

JUDGE LEINENWEBER
MAGISTRATE JUDGE VALDEZ

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

MAPLE CHASE COMPANY)	
)	
)	
Plaintiff,)	Civil Action No.:
v.)	
)	
UNIVERSAL SECURITY)	JURY TRIAL DEMANDED
INSTRUMENTS, INC., USI ELECTRIC,)	
INC., CEMCO, INC. and CALLAS/)	
KINGSLEY ELECTRICAL SALES, INC.)	
)	
Defendants.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Maple Chase Company, for its Complaint against Defendants, Universal Security Instruments, Inc, USI Electric, Inc., CEMCO, Inc. and Callas Kingsley Electrical Sales, Inc. alleges as follows:

1. Plaintiff, Maple Chase Company ("Maple Chase"), is a Delaware corporation having a regular and established place of business at 191 E. North Avenue, Carol Stream, Illinois 60188.

2. Defendant, Universal Security Instruments, Inc. ("USI"), upon information and belief, is a Maryland corporation having a place of business at 7-A Gwynns Mill Court, Owings Mills, Maryland 21117.

3. Defendant, USI Electric, Inc. ("USI Electric"), upon information and belief, is a Maryland corporation, having a place of business at 7-A Gwynns Mill Court, Owings Mills, Maryland 21117, and is believed to be a wholly owned subsidiary of Defendant, USI.

4. Defendant, CEMCO, Inc. ("CEMCO"), upon information and belief, is an

Illinois corporation having a place of business at 205 West Grand Avenue, Suite 124, Bensenville, Illinois 60106.

5. Defendant, Callas/Kingsley Electrical Sales, Inc. ("Callas/Kingsley"), upon information and belief, is an Illinois corporation having a place of business at 845 Lively Boulevard, Wood Dale, Illinois 60191.

6. This action is brought under the Patent Laws of the United States, United States Code, Title 35, and venue and jurisdiction of this Court is conferred by United States Code, Title 28, Sections 1338(a), 1391(c) and 1400(b). Jurisdiction and venue are proper in this judicial district.

7. A Reexamination Certificate for United States Patent RE 33,920 F1, entitled "Smoke Detector Having Variable Level Sensitivity" (the "'920 reexamined patent") was issued on May 13, 2008, and has been assigned to Maple Chase as owner. A copy of the '920 Reexamination Certificate is attached hereto as Exhibit A. The '920 reexamined patent was based on United States Reissue Patent 33,920 (Exhibit B), issued on May 12, 1992 (the "'920 reissue patent") which in turn was based on United States Patent 4,792,797 issued on December 20, 1988 on application Serial Number 07/022,099 filed March 5, 1987.

8. Maple Chase initially filed suit against the above identified defendants in the Northern District of Illinois for infringement of the '920 reissue patent in Maple Chase Company v. Universal Security Instruments, Inc., USI Electric, Inc., CEMCO, Inc. and Callas/Kingsley Electrical Sales, Inc., No. 03-cv-07205.

9. On April 11, 2005, that lawsuit was dismissed without prejudice pending reexamination proceedings which resulted in the '920 reexamined patent. Defendant

USI made the request for reexamination which resulted in the reexamination proceedings.

10. The May 13, 2008, Reexamination Certificate of the Patent and Trademark Office confirmed the patentability of claims 1-17, 23, 24 and 31-38 of the '920 reexamined patent.

11. Defendant USI Electric has offered for sale and/or sold products that infringe the '920 reexamined patent through its sale in the Northern District of Illinois and elsewhere of Model USI-1204.

12. Defendant USI has, upon information and belief, made, used, offered for sale and/or sold products that infringe or are used in infringing the '920 reexamined patent, or has induced others to manufacture, use, sell and/or offer to sell products in the Northern District of Illinois and elsewhere, through its wholly owned subsidiary, USI Electric, which sells Model USI 1204, and also through USI's sale of other products.

13. Defendant Callas/Kingsley has used, offered for sale and/or sold products that infringe the '920 reexamined patent through its sale in the Northern District of Illinois, and possibly elsewhere, of Model USI 1204.

14. Defendant CEMCO has used, offered for sale and/or sold products that infringe the '920 reexamined patent through its sale in the Northern District of Illinois, and possibly elsewhere, of Model USI 1204.

15. Defendants have been and are doing business in Illinois (including the Northern District), operate within Illinois (including the Northern District) with a fair measure of permanence and continuity; have purposefully availed themselves of the privilege of conducting activities within Illinois (including the Northern District); have

established minimum contacts with Illinois (including the Northern District) such that they should reasonably and fairly anticipate being hailed into Court in Illinois (including the Northern District); have purposefully directed their activities at residents of Illinois; and at least a portion of the patent infringement claim alleged herein arises out of or is related to one or more of the foregoing activities.

16. Defendants infringed and induced others to infringe and contributed to the infringement of the claims of the '920 reexamined patent by making, using, selling and/or offering for sale in Illinois and elsewhere smoke detectors such as, without limitation, Model USI-1204 and similar products, as described and claimed in the '920 reexamined patent, said infringement being willful and deliberate and without the consent of Maple Chase.

WHEREFORE, plaintiff prays that:

A. This Court adjudge United States Patent RE 33,920 F1 infringed by Defendants.

B. That judgment be entered awarding to Maple Chase damages together with interest adequate to fully compensate for the infringement of the '920 reexamined patent, and including an award of treble damages in view of the willful and wanton nature of the infringement.

C. An assessment of costs and attorneys' fees for this action be made against Defendants.

D. That this case be deemed exceptional under 35 U.S.C. § 285.

E. Maple Chase be granted such other and further relief as the Court may deem just and proper.

Maple Chase hereby requests a trial by Jury.

Respectfully submitted,

By: /s/Paul K. Vickrey

Timothy J. Haller (haller@nshn.com)

Paul K. Vickrey (vickrey@nshn.com)

Frederick C. Laney (laney@nshn.com)

Robert A. Conley (rconley@nshn.com)

Laura A. Kenneally (kenneally@nshn.com)

NIRO, SCAVONE, HALLER & NIRO

181 West Madison, Suite 4600

Chicago, Illinois 60602-4515

Phone: (312) 236-0733

Facsimile: (312) 236-3137

***Attorneys for Plaintiff
Maple Chase Company***