

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

JUDGE AMY ST. EVE

MAGISTRATE JUDGE SCHENKIER

LIVORSI MARINE, INC., )

Plaintiff, )

v. )

NORDSKOG PUBLISHING, INC. )

and )

NORDSKOG PERFORMANCE )  
PRODUCTS, INC., )

Defendants. )

**02C 7448**  
Civil Action No.

JURY TRIAL REQUESTED

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DOCKETED  
OCT 17 2002  
CLERK  
U.S. DISTRICT COURT

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff LIVORSI MARINE, INC. (hereinafter "Livorsi") as its Complaint against defendants NORDSKOG PERFORMANCE PRODUCTS, INC. and NORDSKOG PUBLISHING, INC. (hereinafter "Nordskog") states as follows:

1. This is a civil action for declaration of patent invalidity and non-infringement. Jurisdiction of this Court is provided for by Title 28, United States Code Sections 2201 and 2202, and by Title 28, United States Code Section 1338(a).
2. Venue in this District is proper under Title 28 United States Code Section 1391(b) and/or (c).
3. Plaintiff Livorsi is an Illinois corporation with a principal place of business at 10 Gaffrig Drive in Grayslake, Illinois.
4. On information and belief, Nordskog is a California corporation, with a principal place of business at 1120 Yarnell Place in Oxnard, California, that offers for sale and sells products in this District.

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5. Products sold by Livorsi that have been accused by Nordskog of patent infringement are manufactured by a company that resides in this District.
6. On March 5, 2002, United States Letters Patent No. 6,353,781 entitled "GPS Controlled Marine Speedometer Unit with Multiple Operational Modes" (hereinafter "the '781 patent") was issued to Paul Spivak of Elyria, Ohio.
7. The face of the '781 patent indicates that the '781 patent was assigned to Nordskog Publishing, Inc.
8. On information and belief, Nordskog Performance Products, Inc. is a division of Nordskog Publishing, Inc.
9. Nordskog has represented that Livorsi has directly infringed, induced infringement of, and/or contributorily infringed one or more claims of the '781 patent by using, offering for sale and/or selling GPS-based marine speedometers, and has alleged that such products are covered by the '781 patent.
10. Nordskog has also represented that the GPS-based speedometer products manufactured, used, offered for sale and/or sold by one of Livorsi's primary suppliers, Auto Meter Products, Inc. of Sycamore, Illinois, are covered by and infringe one or more claims of the '781 patent, and has demanded that Auto Meter Products, Inc. cease and desist from manufacturing, using, offering for sale, or selling such products.
11. Based on Nordskog's repeated actions and representations regarding the infringement of the '781 patent by Livorsi and its primary supplier of GPS-based speedometers, Livorsi has a reasonable apprehension that Nordskog will bring suit against Livorsi alleging such infringement.
12. Upon information and belief, Livorsi has not infringed any valid claim of the '781 patent.

13. Upon information and belief, one or more of the claims of the '781 patent are invalid: (a) for failure to satisfy one or more of the conditions for patentability specified in Chapter 10 of Part II of Title 35, United States Code, including but not limited to 35 U.S.C. Sections 102, 103 and/or 112, and/or (b) for failure to satisfy one or more of the requirements of Chapter 11 and/or 25 of Part II of Title 35, United States Code, and/or (c) for being otherwise in violation of one or more Sections of Title 35, United States Code.
14. Upon information and belief, Nordskog knows, or should know, that Livorsi's products do not infringe any valid claim of the '781 patent, that Livorsi has not induced infringement and/or has not contributed to infringement of any such claims and/or that such claims are invalid and/or not enforceable.
15. There is a substantial and continuing justiciable controversy between Livorsi and Nordskog concerning the '781 patent.
16. Nordskog's conduct referred to in paragraphs 9-11 above makes this an exceptional case within the meaning of 35 U.S.C. Section 285, warranting an award to Livorsi of its costs, expenses and attorney fees incurred in this action.

