

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NARTRON CORPORATION,
a Michigan corporation,

Plaintiff,

vs.

ARVINMERITOR, INC.,
an Indiana corporation,

Defendant.

03 - 75186
HONORABLE _____

MAGISTRATE JUDGE
GEORGE CARAM STEEN
CIVIL ACTION NO. _____

MAGISTRATE JUDGE MORGAN
JURY TRIAL DEMANDED

ERNIE L. BROOKS (P22875)
ROBERT C.J. TUTTLE (P25222)
JOHN E. NEMAZI (P33285)
FRANK A. ANGILERI (P45611)
BROOKS KUSHMAN P.C.
1000 Town Center
Twenty-Second Floor
Southfield, Michigan 48075-1238
Tel: (248) 358-4400
Fax: (248) 358-3351

Attorneys for Plaintiff

U.S. DIST. COURT
EAST DIST. MICH.
DETROIT-FSG

'03 DEC 29 P 3:39

FILED

**COMPLAINT FOR PATENT INFRINGEMENT
AND JURY DEMAND**



Brooks Kushman P.C.
1000 Town Center, 22nd Fl.
Southfield, MI 48075-1238
USA

Tel (248) 358-4400
Fax (248) 358-3351

www.brookskushman.com

I. THE PARTIES

1. Plaintiff Nartron Corporation (“Nartron”), is a Michigan corporation, having its main offices at 5000 North US-131, Reed City, Michigan 49677.

2. Defendant ArvinMeritor, Inc. (“ArvinMeritor”), is an Indiana corporation, having its main address at 2135 West Maple Road, Troy, Michigan 48084.

3. ArvinMeritor is qualified to do business in the State of Michigan under ID No. 638463, and has appointed The Corporation Company, 30600 Telegraph Road, Bingham Farms, Michigan 48025, as its agent for service of process.



Brooks Kushman P.C.
1000 Town Center, 22nd Fl.
Southfield, MI 48075-1238
USA

Tel (248) 358-4400
Fax (248) 358-3351

www.brookskushman.com

II. JURISDICTION

4. The claims pleaded herein arise under the Patent Act, 35 U.S.C. § 101
et seq.

5. Subject matter jurisdiction for the patent claims is conferred upon the
Court by 28 U.S.C. § 1338(a).



Brooks Kushman P.C.
1000 Town Center, 22nd Fl.
Southfield, MI 48075-1238
USA

Tel (248) 358-4400
Fax (248) 358-3351

www.brookskushman.com

III. PATENT INFRINGEMENT

6. On May 16, 2000, United States Patent No. 6,064,165 (“the ‘165 patent”) was duly and lawfully issued for an invention titled “Power Window or Panel Controller”; and since that date Nartron has been and still is the owner of the ‘165 patent.

7. ArvinMeritor designs, manufactures, offers for sale and sells, in the United States, through its Light Vehicle Systems operating segment, modular door systems which include power window regulators with an “anti-squeeze” feature.

8. To the best of Nartron’s knowledge, information and belief, formed after reasonable inquiry under the circumstances, and for which further evidentiary support will be adduced after a reasonable opportunity for case investigation and discovery, such power window regulators with an “anti-squeeze” feature are covered by one or more or claims of the ‘165 patent.

9. Upon information and belief, including study of patent filings made in 2000 and 2001 by ArvinMeritor’s business unit, Meritor Light Vehicle Systems, Inc., on related technical subject matter, and subject to reasonable opportunity for further case investigation and discovery, ArvinMeritor has been aware of the ‘165 patent while performing the acts accused of infringement.

10. Consistent with the averments of paragraphs 7. - 9., ArvinMeritor has actively and knowingly caused others to commit acts of direct infringement, and thereby induced infringement of the ‘165 patent.



Brooks Kushman P.C.
1000 Town Center, 22nd Fl.
Southfield, MI 48075-1238
USA

Tel (248) 358-4400
Fax (248) 358-3351

www.brookskushman.com

11. Nartron has sustained irreparable harm as a result of ArvinMeritor's infringing conduct, and will continue to do so unless ArvinMeritor is enjoined by this Court.



Brooks Kushman P.C.
1000 Town Center, 22nd Fl.
Southfield, MI 48075-1238
USA

Tel (248) 358-4400
Fax (248) 358-3351

www.brookskushman.com

IV. DEMAND FOR RELIEF

WHEREFORE, Nartron demands entry of a judgment providing the following relief:

- A. A determination ArvinMeritor has infringed, directly and indirectly, the '165 patent;
- B. An award to Nartron of damages adequate to compensate for the infringement of ArvinMeritor, but in no event less than a reasonable royalty for the use made of the invention, together with interest and costs to be fixed by the Court;
- C. A determination ArvinMeritor's infringement to have been willful and deliberate;
- D. An award of exemplary damages, increasing the compensatory damages award up to three times the amount found or assessed;
- E. A determination this case is "exceptional," in the sense of 35 U.S.C. § 285;
- F. An award to Nartron of its reasonable attorney fees;
- G. An order preliminarily and permanently enjoining ArvinMeritor, its officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice, from infringing, directly or indirectly, the '165 patent; and
- H. Such other and further relief as may be just and equitable on the proofs.



Brooks Kushman P.C.
1000 Town Center, 22nd Fl.
Southfield, MI 48075-1238
USA

Tel (248) 358-4400
Fax (248) 358-3351

www.brookskushman.com

V. DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury of all issues so triable.

Respectfully submitted,

BROOKS KUSHMAN P.C.

By: *Ernie L. Brooks*

ERNIE L. BROOKS (P22875)
ROBERT C.J. TUTTLE (P25222)
JOHN E. NEMAZI (P33285)
FRANK A. ANGILERI (P45611)

1000 Town Center
Twenty-Second Floor
Southfield, Michigan 48075
(248) 358-4400

Attorneys for Plaintiff

Dated: December 29, 2003



Brooks Kushman P.C.
1000 Town Center, 22nd Fl.
Southfield, MI 48075-1238
USA

Tel (248) 358-4400
Fax (248) 358-3351

www.brookskushman.com