

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

03 - 70940

ELECTROMOTIVE DIVISION OF
GENERAL MOTORS CORPORATION,

Plaintiff,

JOHN CORBETT O'MEARA
HONORABLE

vs.

CIVIL ACTION NO. _____

TRANSPORTATION SYSTEMS DIVISION
OF GENERAL ELECTRIC COMPANY,

a New York corporation, and
DAIDO INDUSTRIAL BEARINGS, LTD.,
a British corporation,

MAGISTRATE JUDGE R. STEVEN WHALEN

ORIGINAL

Defendants.

ERNIE L. BROOKS (P22875)
JOHN E. NEMAZI (P33285)
KEVIN HEINL (P32219)
THOMAS W. CUNNINGHAM (P57899)

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EASTERN DISTRICT OF MICHIGAN
DETROIT

**COMPLAINT FOR PATENT INFRINGEMENT
AND JURY DEMAND**



LAW OFFICES

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I. THE PARTIES AND JURISDICTION

1. Plaintiff, General Motors Corporation (hereinafter "GM"), is a Delaware corporation, having its principal offices at Renaissance Center, Detroit, Michigan 48265. Electromotive ("EMD") is a division of GM.

2. On information and belief, defendant General Electric (hereinafter "GE") is a New York corporation with its principal place of business at 3135 Easton Turnpike Fairfield, CT 06431-0001. On information and belief, GE Transportation Systems ("GETS") is a division of GE.

3. On information and belief, defendant Daido Industrial Bearings, Ltd. (hereinafter "Daido") is a British corporation with its principal place of business at Winterhay Lane, Ilminster, Somerset, England, TA19 9PH.

4. This action arises under Title 35 of the United States Code.

5. Jurisdiction is based on 28 U.S.C. § 1338.

6. GE and Daido regularly conduct business within this judicial district.



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II. PATENT INFRINGEMENT UNDER 35 U.S.C. §271

7. On December 8, 1992, U.S. Patent No. 5,169,242 (the "'242 patent") was duly and lawfully issued to plaintiff for TURBOCHARGER ASSEMBLY AND STABILIZING JOURNAL BEARING THEREFOR (copy attached as Exhibit A). Since that date, plaintiff has been and is still the owner of that patent.

8. On October 22, 1996, U.S. Patent No. 5,567,056 (the "'056 patent") was duly and lawfully issued to plaintiff for TURBOCHARGER DRIVE AND PLANET BEARING THEREFOR (copy attached as Exhibit B). Since that date, plaintiff has been and is still the owner of that patent.

9. GE and Daido have been, and still are, willfully infringing the '242 and '056 patents under 35 U.S.C. § 271 by making, selling, offering for sale, and using, within this judicial district and elsewhere, GM's planet bearings and sleeve/stabilizing bearings and will continue to do so unless enjoined by this Court.

10. GM has suffered damages in an amount that cannot yet be fully ascertained.

11. GM has been irreparably harmed by GE and Daido's infringing activities and will continue to be harmed if GE and Daido are not preliminarily and permanently enjoined from infringing the '242 and '056 patents.

12. The allegations in paragraphs 2-3 and 9-10 are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.



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III. RELIEF

WHEREFORE, plaintiff asks the Court to:

- A. Enter a preliminary and permanent injunction to enjoin defendants from infringing plaintiff's patents;
- B. Award plaintiff damages against defendants, jointly and severally, adequate to compensate plaintiff for the infringement of plaintiff's patents, and to increase the damages three times the amount found or assessed in accordance with 35 U.S.C. § 284;
- C. Award plaintiff reasonable attorney fees in accordance with 35 U.S.C. § 285;
- D. Award plaintiff interest and costs; and
- E. Award plaintiff such other relief as is just.



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IV. JURY DEMAND

Plaintiff demands a trial by jury.

Respectfully submitted,

BROOKS & KUSHMAN P.C.

By



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Dated: March 7, 2003

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ADDITIONAL
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