

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LITTELFUSE, INC.,)	
Plaintiff,)	
)	Civil Action No. :
v.)	
)	
PACIFIC ENGINEERING CORP.; and)	Jury Trial Demanded
PEC OF AMERICA CORP.,)	
)	
Defendants.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Littelfuse, Inc. (“Littelfuse” or “Plaintiff”), by and through its attorneys, hereby demands a jury trial and complains of Defendants Pacific Engineering Corporation and PEC of America Corporation (“Defendants” or collectively referred to as “PEC”) as follows:

NATURE OF ACTION

1. This is a civil action for the infringement of United States Patent Nos. 8,077,007 (“the ‘007 patent”) (attached as Exhibit A) entitled “Blade Fuse”; 7,928,827 (“the ‘827 patent”) (attached as Exhibit B) entitled “Blade Fuse”; D575,746 (“the ‘746 patent”) (attached as Exhibit C) entitled “Blade Fuse and Fuse Element therefore”; and D584,239 (“the ‘239 patent”) (attached as Exhibit D) entitled “Blade Fuse Element” (collectively, the “Littelfuse Patents” or the “patents-in-suit”).

THE PARTIES

2. Plaintiff Littelfuse, Inc. (“Littelfuse” or “Plaintiff”) is a company organized under the laws of the State of Delaware. Littelfuse’s principal place of business is 8755 West Higgins Road, Suite 500, Chicago, Illinois 60631.

3. Littelfuse is the lawful assignee of all right, title and interest in and to the Littelfuse Patents.

4. Defendant Pacific Engineering Corporation is a company organized under the laws of Japan with a principal place of business at 450 Hinoki-cho, Ogaki City, Gifu 503-0981, Japan.

5. Defendant PEC of America Corporation is a company organized under the laws of the State of California with a principal place of business at 2320 Paseo de las Americas, Suite 107, San Diego, California 92154-7281.

JURISDICTION AND VENUE

6. Because this action arises under the Patent Laws of the United States, 35 U.S.C. §1 et seq and specifically 35 U.S.C. §271, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§1331 and 1338.

7. This Court has personal jurisdiction over Defendants because Defendants have caused injury to Plaintiff in this District. Moreover, this lawsuit arises out of the infringing acts committed by Defendants in this District.

8. Venue in this Court is proper, pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because Defendants do business in this District, have committed acts of infringement in this District and continue to commit acts of infringement in this District entitling Plaintiff to relief.

FACTUAL BACKGROUND

9. Littelfuse is the worldwide leader in circuit protection. For eight decades, Littelfuse has developed industry-leading circuit protection products by working closely with key customers like, among others, Ford Motor Company and General Motors. These unique partnerships have led to such innovations as the first small, fast-acting protective fuse in 1927, the first automotive blade fuses, and other solutions found in nearly every electrical product, from automobiles to computers to telecommunication devices.

10. Founded in 1961, Defendants are suppliers of automotive circuit protection devices, offering a broad family of fuse products such as blade fuses, slow blow fuses, EV fuses, battery terminal fuses, glass tube fuses and related accessory products. Defendants have business operations worldwide, operating manufacturing facilities in Japan, Thailand and Mexico together with sales offices in U.S., Europe, China, and various countries throughout Asia.

11. Defendants have been, currently are, and continue to directly and/or indirectly infringe one or more claims of the Littelfuse Patents by making, using, selling, offering to sell and/or importing into the United States one or more products that infringe the Littelfuse Patents or that are specially adapted for use in infringing products. Such activities include (1) sales and distribution of infringing product to customers in this District for use in this District; (2) direct solicitation of sales and actual sales of infringing product to customers including customers in the District; (3) knowingly communicating with customers including customers located in the District through telephone and online contacts for technical support of the infringing use of products sold by Defendants; (4) conducting marketing, promotion and advertising activities for

infringing products within the District and elsewhere in the United States such activities including offers to sell directed at customers in the District; and (5) providing instruction, support and services to customers who are infringing the Littelfuse Patents including customers in the District.

