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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

THERMAL SOLUTIONS, INC.,)
)
 Plaintiff,)
)
 v.)
)
 IMURA INTERNATIONAL U.S.A. INC.,)
 VITA CRAFT CORPORATION, and)
 MAMORU IMURA, an individual,)
)
 Defendants.)
 _____)

Case No. 08-1063-WEB-KMH

JURY TRIAL REQUESTED

COMPLAINT

Plaintiff, Thermal Solutions, Inc. (“TSI”), complains against defendants Imura International U.S.A., Inc. (“Imura International”), Vita Craft Corporation (“Vita Craft”) (collectively “the Imura Entities”), and Mamoru Imura as follows:

STATEMENT OF THE CASE

1. This is an action seeking to declare the invalidity of a patent and to recover damages for and halt patent infringement.

PARTIES

2. Thermal Solutions, Inc. is a Kansas corporation with its principal place of business at 8441 E. 32nd Street North, Suite 110, Wichita, Sedgwick County, Kansas 67226.

3. Imura International is a Kansas corporation with its principal place of business at 6708 West 131st Street, Overland Park, Johnson County, Kansas 66209. Imura may be served by delivering a copy of the summons and Complaint to its registered agent in Kansas, MRS Service Corp., 7101 College Boulevard, Suite 200, Overland Park, Kansas 66210.

4. Vita Craft is a Kansas corporation with its principal place of business at 11100 West 58th Street, Shawnee, Johnson County, Kansas 66203. Vita Craft may be served by delivering a copy of the summons and Complaint to its registered agent in Kansas, MRS Service Corp., 7101 College Boulevard, Suite 200, Overland Park, Kansas 66210. Vita Craft is a wholly owned subsidiary of Imura International, has the same officers and directors as Imura International, and conducts the business of Imura International.

5. Mamoru Imura is an individual residing at 6708 West 131st Street, Overland Park, Johnson County, Kansas 66209. Mamoru Imura is the named applicant of U.S. Patent No. 7,157,675, titled "Radio Frequency Identification Controlled Heatable Objects." He is also president/chief executive officer of Imura International and the chief executive officer of Vita Craft.

JURISDICTION AND VENUE

6. This action arises under the United States Patent Laws, 35 U.S.C. § 1 *et seq.* This court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) and (b).

7. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b).

FACTUAL ALLEGATIONS

8. TSI owns patents for inventions related to magnetic induction heating and radio frequency identification ("RFID") technology.

9. TSI entered into two License Agreements with Imura International, effective April 2, 2003, and November 22, 2004, that gave Imura International the right to use TSI's patents and related RFID Technology in conjunction with the manufacture, distribution, and sale of Cookware and Charging Units (as those terms are defined in the License Agreements) for household use.

10. The License Agreements define and provide for the protection of Confidential Information, constraining the Imura Entities' disclosures of Confidential Information to third parties and requiring TSI's approval for such disclosures.

11. On April 28, 2004, Mamoru Imura, president/chief executive officer of the Imura Entities, filed U.S. Patent Application No. 10/833,356, titled Radio Frequency Identification Controlled Heatable Objects. This patent application disclosed Confidential Information that far exceeded the limited approval TSI gave him to disclose such information and claimed inventions that Mamoru Imura did not invent.

12. Mamoru Imura assigned U.S. Patent Application No. 10/833,356 to Imura International on May 10, 2004.

13. Pursuant to their terms, TSI terminated the License Agreements effective February 9, 2006, and gave notice to the Imura Entities of their termination.

14. Imura International's patent application issued as U.S. Patent No. 7,157,675 (hereafter the "'675 Patent") on January 2, 2007. The '675 Patent is attached hereto as Exhibit 1.

15. The issuance of the '675 Patent prevents TSI from practicing its patents and using its related RFID technology.

COUNT I
Declaration of Invalidity of U.S. Patent No. 7,157,675

16. The allegations set forth in paragraphs 1 through 15 are herein incorporated by reference.

17. Imura International, as assignee of the '675 Patent, contends that TSI and TSI's licensees' use of its patents and related RFID technology in conjunction with the manufacture, offering for sale, and sale of cooking products utilizing RFID technology infringes the '675 Patent.

18. Indeed, Imura International, through the actions of its officer Mamoru Imura, has demanded that TSI license its purported patents to it and has threatened to sue TSI for patent infringement.

19. The '675 patent is invalid because it fails to comply with the requirements set forth in 35 U.S.C. §§ 101, 102, 111, and 116.

20. Pursuant to 28 U.S.C. §§ 2201-02, TSI seeks a declaratory judgment that the '675 Patent is invalid under 35 U.S.C. §§ 102, 103, 111 and/or 115 for one or more of the following reasons:

a. The purported invention claimed in the '675 patent was patented in this country or a foreign country, or otherwise disclosed in the prior art, before the invention thereof by Mamoru Imura;

b. The invention claimed in the '675 patent is obvious.

c. Mamoru Imura, the named applicant for the '675 patent, did not invent the subject matter sought to be patented;

d. One or more improper oaths or declarations were filed in the application resulting in the '675 Patent; and

e. By reason of the representations made in the proceeding which took place in the United States Patent and Trademark Office during the prosecution of the application, which matured into the '675 Patent, the '675 Patent is unenforceable. In this respect, the application for the '675 Patent misrepresented material facts to the U.S. Patent and Trademark Office which, if known, would not have resulted in the issuance of the '675 Patent.

