

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS,  
EASTERN DIVISION

ABT Systems, LLC, and	)	
The University of Central	)	
Florida Board of Trustees on behalf	)	COMPLAINT FOR
of the University of Central Florida,	)	PATENT INFRINGEMENT
	)	
PLAINTIFFS,	)	C.A. No.
	)	
vs.	)	JURY DEMANDED
	)	
Robertshaw Controls Company,	)	
	)	
DEFENDANT.	)	

**COMPLAINT**

Plaintiffs ABT Systems, LLC (“ABT Systems”) and the University of Central Florida Board of Trustees on behalf of the University of Central Florida (“UCF”) (jointly “ABT”) complain of Defendant Robertshaw Controls Company (“Robertshaw”), and as claim for relief shows as follows:

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1338(a).

**Parties**

2. ABT Systems is a Pennsylvania limited liability company with a principal place of business at 726 East Maple Street, Annville, Pennsylvania 17003.

3. UCF is a university established by the State of Florida having an address at 4000 Central Florida Boulevard, Orlando, Florida 32816-2450.

4. Robertshaw is a Delaware Corporation having a principal place of business at 191 East North Avenue, Carol Stream, Illinois 60188.

5. This Court has personal jurisdiction over Robertshaw, as Robertshaw is present and doing business in Illinois.

### **Venue**

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b)-(d) and 1400(b).

### **The Rudd Patents**

7. Armin F. Rudd ("Rudd") is the sole inventor of United States Patent No. 5,547,017, entitled "Air Distribution Fan Recycling Control," as reexamined, Reexamination Certificate B1 5,547,017, issued November 28, 2000 and assigned to UCF ("the '017 Patent") (Exhibit A).

8. Rudd is also the sole inventor of United States Patent No. 6,431,268 (the '268 Patent), entitled "Air Distribution Fan And Outside Air Damper Recycling Control," issued August 13, 2002 and assigned to UCF ("the '268 Patent") (Exhibit B).

9. UCF is the owner of the '017 and '268 Patents and has standing to sue for infringement of those patents.

10. ABT Systems became the exclusive licensee of the '017 Patent and the '268 Patent under an exclusive license agreement between ABT Systems and/or its predecessor in interest and the University of Central Florida entered on November 21, 2000, amended on June 5, 2009, and amended on September 2, 2009.

11. ABT Systems has standing to sue for infringement of the '017 Patent and the '268 Patent.

12. The '017 Patent and the '268 Patent (collectively, "the Rudd Patents") concern thermostats that utilize a fan recycling control.

13. Thermostats that utilize a fan recycling control are non-staple articles of commerce which are a material component of the infringement.

### **The Infringement of the '017 Patent**

14. Robertshaw manufactures and sells to consumers in the United States and, more particularly, in the Northern District of Illinois, at least the following thermostats, including but not limited to product model nos. 9700i, 9701i2, 9725i2, 9801i2, 9820i, 9825i2, 9851i, 9865i, 9870i, RS4110, RS4220, RS5110, RS5220, RS6110 and RS6220, which utilize a fan recycling control (collectively "the Accused Products") to purchasers in the United States such as contractors, purchasing on behalf of building owners, homeowner and/or end-users who directly infringe.

15. It is known that purchasers of the Accused Products, such as contractors purchasing on behalf of building owners, homeowners, or end users, install the Accused Products to control a circulating fan (Exhibit C, Users Manual at 1).<sup>1</sup>

16. Purchasers of the Accused Products, such as contractors purchasing on behalf of building owners, homeowners, or end users, install the Accused Products to operate a central air conditioning system with ducts to distribute cooled and heated conditioned air throughout a building or home, including circulating air for thermal or air quality purposes (Ex. C, 1-2; Ex. D, 10 C.F.R. Part 430, Vol. 75, No. 105 at 31232 (June 2, 2002)).

17. When installed, the Accused Products are designed to, and do in fact, activate and deactivate both the central air conditioning system and the circulating fan (Ex. C, 2 and 5).

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<sup>1</sup> Robertshaw's Users Manual for the RS model numbers is representative of all Accused Products.

18. The Accused Products' activating of the air conditioning system causes a continuous fan operation, and deactivating of the air conditioning system causes no fan operation (Ex. C, 14).

19. The Accused Products have a selectable constant fan mode (Ex. C, 14).

20. The Accused Products have a recycling control for periodically activating and deactivating only the circulating fan after a preselected period, since the central air conditioning system has been deactivated, or the circulating fan has been deactivated from the selectable constant fan mode (Ex. C, 14).

21. Robertshaw may provide the following additional products with the Accused Products: a circulating fan; and a central air conditioning system with ducts. In any event, these items are necessarily present when the Accused Products are operating in normal applications (Ex. C).

22. Robertshaw had knowledge of the '017 Patent (Ex. E, 11-4-09 Letter).

23. Robertshaw had knowledge that the use of a thermostat that utilizes a fan recycling control would be infringing.

24. The Accused Products' manuals encourage and direct a contractor, installer, or end-user how to install and use the Accused Products to operate a central air conditioning system (Ex. F, Installation Manual).<sup>2</sup>

25. Accordingly, Robertshaw commits direct and/or contributory infringement, and/or induces infringement, of the '017 Patent pursuant to 35 U.S.C. §§ 271(a)-(c).<sup>3</sup>

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<sup>2</sup> Robertshaw's Installation Manual for the RS model numbers is representative of all Accused Products.

