WI
20 53051, by its attorneys, Ryan Kromholz & Manion, S.C. by Joseph A. Kromholz, John M. Manion,
21 and Daniel R. Johnson, as and for its Complaint alleges as follows:

22 THE PARTIES

1. Plaintiff Trombetta, LLC ("Trombetta") is a Wisconsin corporation located at 13901 Main Street, Menomonee Falls, WI 53051, and is engaged in the business of manufacturing and selling, among other things, solenoids.
2. Trombetta is the owner by assignment of U.S. Patent No. 4,521,758 ("the '758 patent"), a copy of which is attached as Exhibit 1.

1 3. Upon information and belief, Defendant Dana Corporation (“Defendant Dana”) is a
2 corporation with a principal place of business located at 4500 Dorr Street, Toledo, OH 43615.

3
4 4. Upon information and belief, Defendant Dana is the parent corporation of Defendant
5 American Electronic Components d/b/a AEC (“Defendant AEC”).

6
7 5. Upon information and belief, Defendant AEC has a principal place of business at 23590
8 County Road 6, Elkhart, IN 46515.

9
10 6. Upon information and belief, Defendant AEC has at all times material hereto had
11 constructive notice of the ‘758 patent.

12
13 7. Upon information and belief, Defendant Dana has at all times material hereto had
14 constructive notice of the ‘758 patent.

15
16 **JURISDICTION AND VENUE**

17
18 8. Upon information and belief, that Defendant AEC conducts business, including the sale of
19 Defendant AEC products, within this State through its distributor Power Components of
20 Midwest located at 575 Lilac Lane, Lake Mills, WI 53551.

21
22 9. Upon information and belief, Defendant AEC receives substantial and not isolated benefits
23 from the sales of its products in this district.

24
25 10. Upon information and belief, solicitation was carried on within this state and within this
26 district by or on behalf of Defendant AEC.

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11. Upon information and belief, products, materials or things processed, or manufactured, including upon belief solenoids, by Defendant AEC are and were used or consumed within this state and within this district in the ordinary course of trade.
12. This action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 et seq.
13. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331, 1337, and 1338(a).
14. This Court has personal jurisdiction over Defendant AEC in accordance with Wis. Stat. § 801.05(1)(d).
15. This Court has personal jurisdiction over Defendant Dana in accordance with Wis. Stat. § 801.05(1)(d).
16. Upon information and belief, this Court has personal jurisdiction over Defendant AEC in accordance with Wis. Stat. § 801.05(4)(b).
17. Upon information and belief, this Court has personal jurisdiction over Defendant Dana in accordance with Wis. Stat. § 801.05(4)(b).
18. Upon information and belief, venue in this action is proper in this district pursuant to 28 U.S.C. § 1391(b) because Plaintiff's claim arose in this district.

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1 19. Venue in this action is proper in this district pursuant to 28 U.S.C. § 1400(b) and 28 U.S.C. §
2 1391(c) because Defendant AEC resides in this district as the term “resides” is defined in 28
3 U.S.C. § 1391(c) and because Defendant AEC is subject to personal jurisdiction in this
4 district.

5
6 20. Venue in this action is proper in this district pursuant to 28 U.S.C. § 1400(b) and 28 U.S.C. §
7 1391(c) because Defendant Dana resides in this district as the term “resides” is defined in 28
8 U.S.C. § 1391(c) and because Defendant Dana is subject to personal jurisdiction in this
9 district.

10 **FIRST CAUSE OF ACTION**

11 **Infringement of U.S. Patent No. 4,521,758**

12
13 21. The allegations of paragraphs 1-20 are incorporated as if fully set forth herein.

14
15 22. Upon information and belief, Defendant AEC manufactures solenoids denoted by Defendant
16 AEC with part number 1591, as well as additional solenoids without part numbers for
17 Murray, Inc. (See Exhibits 2 and 3).

18
19 23. Upon information and belief, Defendant AEC manufactures solenoids denoted by Defendant
20 AEC with part number 8996054 for Mercury Marine, a division of Brunswick Corporation
21 (see Exhibit 4).

22
23 24. Upon information and belief, Defendant AEC sells or has sold solenoids denoted by
24 Defendant AEC with part number 8996054 for Mercury Marine, a division of Brunswick
25 Corporation (see Exhibit 4).

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- 1
- 2 25. Upon information and belief, Defendant AEC manufactures solenoids denoted by Defendant
- 3 AEC with part number 5827 for Polaris Industries, Inc. (see Exhibit 5).
- 4
- 5 26. Upon information and belief, Defendant AEC sells or has sold solenoids denoted by
- 6 Defendant AEC with part number 5827 for Polaris Industries, Inc. (see Exhibit 5)
- 7
- 8 27. Upon information and belief, Defendant AEC manufactures solenoids denoted by Defendant
- 9 AEC with part number 1909 for Electrolux Home Products Corporation (see Exhibit 6).
- 10
- 11 28. Upon information and belief, Defendant AEC sells or has sold solenoids denoted by
- 12 Defendant AEC with part number 1909 for Electrolux Home Products Corporation (see
- 13 Exhibit 6).
- 14
- 15 29. Upon information and belief, Defendant AEC manufactures solenoids denoted by Defendant
- 16 AEC with part number 2303 for Mercury Marine, a division of Brunswick Corporation (see
- 17 Exhibit 7).
- 18
- 19 30. Upon information and belief, Defendant AEC sells or has sold solenoids denoted by
- 20 Defendant AEC with part number 2303 for Mercury Marine, a division of Brunswick
- 21 Corporation (see Exhibit 7).
- 22
- 23 31. Upon information and belief, Defendant AEC manufactures solenoids denoted by Defendant
- 24 AEC with part number 89818997 for Mercury Marine, a division of Brunswick Corporation
- 25 (see Exhibit 7).
- 26

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1 32. Upon information and belief, Defendant AEC sells or has sold solenoids denoted by
2 Defendant AEC with part number 89818997 for Mercury Marine, a division of Brunswick
3 Corporation (see Exhibit 7).

