

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

U.S. DISTRICT COURT  
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FILED-EDS

THE CHAMBERLAIN GROUP, INC., )  
a Connecticut corporation, )

Plaintiff, )

v. )

LINEAR CORPORATION, )  
a California corporation, )

Defendant. )

Civil Action No.

**01C 4142**

JUN - 5 2001

**JURY DEMAND**

**JUDGE REBECCA R. PALLMEYER**

COMPLAINT MAGISTRATE JUDGE ROBERT M. ...

Plaintiff, The Chamberlain Group, Inc. ("Chamberlain"), complains against Defendant, Linear Corporation ("Linear"), as follows:

THE PARTIES

1. Chamberlain is a corporation incorporated under the laws of the State of Connecticut, with its principal place of business in Elmhurst, Illinois.
2. Linear, on information and belief, is a California corporation having a principal place of business in Carlsbad, California.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §271 et seq. The Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§1331 and 1338(a).
4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400 because the Defendant is subject to personal jurisdiction in this district. The Defendant resides and/or has committed acts of infringement within this District.

H

INFRINGEMENT OF '364 PATENT

5. On June 7, 1988, U.S. Patent No. 4,750,118 (“the ‘118 Patent”) entitled “Coding System for Multiple Transmitters and a Single Receiver for a Garage Door Opener” was duly and legally issued to Chamberlain Manufacturing Company, on an application filed by Carl Heitschel, Colin Willmott and Wayne Schindler. On October 29, 1996, the ‘118 Patent was duly and legally reissued as Reissue Patent No. Re. 35,364 (“the ‘364 Patent”).

6. Chamberlain is the owner of all right, title and interest in the ‘364 Patent.

7. Linear has been, and is, willfully infringing the ‘364 Patent by: making, using, offering to sell, and/or selling within the United States and within this District; by inducing others to make, use, offer to sell, and/or sell those inventions patented in the ‘364 Patent within the United States and within this District; and/or by contributing to the infringement by others of the ‘364 Patent within the United States and within this District. Unless enjoined by the Court, Linear will continue to infringe, induce the infringement of, and/or contributorily infringe the ‘364 Patent.

8. The required statutory notice has been placed on garage door operators manufactured and sold under the ‘118 Patent and the ‘364 Patent.

INFRINGEMENT OF '703 PATENT

9. On May 16, 2000, the ‘118 patent was duly and legal reissued to Chamberlain as Reissue Patent No. 36,703 (“the ‘703 patent”).

10. Chamberlain is the owner of all right, title and interest in the ‘703 patent.

11. Linear has been and is willfully infringing the ‘703 patent by: making, using, offering to sell, and/or selling those inventions patented in the ‘703 patent within the United States; by inducing others to infringe the ‘703 patent; and by contributing to the infringement by others of the

'703 patent. Unless enjoined by the Court, Linear will continue to infringe, induce the infringement of, and contributorily infringe the '703 patent.

DEMAND

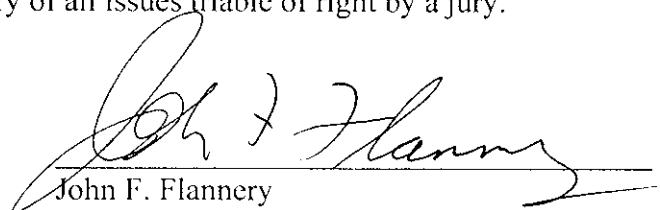
WHEREFORE, Chamberlain prays for:

1. Judgment that the '364 patent and the '703 patent are valid, enforceable and infringed by Linear;
2. A preliminary and permanent injunction enjoining Linear, its officers, agents, servants, employees and those persons acting in active concert or participation with Linear from infringing, inducing infringement of, or contributorily infringing the '364 patent and the '703 patent.
3. An award of damages arising out of Linear's infringement, inducing infringement, or contributory infringement of the '364 patent and the '703 patent, together with interest;
4. Judgment that the damages so adjudged be trebled;
5. Judgment that Chamberlain be awarded its attorney's fees, costs and expenses incurred in this action; and
6. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Chamberlain demands trial by jury of all issues triable of right by a jury.

Date: June 4, 2001



John F. Flannery  
Karl R. Fink  
Rudy I. Kratz  
Fitch, Even, Tabin & Flannery  
120 South LaSalle Street, Suite 1600  
Chicago, Illinois 60603  
(312) 577-7000  
*Attorneys for The Chamberlain Group, Inc.*

Civil Cover Sheet

*Case*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

FILED  
JUN - 5 2001

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

Plaintiff(s): **The Chamberlain Group, Inc.**  
**845 Larch Avenue Elmhurst, Illinois 60126-1196**

Defendant(s): **Linear Corporation 2055 Corte**  
**Del Nogal Carlsbad, California 92009-1498**

County of Residence: DuPage

County of Residence:

Plaintiff's Atty: John F. Flannery  
Fitch, Even, Tabin & Flannery  
120 So. LaSalle, Suite 1600,  
Chicago, IL 60603-3406  
(312) 577-7000

Defendant's Atty:

**OIC 4142**

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II. Basis of Jurisdiction: **3. Federal Question (U.S. not a party)**

JUDGE REBECCA R. PALMEY

III. Citizenship of Principle Parties (Diversity Cases Only)

Plaintiff: -N/A  
Defendant: -N/A

MAGISTRATE JUDGE ROSEMOND

IV. Origin : **1. Original Proceeding**

V. Nature of Suit: **830 Patent**

VI. Cause of Action: **Patent Infringement Under 35 U.S.C. Section 271 et seq.**

VII. Requested in Complaint  
Class Action: **No**  
Dollar Demand:  
Jury Demand: **Yes**

VIII. This case **Is NOT** a refiling of a previously dismissed case. (If yes case number \_\_ by Judge \_\_)

Signature: *John F. Flannery*  
Date: *June 4, 2001*

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, print this form, sign and date it and submit it with your new civil action. **Note: You may need to adjust the font size in your browser display to make the form print properly.** Revised: 06/28/00

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

In the Matter of

THE CHAMBERLAIN GROUP, INC. v. LINEAR CORPORATION

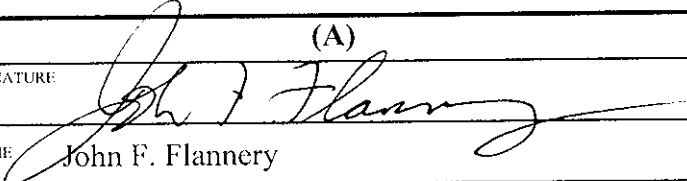
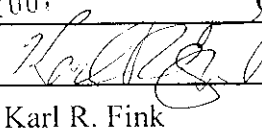
Case Number: **01C 4142**

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

THE CHAMBERLAIN GROUP, INC.

JUDGE REBECCA R. PALLMANN

MAGISTRATE JUDGE ROSEMON

<b>(A)</b>		JUN - 5 2001	<b>(B)</b>	
SIGNATURE 		SIGNATURE 		
NAME John F. Flannery		NAME Karl R. Fink		
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IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 00829854		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 06180508		
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TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		
		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
<b>(C)</b>		<b>(D)</b>		
SIGNATURE		SIGNATURE		
NAME Rudy I. Kratz		NAME		
FIRM Fitch, Even, Tabin & Flannery		FIRM		
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TELEPHONE NUMBER 312-577-7000	FAX NUMBER 312-577-7007	TELEPHONE NUMBER	FAX NUMBER	
E-MAIL ADDRESS		E-MAIL ADDRESS		
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6216387		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)		
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