21. Upon information and belief, during the prosecution of the application which resulted in the '675 Patent, Mamoru Imura intentionally failed to fulfill his duty of candor and good faith toward the U.S. Patent and Trademark Office as required by 37 C.F.R. § 1.56.

22. TSI is entitled to a judgment declaring that U.S. Patent No. 7,157,675 is invalid.

COUNT II Patent Infringement

23. The allegations set forth in paragraphs 1 through 22 are herein incorporated by reference.

24. TSI is the owner of all right, title, and interest to U.S. Patents Nos. 6,232,585 and 6,320,169, which it licensed to Imura International pursuant to the License Agreements.

25. Despite TSI's notice that the License Agreements were terminated, upon information and belief, the Imura Entities have manufactured, offered for sale, and/or sold to the public an RFID cooking system, comprised of pots and pans incorporating an RFID computer chip and a temperature sensor, an induction heating unit incorporating an RFID reader, and a recipe card that necessarily practices TSI's patents.

26. The Imura Entities have infringed TSI's U.S. Patents Nos. 6,232,585 and 6,320,169 through the manufacture, offering for sale, and/or sale of their RFID cooking system, without TSI's authorization, in violation of 35 U.S.C. § 271(a).

27. Upon information and belief, the Imura Entities also supplied and continue to supply from the United States all or a substantial portion of the components of the RFID cooking system, where such components are uncombined in whole or in part, in such a manner as to actively induce the combination of such components outside of the United States in manner that would infringe TSI's U.S. Patents Nos. 6,232,585 and 6,320,169 if such combination occurred within the United States.

28. Upon information and belief, the Imura Entities also supplied and continue to supply from the United States a component of the RFID cooking system that is especially made or especially adapted for use in the invention and not a staple article or commodity of commerce suitable for substantial non-infringing use, where such component is combined in whole or in part, knowing that such component is so made or adapted and intending that such component will be combined outside of the United States in a manner that would infringe TSI's U.S. Patents Nos. 6,232,585 and 6,320,169 if such combination occurred within the United States.

29. The Imura Entities' conduct constitutes patent infringement pursuant to 35 U.S.C. § 271(f).

30. Mamoru Imura actively induced the Imura Entities' infringement of TSI's patents by intentionally inducing them to manufacture, offer for sale, and/or sell their RFID cooking system without TSI's consent and to supply from the United States pots and pans with RFID computer chips and temperature sensors to be combined outside the United States with induction heating units, without TSI's consent.

31. Upon information and belief, the Imura Entities' and Mamoru Imura's acts of infringement complained of herein, were committed deliberately and willfully and with complete disregard to TSI's patent rights.

32. As a result of the Imura Entities' and Mamoru Imura's infringement, TSI has suffered and will continue to suffer damages of at least \$75,000 and other irreparable injury for which it has no adequate remedy at law.

33. The allegations stated in paragraphs 27, 28, and 29 are hereby specifically identified pursuant to F.R.C.P. 11(b)(3) as likely to have evidentiary support after reasonable opportunity for further investigation and discovery.

WHEREFORE, TSI respectfully prays that:

- A. The Court declare Imura International's U.S. Patent No. 7,157,675 invalid.
- B. The Court declare that TSI and its licensees are not infringing U.S. Patent No. 7,157,675 by practicing TSI's patents and related RFID Technology for the manufacture, distribution, and sale of cooking products.
- C. The Imura Entities be found to have engaged in the act of patent infringement alleged herein.
- D. Mamoru Imura be found to have engaged in the act of inducing patent infringement alleged herein.
- E. Mamoru Imura and the Imura Entities, their officers, agents, servants, employees, attorneys, successors or assigns, and all persons or entities acting in concert or participation with them or any of them be permanently enjoined from engaging in patent infringement by use of TSI's patents in connection with the manufacture, distribution, offering for sale, or sale of any cooking products utilizing RFID technology.
- F. The Imura Entities and Mamoru Imura be required to compensate TSI for any and all damages suffered by TSI, including accounting to TSI for any and all profits gained by Imura

International and Vita Craft through their wrongful conduct complained of herein and to pay all such profits over to TSI.

G. TSI be awarded treble damages pursuant to 35 U.S.C. § 284.

H. This case be found exceptional and that TSI be awarded its reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

I. TSI have such other and further relief as may be proper, just, and equitable.

DEMAND FOR JURY TRIAL

TSI demands a jury trial as to all issues triable by jury in this action.

Dated: March 3, 2008.

Respectfully submitted,

s/ Todd N. Tedesco

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