

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FEDERAL-MOGUL WORLD WIDE, INC.
and
FEDERAL-MOGUL CORPORATION

Plaintiffs,

v.

DORMAN PRODUCTS, INC.,

Defendant.

Civil Action No.:

John A. Artz (P 48578)
Robert L. Kelly (P34412)
John S. Artz (P 24679)
DICKINSON WRIGHT, PLLC
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Attorneys for Plaintiffs

FIRST AMENDED COMPLAINT
AND
DEMAND FOR JURY TRIAL

Plaintiffs, FEDERAL-MOGUL WORLD WIDE, INC. and FEDERAL-MOGUL CORPORATION hereby complain, through their counsel, DICKINSON WRIGHT PLLC, of Defendant, DORMAN PRODUCTS, INC., as follows:

THE PARTIES

A. THE PLAINTIFFS

1. Federal-Mogul World Wide, Inc. (“Federal-Mogul World Wide”) is a corporation organized and existing under the laws of the State of Michigan, having a principal place of business at 26555 Northwestern Highway, Southfield, Michigan and is doing business in this District.

2. Federal-Mogul Corporation is a corporation duly organized and existing under the laws of the State of Delaware, having a principal place of business at 26555 Northwestern Highway, Southfield, Michigan.

3. Federal-Mogul World Wide is the owner by assignment of United States Patent No. 7,302,925 (the “’925 patent”), which issued on December 4, 2007 for an invention entitled “Manifold Gasket Having Pushrod Guide” (Copy attached as Exhibit A.)

4. Federal-Mogul World Wide is the owner by assignment of United States Patent No. 7,306,235 (the “’235 Patent”), which issued on December 11, 2007, for an invention entitled “Gasket Assembly Having Isolated Compression Limiting Device”. (Copy attached as Exhibit B.)

5. Federal-Mogul Corporation is Federal-Mogul World Wide’s licensee under the ’925 and ’235 patents.

6. Federal-Mogul Corporation manufactures and sells a variety of automotive products including, but not limited to, parts and components for vehicle engines, including manifold gaskets.

B. THE DEFENDANT

7. Dorman Products, Inc. (“Dorman”) is a corporation organized and existing under the laws of Pennsylvania. Dorman has a registered office at 3400 East Walnut Street, Colmar, Pennsylvania 18915 and is doing business in this District.

8. Dorman manufactures, advertises, and sells automotive replacement parts and components, including manifold gaskets, under the name “DORMAN” (“Dorman Products”) some of which incorporate features of the ‘925 and ‘235 Patents (“Infringing Products”).

9. Dorman produces online and print advertising which market their automotive replacement parts and components, including manifold gaskets. A copy of one of Dorman’s advertisements is attached hereto as Exhibit C.

JURISDICTION

10. This is a civil action arising under 35 U.S.C. § 101 et. seq. for patent infringement.

11. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 1338 (a) because this is a civil action for patent infringement and arises under the patent laws of the United States.

12. Venue is proper in this District because a substantial part of the events giving rise to the underlying claims is situated within this District as provided in 28 U.S.C. §§ 1391(c) and 1400(b).

COUNT I – PATENT INFRINGEMENT
U.S. PATENT NO. 7,302,925

13. Federal Mogul World Wide and Federal-Mogul Corporation hereby reallege the allegations contained in paragraphs 1 through 12 of the Complaint as though fully set forth herein.

14. This action arises under the United States Patent Laws, Title 35, United States Code.

15. In violation of 35 U.S.C. § 271(a)-(c), Dorman directly infringes at least claim 1 of

the '925 Patent and actively induces infringement thereof by others through the manufacture, use, offers to sell and sale of the Infringing Products.

16. Dorman's infringement of the '925 Patent is willful.

17. The '925 Patent was validly issued by the Patent Office and is valid and enforceable.

18. Unless preliminarily and then permanently enjoined, Dorman will continue its unlawful and willful infringement of the '925 patent.

COUNT II – PATENT INFRINGEMENT
U.S. PATENT NO. 7,306,235

19. Federal-Mogul World Wide and Federal-Mogul Corporation hereby reallege the allegations contained in paragraphs 1 through 12 of the Complaint as though fully set forth herein.

20. This action arises under the United States Patent Laws, Title 35, United States Code.

21. In violation of 35 U.S.C. § 271(a)-(c), Dorman directly infringes at least claim 1 of the '235 Patent and actively induces infringement thereof by others through the manufacture, use, offers to sell and sale of the Infringing Products.

22. Dorman's infringement of the '235 Patent is willful.

23. The '235 Patent was validly issued by the Patent Office and is valid and enforceable.

24. Unless preliminarily and then permanently enjoined, Dorman will continue its unlawful and willful infringement of the '235 Patent.

RELIEF REQUESTED

WHEREFORE, Plaintiffs, Federal-Mogul World Wide and Federal-Mogul Corporation, demand judgment as follows:

A. That this Court preliminarily and permanently enjoin Dorman from further infringement of U.S. Patent Nos. 7,302,925 and 7,306,235;

B. That this Court find that Dorman and those in privity therewith have infringed U.S.

Patent Nos. 7,302,925 and 7,306,235;

C. That this Court award Federal-Mogul World Wide and Federal-Mogul Corporation compensatory damages and prejudgment interest thereof for Dorman's infringing acts;

D. That this Court find that Dorman's infringement has been willful and award Federal-Mogul World Wide and Federal-Mogul Corporation treble damages pursuant to 35 U.S.C. § 284;

E. That this Court declare this case exceptional pursuant to 35 U.S.C. § 285 and award Federal-Mogul World Wide and Federal-Mogul Corporation their reasonable attorneys fees; and

F. That this Court award Federal-Mogul World Wide and Federal-Mogul Corporation their costs, expenses and such other relief as is deemed just and equitable.

DEMAND FOR JURY TRIAL

Plaintiffs demand a jury trial on all issues so triable.

Respectfully submitted,

By: _____

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