### **Infringement of the '268 Patent**

26. Robertshaw manufactures and sells to consumers in the United States and, more particularly, in the Northern District of Illinois, at least the following thermostats, including but not limited to product model nos. 9700i, 9701i2, 9725i2, 9801i2, 9820i, 9825i2, 9851i, 9865i, 9870i, RS4110, RS4220, RS5110, RS5220, RS6110 and RS6220, which utilize a fan recycling control (collectively “the Accused Products”) to purchasers in the United States such as contractors, purchasing on behalf of building owners, homeowner and/or end-users who directly infringe.

27. Purchasers of the Accused Products, such as contractors purchasing on behalf of building owners, homeowners, or end users, install the thermostat to operate an air conditioning system, including but not limited to an air conditioning system with a circulating fan, and at least one of a heating apparatus, a cooling apparatus, or an air cleaning apparatus to distribute conditioned air throughout a building or home, including circulating air for thermal or air quality purposes (Ex. C, 1-2).

28. Purchasers of the Accused Products, such as contractors purchasing on behalf of building owners, homeowners, or end users, install the thermostat to control a circulating fan to distribute conditioned air to an interior space, including circulating air for thermal or air quality purposes (Ex. C, 1).

29. The Accused Products activate and deactivate the air conditioning apparatus and the fan (Ex. C, 2 and 5).

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<sup>3</sup> The above paragraphs 14-25 demonstrate Robertshaw’s infringement of independent Claim 1 of the ‘017 patent. Claim 1 is representative of the Robertshaw’s infringement of the other claims of the ‘017 patent.

30. The Accused Products' activating of the air conditioning apparatus causes a continuous fan operation, and deactivating of the air conditioning apparatus causes no fan operation (Ex. C, 14).

31. The Accused Products have a selectable constant fan mode (Ex. C, 14).

32. The Accused Products have a fan recycling control for periodically activating and deactivating only the fan of said air conditioning system in order to operate the fan for a first time period after a second time period dependent from the end of a last operation of the fan, wherein the last operation of the fan includes at least one of: a last operation of said air conditioning system, and a last fan operation initiated by the fan recycling control (Ex C, 14).

33. Robertshaw may provide the following additional products with the Accused Products: (1) a heating apparatus, a cooling apparatus, or an air cleaning apparatus; and (2) a fan to distribute conditioned air to an interior space. In any event, these items are necessarily present when the Accused Products are operating in normal applications (Ex. C).

34. Robertshaw had knowledge of the '268 Patent (Ex. E).

35. Robertshaw had knowledge that the use of a thermostat that utilizes a fan recycling control would be infringing.

36. The Accused Products' manuals encourage and direct a contractor, installer, or end-user how to install and use the Accused Products (Ex. F).

37. Accordingly, Robertshaw commits direct and/or contributory infringement, and/or induces infringement, of the '268 Patent pursuant to 35 U.S.C. §§ 271(a)-(c).<sup>4</sup>

### **Willful Infringement**

38. Robertshaw had knowledge of the Rudd Patents (Ex. E), and thus Infringement by Robertshaw is intentional and willful.

### **Relief Requested**

39. Infringement by Robertshaw has injured ABT, and ABT is entitled to recover damages adequate to compensate it for infringement of the Rudd Patents, pursuant to 35 U.S.C. §§ 284, 285.

40. Infringement by Robertshaw will continue to injure ABT until this Court enters an injunction prohibiting further infringement, and specifically enjoins further manufacture, sale, use and/or offer for sale of the infringing equipment and services recited in Paragraphs 14 and 26, above, pursuant to 35 U.S.C. §§ 283.

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<sup>4</sup> The above paragraphs 26-37 demonstrate Robertshaw's infringement of independent Claim 1 of the '268 patent. Claim 1 is representative of the other claims of the '268 patent.

**PRAYER FOR RELIEF**

WHEREFORE, ABT asks this Court to enter judgment against Robertshaw, and its subsidiaries, agents, servants, employees, and all persons in active concert or participation with Robertshaw, granting ABT the following relief:

A. a judgment that Robertshaw has directly and/or contributorily infringed and/or induced the infringement of the Rudd Patents;

B. an award to ABT of such damages pursuant to 35 U.S.C. § 284 that are adequate to compensate it for Robertshaw's infringement, the damages to be no less than a reasonable royalty;

C. a permanent injunction pursuant to 35 U.S.C. § 283 prohibiting further infringement of the Rudd Patents; an award of treble damages pursuant to 35 U.S.C. § 284 to the extent that Robertshaw's infringement, or any thereof, is ultimately found to be willful;

D. an award to ABT of its reasonable attorney's fees pursuant to 35 U.S.C. § 285 upon a determination that this is an exceptional case justifying such fees;

E. that the Court award prejudgment and postjudgment interest on all damages;

F. that ABT recover all its costs of action; and

G. for such other and further relief as this Court and/or a jury may deem proper and just.



**DEMAND FOR JURY TRIAL**

ABT hereby demands that all issues be determined by jury.

DATED: July 28, 2011

Respectfully submitted,

s/ Michael P. Mazza

Michael P. Mazza

Illinois Bar No. 6201609

Dana L. Drexler

Illinois Bar No. 6291515

Michael P. Mazza, LLC

686 Crescent Blvd.

Glen Ellyn, Illinois 60137-4281

Phone: (630) 858-5071

Fax: (630) 282-7123

Email: mazza@mazzallc.com

dana@mazzallc.com

**ATTORNEYS FOR PLAINTIFFS**