12. Defendants indirectly infringe one or more claims of the Littelfuse Patents by knowingly making, using, offering to sell, selling or importing into the United States one or more materials or especially adapted components of the claimed inventions of the Littelfuse Patents for use in practicing the patented inventions.

13. Littelfuse has been irreparably harmed by Defendants' infringement of its valuable patent rights. Defendants' unauthorized, infringing use of Littelfuse's patented inventions has threatened the value of this intellectual property because Defendants' conduct results in Littelfuse's loss of its lawful patent rights to exclude others from making, using, selling, offering to sell and/or importing the patented inventions.

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 8,077,007)

14. Paragraphs 1-13 are incorporated by reference as if fully restated herein.

15. The '007 patent, entitled "Blade Fuse," issued on December 13, 2011.

The inventors of this patent are Julio Urrea, James Beckert, Gary Bold, Seibang Oh, and Juergen Scheele. The '007 patent is now, and has been at all times since its date of issue, valid and enforceable.

16. Defendants make, use, sell and offer to sell and/or import into the United States for subsequent use and sale products that infringe directly and/or indirectly, one or more claims of the '007 patent including, but not limited to PEC's Microfuse2-2 devices

having part number series 1173 (5A), 1174 (7.5A), 1175 (10A), 1176 (15A), 1177 (20A), 1178 (25A) and 1179 (30A) (hereinafter referred to as “PEC Microfuse2-2 Products”).

17. Defendants have been, and are now, infringing, inducing infringement of, and contributing to the infringement of the ‘007 patent by making, using, selling, offering to sell and importing into the United States PEC Microfuse2-2 Products which are covered by one or more claims of the ‘007 patent.

18. Defendants’ continuing acts of infringement constitute willful infringement of the ‘007 patent.

19. Defendants’ activities infringing the ‘007 patent have damaged Littelfuse and will continue to cause Littelfuse irreparable harm unless such infringing activities are enjoined by this Court.

COUNT II

(INFRINGEMENT OF U.S. PATENT NO. 7,928,827)

20. Paragraphs 1-13 are incorporated by reference as if fully restated herein.

21. The ‘827 patent, entitled “Blade Fuse,” issued on April 19, 2011. The inventors of this patent are Julio Urrea, James Beckert, Gary Bold, Seibang Oh, and Juergen Scheele. The ‘827 patent is now, and has been at all times since its date of issue, valid and enforceable.

22. Defendants make, use, sell and offer to sell and/or import into the United States for subsequent use and sale products that infringe directly and/or indirectly, one or more claims of the ‘827 patent including, but not limited to PEC’s Microfuse2-3 devices

having part number series 1183 (5A), 11784 (7.5A), 1185 (10A), and 1186 (15A) (hereinafter referred to as “PEC Microfuse2-3 Products”).

23. Defendants have been, and are now, infringing, inducing infringement of, and contributing to the infringement of the ‘827 patent by making, using, selling, offering to sell and importing into the United States, PEC Microfuse2-3 Products which are covered by one or more claims of the ‘827 patent.

24. Defendants’ continuing acts of infringement constitute willful infringement of the ‘827 patent.

25. Defendants’ activities infringing the ‘827 patent have damaged Littelfuse and will continue to cause Littelfuse irreparable harm unless such infringing activities are enjoined by this Court.

COUNT III

(INFRINGEMENT OF U.S. DESIGN PATENT NO. D575,746)

26. Paragraphs 1-13 are incorporated by reference as if fully restated herein.

27. The ‘746 patent, entitled “Blade Fuse and Fuse Element therefore,” issued on August 26, 2008. The inventor of this patent is Gary Bold. The ‘746 patent is now, and has been at all times since its date of issue, valid and enforceable.