4
5 33. Upon information and belief, Defendant AEC manufactures solenoids denoted by Defendant
6 AEC with part numbers 26102 and 5516 for unknown entities.

7
8 34. Upon information and belief, Defendant AEC sells or has sold solenoids denoted by
9 Defendant AEC with part numbers 26102 and 5516 for unknown entities.

10
11 35. Upon information and belief, Defendant AEC manufactures solenoids of the type shown in
12 Exhibits 2 - 7.

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14 36. Upon information and belief, Defendant AEC sells or has sold solenoids of the type shown in
15 Exhibits 2 - 7.

16
17 37. Upon information and belief, the solenoids denoted by aforesaid part numbers 1591,
18 8996054, 5827, 1909, 2303, 89818997, 26012 and 5516 and the solenoids shown in Exhibits
19 2 - 7 infringe the '758 patent. (hereinafter said solenoids are referred to as the "infringing
20 solenoids").

21
22 38. Upon information and belief, Defendant AEC offers for sale the infringing solenoids.

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24 39. Upon information and belief, Defendant AEC sells the infringing solenoids.

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40. The aforesaid infringing solenoids each comprise a solenoid unit for use in a vibrating and shook environment.

41. The aforesaid infringing solenoids each comprise a plastic molded housing molded in a cup-shape having an open end.

42. The aforesaid infringing solenoids each comprise a housing having a mounting flange at the open end and a coil section extending from a mounting flange to an inner wall of the coil section and having an integral contact section extending from the coil section.

43. The aforesaid infringing solenoids each comprise a coil unit located within a coil section and including a cylindrical coil and an armature slidably mounted within a coil.

44. The aforesaid infringing solenoids each comprise an outer magnetic can formed of a magnetic material and having an outer based portion located abutting an inner wall of a coil section.

45. The aforesaid infringing solenoids each comprise a can having a bottom coil plate adjacent an open end.

46. The aforesaid infringing solenoids each comprise a coil plate and a housing having an interlocking means in the form of an ear and corner to positively support the coil unit and prevent rotational movement of a coil unit within a housing.

47. Defendant AEC infringes at least one claim of the '758 patent by manufacturing the infringing solenoids.

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48. Defendant Dana infringes at least one claim of the '758 patent by manufacturing the infringing solenoids through its division Defendant AEC.

49. Defendant AEC infringes at least one claim of the '758 patent by offering for sale the infringing solenoids.

50. Defendant Dana infringes at least one claim of the '758 patent by offering for sale the infringing solenoids through its division Defendant AEC

51. Defendant AEC infringes at least one claim of the '758 patent by selling the infringing solenoids.

52. Defendant Dana infringes at least one claim of the '758 patent by selling the infringing solenoids through its division Defendant AEC.

53. Defendant AEC infringes at least one claim of the '758 patent by inducing its customers to use the infringing solenoids.

54. Defendant Dana infringes at least one claim of the '758 patent by inducing its customers to use the infringing solenoids through their purchase from its division Defendant AEC.

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1 WHEREFORE, Plaintiff prays for relief as follows:
2

3 A. For a decree adjudging that United States Letters Patent No. 4,521,758 has been
4 infringed by the Defendants and that Plaintiff has been damaged by said
5 infringement.
6

7 B. For an injunction permanently enjoining the Defendants, its officers, agents,
8 servants, employees and attorneys, and those persons in active concert or
9 participation with it who receive actual notice of the decree of this Court by
10 personal service or otherwise, from directly or indirectly infringing the claims of
11 United States Letters Patent No. 4,521,758.
12

13 C. For an accounting and damages against Defendants, according to proof at the
14 time of trial, for all damages suffered by Plaintiff by reason of the infringement
15 by the Defendants of United States Letters Patent No. 4,521,758 in an amount
16 not less than a reasonable royalty, together with interests and costs, pursuant to
17 35 USC § 284.
18

19 D. For damages in an amount equal to three times the amount of damages found or
20 assessed to compensate Plaintiff for any act of infringement determined to be
21 willful, deliberate and intentional acts, pursuant to 35 USC § 284.
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23 E. For an award of reasonable attorney fees against the Defendants, pursuant to 35
24 USC § 285.
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F. That the Defendants be directed to pay the Plaintiffs costs and interest incurred herein.

G. That the Plaintiff have such other and further relief as the circumstances of the case may require or as this Court deems just and proper.

A JURY TRIAL IS HEREBY DEMANDED

Respectfully submitted:

Date: August 27, 2002

Ryan, Kromholz & Manion, S.C.

By: /s/ Joseph A. Kromholz

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