

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

KWIKSET CORPORATION and	)	
NEWFREY LLC,	)	
	)	
Plaintiffs,	)	
	)	C.A. No. 08-170 (SLR)
v.	)	
	)	DEMAND FOR JURY TRIAL
MASTER LOCK COMPANY LLC and	)	
STRATTEC SECURITY CORPORATION,	)	
	)	
Defendants.	)	

**AMENDED COMPLAINT**

Plaintiffs Kwikset Corporation and Newfrey LLC, for their complaint against defendants Master Lock Company LLC and Strattec Security Corporation, state the following:

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

**PARTIES**

2. Kwikset Corporation ("Kwikset") is a Delaware corporation with headquarters in Lake Forest, California. Kwikset manufactures and sells, among other products, an extensive line of door hardware including locksets.

3. Newfrey LLC ("Newfrey") is a Delaware limited liability company with its principal place of business in Newark, Delaware.

4. Master Lock Company LLC ("Master Lock") is a Delaware limited liability company having a principal place of business in Oak Creek, Wisconsin. Master Lock's agent for service of process in this judicial district is Corporation Service Company, 2711 Centerville Road Suite 400, Wilmington, Delaware 19808. Master Lock sells a variety of

lock and door-hardware products throughout the United States including in this judicial district. Master Lock's products include re-keyable door locks that infringe the '813 and '431 patents.

5. Strattec Security Corporation ("Strattec") is a Wisconsin corporation, having a principal place of business at 3333 West Good Hope Road, Glendale, Wisconsin 53209. Strattec is a supplier of automotive locks and other mechanical lock products throughout the United States. Strattec is the manufacturer and supplier to Master Lock of the rekeyable lock products at issue in this case, which are offered for sale in this judicial district.

### **JURISDICTION AND VENUE**

6. Newfrey is the owner of title to United States Patent No. 6,973,813 B2 titled "Re-keyable Lock and Method," issued on December 13, 2005 (the "'813 patent," a copy of which is attached as Exhibit A to this complaint), and United States Patent No. 7,434,431 B2 issued on October 14, 2008 (the "'431 patent", a copy of which is attached as Exhibit B to this complaint).

7. Kwikset is the sole licensee of the '813 and '431 patents in the United States, except for a sublicense from Kwikset to affiliate Weiser Lock Corporation, and Kwikset has sufficient exclusive rights in the '813 and '431 patents to sue for infringement with the title holder, Newfrey.

8. Kwikset and Newfrey have standing to sue Master Lock and Strattec for infringement of the '813 and '431 patents, and to recover damages for all infringement.

9. This Court has exclusive jurisdiction over the subject matter of this complaint for patent infringement, pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10. Venue is proper in this judicial district under 28 U.S.C. § 1400(b). Master Lock is a Delaware LLC that resides in this judicial district and does business in this district.

The products at issue in this suit, which are supplied to Master Lock by Strattec, are offered for sale to residents of this judicial district.

### **PATENT INFRINGEMENT**

11. Master Lock has infringed the '813 and '431 patents by committing at least the following acts of infringement in the United States: use, making and/or importing, sale and offer for sale of re-keyable lock products that are covered by at least claims 21, 22 and 24 of the '813 patent and claims 1, 3, 5-7 and 9-12 of the '431 patent. The Master Lock products that infringe the '813 and '431 patents include at least the "Master Lock Recodable Door Hardware" line of products with rekeyable lock cylinders that use a rekeying tool.

12. Strattec supplies the above-mentioned rekeyable lock products to Master Lock. Strattec has infringed the '813 and '431 patents by committing at least the following acts of infringement in the United States: using, making and/or importing, selling and offering for sale rekeyable lock products covered by at least claims 21, 22 and 24 of the '813 patent and claims 1, 3, 5-7 and 9-12 of the '431 patent.

13. Strattec also has committed acts of contributory infringement by supplying and selling to Master Lock infringing components of the infringing Master Lock products, that are not staple articles of commerce and are not capable of substantial non-infringing use.

14. Strattec also has actively induced infringement by intentionally causing Master Lock to infringe through the purchase and resale of infringing products, with knowledge of the '813 and '431 patents.

15. Master Lock also has actively induced infringement by intentionally causing Strattec to infringe through the manufacture and sale to Master Lock of the infringing products, with knowledge of the '813 and '431 patents.

16. Master Lock and Strattec's infringement has injured Kwikset and Newfrey, and they are entitled to recover damages adequate to compensate for such infringement, but in no event less than a reasonable royalty.

17. Kwikset and Newfrey have satisfied the marking and notice requirements of 35 U.S.C. § 287.

18. Master Lock and Strattec's infringement will continue to injure Kwikset and Newfrey, unless and until this Court enters an injunction prohibiting further infringement by importation, manufacture, use, sale and/or offer for sale of door hardware products within the scope of the '813 and '431 patents.

#### **REQUEST FOR RELIEF**

WHEREFORE, Plaintiffs ask this Court to enter judgment against each of the defendants, and against any subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

A. An award of damages adequate to compensate Plaintiffs for the infringement that has occurred, but in no event less than a reasonable royalty, together with prejudgment interest from the date infringement began;

B. Increased damages for willful infringement as provided by 35 U.S.C. § 284;

C. A finding that this case is exceptional and an award to Plaintiffs of their attorneys' fees and costs as provided by 35 U.S.C. § 285;

D. A permanent injunction prohibiting further infringement of U.S. Patent Nos. 6,973,813 B2 and 7,434,431 B2; and

E. Such other and further relief as this Court or a jury may deem proper and just.

**JURY DEMAND**

Plaintiffs demand a trial by jury on all issues so triable in this case.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Thomas C. Grimm*

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November 19, 2008  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 19, 2008, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all registered participants.

I also certify that on November 19, 2008, I caused to be served true and correct copies of the foregoing document on the following in the manner indicated below:

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