WHEREFORE, plaintiff Livorsi respectfully requests that the Court:

- (a) enter a declaratory judgment that claims of the '781 patent are invalid and not infringed by Livorsi;
- (b) grant an injunction against Nordskog enjoining it from asserting or threatening to assert any right under the '781 patent against Livorsi, its customers, suppliers, distributors or others acting for or with Livorsi;

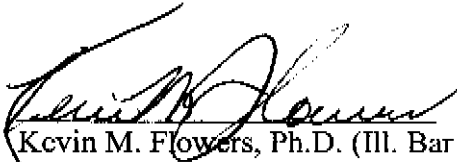
- (c) declare this as exceptional case under 35 U.S.C. §285 and award Livorsi its costs, expenses and attorney fees in this action; and
- (d) grant such other and further relief to Livorsi as it deems just and proper.

Respectfully submitted,

LIVORSI MARINE, INC.

Dated: October 16, 2002

By:



Kevin M. Flowers, Ph.D. (Ill. Bar No. 6242895)

Marshall, Gerstein & Borun

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233 South Wacker Drive

Chicago, Illinois 60606-6402

Phone (312) 474-6300

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Counsel for Plaintiff

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF ILLINOIS JUDGE AMY ST. EVE

Eastern Division

MAGISTRATE JUDGE SCHENKIER

In the Matter of  
 Livorsi Marine, Inc.,  
 v.

**02C 7448**

Nordskog Publishing, Inc. and Nordskog Performance  
 Products, Inc.

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

Plaintiff

Livorsi Marine, Inc.

|  |  |   |  |
|--|--|---|--|
| (A)  |  | (B)   |  |
| SIGNATURE<br><i>Kevin M. Flowers</i>   |  | SIGNATURE   |  |
| NAME<br>Kevin M. Flowers   |  | NAME  |  |
| FIRM<br>Marshall, Gerstein & Borun   |  | FIRM  |  |
| STREET ADDRESS<br>233 S. Wacker Drive, 6300 Scars Tower                                  |  | STREET ADDRESS  |  |
| CITY/STATE/ZIP<br>Chicago, IL 60606-6357   |  | CITY/STATE/ZIP  |  |
| TELEPHONE NUMBER<br>(312) 474-6300   |  | TELEPHONE NUMBER  |  |
| IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)<br>6242895                                 |  | IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)   |  |
| MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |  | MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>         |  |
| TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>      |  | TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>              |  |
|  |  | DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/> |  |
| (C)  |  | (D)   |  |
| SIGNATURE  |  | SIGNATURE   |  |
| NAME   |  | NAME  |  |
| FIRM   |  | FIRM  |  |
| STREET ADDRESS   |  | STREET ADDRESS  |  |
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

JUDGE AMY ST. EVE

MAGISTRATE JUDGE SCHENKIE

Civil Cover Sheet **02C 7448**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

Plaintiff(s): Livorsi Marine, Inc.

Defendant(s): Nordskog Publishing, Inc. and Nordskog Performance Products, Inc.

County of Residence: Lake County

County of Residence:

Plaintiff's Atty: Kevin M. Flowers  
Marshall, Gerstein & Borun  
233 S. Wacker Dr., 6300 Sears  
Tower, Chicago, Il 60606-6357  
312-474-6300

Defendant's Atty: *✓*

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CLERK  
U.S. DISTRICT COURT

II. Basis of Jurisdiction: 3. Federal Question (U.S. not a party)

III. Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff:- N/A  
Defendant:- N/A

IV. Origin : 1. Original Proceeding

V. Nature of Suit: 830 Patent

VI. Cause of Action: This action seeks a declaratory judgment under 28 U.S.C. § 2201 that U.S. Patent No. 6,353,781 is invalid under 35 U.S.C. §§ 102,103 and/or 112 et seq.; and for failure to satisfy Chapter 11 and/or 25 of Part II of Title 35, U.S.C., and not infringed.

VII. Requested in Complaint

Class Action:  
Dollar Demand:  
Jury Demand: Yes

VIII. This case **IS NOT** a refiling of a previously dismissed case.

Signature: *Kevin M. Flowers*

Date: 10/16/02