28. Defendants make, use, sell and offer to sell and/or import into the United States for subsequent use and sale PEC Microfuse2-3 Products that infringe directly and/or indirectly, one or more claims of the ‘746 patent.

29. Defendants have been, and are now, infringing, inducing infringement of, and contributing to the infringement of the ‘746 patent by making, using, selling, offering

to sell and importing into the United States, PEC Microfuse2-3 Products which are covered by one or more claims of the '746 patent.

30. Defendants' continuing acts of infringement constitute willful infringement of the '746 patent.

31. Defendants' activities infringing the '746 patent have damaged Littelfuse and will continue to cause Littelfuse irreparable harm unless such infringing activities are enjoined by this Court.

COUNT IV

(INFRINGEMENT OF U.S. DESIGN PATENT NO. D584,239)

32. Paragraphs 1-13 are incorporated by reference as if fully restated herein.

33. The '239 patent, entitled "Blade Fuse Element," issued on January 6, 2009. The inventor of this patent is Gary Bold. The '239 Patent is now, and has been at all times since its date of issue, valid and enforceable.

34. Defendants make, use, sell and offer to sell and/or import into the United States for subsequent use and sale PEC Microfuse2-3 Products that infringe directly and/or indirectly, one or more claims of the '239 patent.

35. Defendants have been, and are now, infringing, inducing infringement of, and contributing to the infringement of the '239 patent by making, using, selling, offering to sell and importing into the United States, PEC Microfuse2-3 Products which are covered by one or more claims of the '239 patent.

36. Defendants' continuing acts of infringement constitute willful infringement of the '239 patent.

37. Defendants' activities infringing the '239 patent have damaged Littelfuse and will continue to cause Littelfuse irreparable harm unless such infringing activities are enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, LITTELFUSE prays for judgment as follows:

A. That this Court adjudge and decree that the Littelfuse Patents are infringed by Defendants, that Defendants have induced infringement, and that Defendants have contributed to infringement.

B. That infringement, inducement of infringement, and contributing to infringement by Defendants has been willful.

C. That this Court permanently enjoin Defendants and its officers, directors, agents, servants, employees, attorneys, successors, licensees, assigns, and all others in active concert or participation with Defendants, from engaging in any acts that constitute infringement, inducement of infringement, or contributory infringement of the Littelfuse Patents.

D. That this Court order an accounting, including a post-verdict accounting, to determine the damages to be awarded to Littelfuse as a result of Defendants' infringement.

E. That this Court award Littelfuse damages adequate to compensate for Defendants' infringement, inducement of infringement, and contributory infringement of the Littelfuse Patents and any enhanced damages as the Court may see fit under 35 U.S.C. § 284.

F. That this Court assess pre-judgment and post-judgment interest and costs, together with an award of interest and costs, in accordance with 35 U.S.C. § 284.

G. That this Court declare this case exceptional and direct Defendants to pay Littelfuse its attorney's fees for this action, including those pursuant to 35 U.S.C. § 285.

H. That Littelfuse be awarded such other relief as this Court may deem just and appropriate.

JURY DEMAND

Littelfuse demands a trial by jury of all matters to which it is entitled to trial by jury pursuant to Fed. R. Civ. P. 38.

Respectfully submitted,

DICKINSON WRIGHT, PLLC

By: /s/John S. Artz
John S. Artz (P48578)
DICKINSON WRIGHT, PLLC
2600 W. Big Beaver Road, Suite 300
Troy, MI 48084-3312
Telephone: (248) 433-7262
Facsimile: (248) 433-7274
jsartz@dickinsonwright.com

Eric Shih
Daniel N. Daisak
KACVINSKY DAISAK PLLC
4500 Brooktree Road, Suite 302
Wexford, Pennsylvania 15090
Telephone: (408) 716-8159
Facsimile: (412) 202-5017
Email: eshih@kdfirm.com
Email: ddaisak@kdfirm.com

COUNSEL FOR PLAINTIFF
LITTELFUSE, INC.

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