

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

)	
ROSCO, INC.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. <u>5:09-cv-641</u>
)	(NAM/GHL)
LUCERIX INTERNATIONAL CORP.,)	JURY TRIAL DEMANDED
)	
)	
Defendant.)	
)	

COMPLAINT

Rosco, Inc. (“Rosco” or “Plaintiff”), by its attorneys, for its complaint against Lucerix International Corp. (“Lucerix” or “Defendant”), alleges as follows. The allegations and other factual contentions herein have evidentiary support or are likely to have evidentiary support after an opportunity for further discovery.

THE PARTIES

1. Plaintiff Rosco is a corporation organized and existing under the laws of the State of New York, with its principal place of business at 144-31 91st Avenue, Jamaica, NY 11435.
2. Upon information and belief, defendant Lucerix is a corporation organized and existing under the laws of Canada, with its principal place of business at 2488 Bristol Circle, Oakville, Ontario, L6H 5S1 Canada.

JURISDICTION AND VENUE

3. This is an action for patent infringement under the patent laws of the United States, Title 35, United States Code.
4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332 and 1338(a).

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c), and 1400(b).

BACKGROUND

6. Rosco is a leader in the design, development and sale of mirrors, visors and other visual safety systems to the worldwide commercial vehicle market.

7. United States Letters Patent No. 7,210,800 (“the ‘800 patent’”), entitled “Mirror Mounting Assembly,” was duly and legally issued on May 1, 2007 to inventor Benjamin Englander. A copy of the ‘800 patent is annexed hereto as Exhibit 1.

8. United States Letters Patent No. 7,290,891 (“the ‘891 patent’”), entitled “Dual Mirror Mounting Assembly,” was duly and legally issued on November 6, 2007 to inventor Benjamin Englander. A copy of the ‘891 patent is annexed hereto as Exhibit 2.

COUNT I -- INFRINGEMENT OF THE ‘800 PATENT

9. Rosco realleges and incorporates paragraphs 1-8 above as if fully set forth herein.

10. Defendant Lucerix has been infringing and continues to infringe the ‘800 patent, including without limitation, claim 1 thereof, under 35 U.S.C. § 271(a) by manufacturing, using, selling and/or offering for sale products, including at least the Ford Shuttle Mirror Kits (“Mirror Kits”).

11. Upon information and belief, Defendant has infringed and continues to infringe the ‘800 patent willfully and wantonly, with knowledge of the ‘800 patent and without any reasonable basis for believing that Defendant does not infringe.

12. Upon information and belief, Defendant’s infringement of the ‘800 patent will continue unless enjoined by this Court.

13. Rosco has suffered damages and irreparable harm as a result of Defendant's infringement of the '800 patent, and will continue to be damaged unless Defendant is enjoined from future infringing sales or activities.

COUNT II -- INFRINGEMENT OF THE '891 PATENT

14. Rosco realleges and incorporates paragraphs 1-8 above as if fully set forth herein.

15. Defendant Lucerix has been infringing and continues to infringe the '891 patent, including without limitation, claim 1 thereof, under 35 U.S.C. § 271(a) by manufacturing, using, selling and/or offering for sale products, including at least the Ford Shuttle Mirror Kits ("Mirror Kits").

16. Upon information and belief, Defendant has infringed and continues to infringe the '891 patent willfully and wantonly, with knowledge of the '891 patent and without any reasonable basis for believing that Defendant does not infringe.

17. Upon information and belief, Defendant's infringement of the '891 patent will continue unless enjoined by this Court.

18. Rosco has suffered damages and irreparable harm as a result of Defendant's infringement of the '891 patent, and will continue to be damaged unless Defendant is enjoined from future infringing sales or activities.

PRAYER FOR RELIEF

WHEREFORE, Rosco respectfully requests that this Court enter judgment:

- A. Adjudging that Defendant has infringed the '800 patent;
- B. Adjudging that Defendant has infringed the '891 patent;
- C. Adjudging such infringement to be willful;

D. Permanently enjoining Defendant and its officers, agents, servants, employees, affiliates and all others in active concert or participation with the foregoing from making, using, selling, offering to sell and importing into the United States any product that infringes, or induces infringement of the '800 or '891 patents;

E. Awarding monetary damages, including pre- and post-judgment interest, adequate to compensate Rosco for Defendant's infringement;

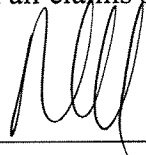
F. Awarding enhanced damages up to three times the amount found or assessed, and attorneys' fees to Rosco pursuant to 35 U.S.C. §§ 284 and 285; and

Ordering any such other and further relief as the Court deems just and appropriate.

DEMAND FOR A JURY TRIAL

Rosco respectfully demands a jury trial on all claims so triable.

Dated: June 3, 2009



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