

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

THE CHAMBERLAIN GROUP, INC.,)	Civil Action No.:
)	
Plaintiff,)	Judge:
v.)	
)	Magistrate Judge:
GMI HOLDINGS, INC., and)	
OVERHEAD DOOR CORPORATION.)	
)	<u>JURY TRIAL DEMANDED</u>
Defendants.)	

COMPLAINT

Plaintiff, The Chamberlain Group, Inc., complains against Defendants, GMI Holdings, Inc. and Overhead Door Corporation, as follows:

1. The Chamberlain Group, Inc. (“Chamberlain”) is a corporation incorporated under the laws of the State of Connecticut, with its principal place of business in Elmhurst, Illinois.

2. On information and belief, GMI Holdings, Inc. is doing business as The Genie Company, Genie Company, and/or Genie (collectively referred to as “GMI”), and is a Delaware corporation with its principal place of business at 22790 Lake Park Boulevard, Alliance, Ohio 44601.

3. On information and belief, Overhead Door Corporation (“Overhead”) is an Indiana corporation with its principal place of business at 2501 S. State Highway 121, Suite 200, Lewisville, Texas 75067.

4. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 271 *et seq.* The Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. The Court has personal jurisdiction over GMI and Overhead. Venue in this judicial district is proper under 28 U.S.C. § 1391.

Count I - Infringement of U.S. Patent No. 6,741,052

6. On May 25, 2004, U.S. Patent No. 6,741,052 (“the ‘052 Patent”), attached hereto as Exhibit A, entitled “*Post-Automatically Determined User-Modifiable Activity Performance Limit Apparatus and Method*,” was duly and legally issued, on an application filed by James J. Fitzgibbon.

7. Chamberlain is the owner of all right, title, and interest in the ‘052 Patent.

8. On information and belief, GMI and Overhead have been and are infringing the ‘052 Patent by making, using, offering to sell, selling, and/or importing within the United States, infringing garage door openers; by inducing others to infringe the ‘052 Patent; and/or by contributing to the infringement by others of the ‘052 Patent. The accused infringing products include at least the IntelliG 1000 and 1200 garage door openers and the SilentMax 1000 garage door opener. Unless enjoined by the Court, GMI and Overhead will continue to infringe, induce the infringement of, and/or contributorily infringe the ‘052 Patent.

9. Chamberlain is being damaged and irreparably harmed by the Defendants’ infringement of the ‘052 Patent.

Count II - Infringement of U.S. Patent No. 7,127,847

10. On October 31, 2006, U.S. Patent No. 7,127,847 (“the ‘847 Patent”), attached hereto as Exhibit B, entitled “*Barrier Movement Control Safety Method and Apparatus*,” was duly and legally issued, on an application filed by James J. Fitzgibbon et al.

11. Chamberlain is the owner of all right, title, and interest in the ‘847 Patent.

12. On information and belief, GMI and Overhead have been and are infringing the ‘847 Patent by making, using, offering to sell, selling, and/or importing within the United States,

infringing garage door openers; by inducing others to infringe the '847 Patent; and/or by contributing to the infringement by others of the '847 Patent. The accused infringing products include at least the IntelliG 1000 and 1200 garage door openers and the SilentMax 1000 garage door opener. Unless enjoined by the Court, GMI and Overhead will continue to infringe, induce the infringement of, and/or contributorily infringe the '847 Patent.

13. Chamberlain is being damaged and irreparably harmed by the Defendants' infringement of the '847 Patent.

Count III - Infringement of U.S. Patent No. 7,164,246

14. On January 16, 2007, U.S. Patent No. 7,164,246 ("the '246 Patent"), attached hereto as Exhibit C, entitled "*Movable Barrier Operator*," was duly and legally issued, on an application filed by James J. Fitzgibbon et al.

15. Chamberlain is the owner of all right, title, and interest in the '246 Patent.

16. On information and belief, GMI and Overhead have been and are infringing the '246 Patent by making, using, offering to sell, selling, and/or importing within the United States, infringing garage door openers; by inducing others to infringe the '246 Patent; and/or by contributing to the infringement by others of the '246 Patent. The accused infringing products include at least the IntelliG 1000 and 1200 garage door openers and the SilentMax 1000 garage door opener. Unless enjoined by the Court, GMI and Overhead will continue to infringe, induce the infringement of, and/or contributorily infringe the '246 Patent.

17. Chamberlain is being damaged and irreparably harmed by the Defendants' infringement of the '246 Patent.

Count IV - Infringement of U.S. Reissued Patent No. RE37,784

18. On July 9, 2002, U.S. Reissued Patent No. RE37,784 (“the ‘784 Patent”), attached hereto as Exhibit D, entitled “*Barrier Operator Having System for Detecting Attempted Forced Entry*,” was duly and legally issued, on an application filed by James J. Fitzgibbon et al.

19. Chamberlain is the owner of all right, title, and interest in the ‘784 Patent.

20. On information and belief, GMI and Overhead have been and are infringing the ‘784 Patent by making, using, offering to sell, selling, and/or importing within the United States, infringing garage door openers; by inducing others to infringe the ‘784 Patent; and/or by contributing to the infringement by others of the ‘784 Patent. The accused infringing products include at least the IntelliG 1000 and 1200 garage door openers and the SilentMax 1000 garage door opener. Unless enjoined by the Court, GMI and Overhead will continue to infringe, induce the infringement of, and/or contributorily infringe the ‘784 Patent.

21. Chamberlain is being damaged and irreparably harmed by the Defendants’ infringement of the ‘784 Patent.

PRAYER FOR RELIEF

WHEREFORE, Chamberlain prays for the following relief:

1. Judgment that the ‘052, ‘847, ‘246, and ‘784 Patents are valid, enforceable, and infringed by GMI and Overhead;

2. A preliminary and permanent injunction enjoining GMI and Overhead, their officers, agents, servants, employees, and those persons acting in active concert or participation with GMI and Overhead from infringing, inducing infringement of, or contributorily infringing the ‘052, ‘847, ‘246, and ‘784 Patents;

3. An award of damages arising out of the infringement, inducing infringement, or contributory infringement of the '052, '847, '246, and '784 Patents by GMI and/or Overhead Door, together with interest;

4. Judgment that damages so adjudged be trebled in accordance with 35 U.S.C. § 284;

5. Judgment that Chamberlain be awarded its attorneys' fees, costs, and expenses incurred in this action in accordance with 35 U.S.C. § 285; and

6. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Chamberlain demands trial by jury of all issues triable of right by a jury.

Date: June 14, 2011

/s/Karl R. Fink

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