

DOCKET

MAR 27 2003

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

FILED
MAR 27 2003
MICHAEL W. DOBSON
CLERK, U.S. DISTRICT COURT

THE CHAMBERLAIN GROUP, INC.

Plaintiff,

v.

LYNX INDUSTRIES, INC., and
NAPOLEON SPRING WORKS, INC.,

Defendants.

) Civil Action No. 00 CV 0454
)
) The Honorable Rebecca R. Pallmeyer
)
) Magistrate Judge Edward A. Bobrick
)
)
)
)
)
)

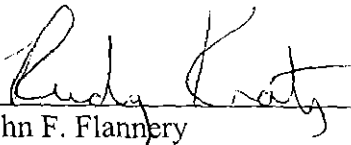
NOTICE OF FILING

To: David M. Frischkorn, Esq., A. Blair Hughes, Esq., Thomas E. Wettermann, Esq., S. Richard Carden, Esq., MCDONNELL BOEHNEN HULBERT & BERGHOFF, 300 South Wacker Drive, Chicago, Illinois 60606.

PLEASE TAKE NOTICE that on March 26, 2003, we will file with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, the attached SECOND AMENDED COMPLAINT, a copy of which is herewith served upon you.

Respectfully submitted,

Date: March 26, 2003



John F. Flannery
Karl R. Fink
Rudy I. Kratz
FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406
(312) 577-7000

DOCKETED
MAR 27 2003
FILED
MAR 26 2003
MICHAEL W. DORRING
CLERK, U.S. DISTRICT COURT

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

THE CHAMBERLAIN GROUP, INC.,)	
a Connecticut corporation,)	
)	Civil Action No. 00 CV 0454
Plaintiff,)	
)	Judge Rebecca R. Pallmeyer
v.)	
)	
LYNX INDUSTRIES, INC., a Canadian)	
corporation, and NAPOLEON SPRING)	JURY DEMAND
WORKS, INC., an Ohio corporation,)	
)	
Defendants.)	

SECOND AMENDED COMPLAINT

Plaintiff, The Chamberlain Group, Inc. ("Chamberlain"), complains against Defendants, Lynx Industries, Inc. ("Lynx") and Napoleon Spring Works, Inc. ("Napoleon"), as follows:

THE PARTIES

1. Chamberlain is a corporation incorporated under the laws of the State of Connecticut, with its principal place of business in Elmhurst, Illinois.
2. Lynx is a Canadian corporation having a principal place of business in Archbold, Ohio. Lynx does business as Lynx and Lynx Industries.
3. Napoleon is a corporation incorporated under the laws of the State of Ohio, with its principal place of business in Archbold, Ohio. Napoleon is a subsidiary of Lynx.

JURISDICTION AND VENUE

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. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400 because the Defendants are subject to personal jurisdiction in this district. Each of the Defendants resides and/or has committed acts of infringement within this District.

INFRINGEMENT OF '364 PATENT

6. On June 7, 1988, U.S. Patent No. 4,750,118 (“the ‘118 Patent”) entitled “Coding System for Multiple Transmitters and a Single Receiver for a Garage Door Opener” was duly and legally issued to Chamberlain Manufacturing Company, on an application filed by Carl Heitschel, Colin Willmott and Wayne Schindler. On October 29, 1996, the ‘118 Patent was duly and legally reissued as Reissue Patent No. Re. 35,364 (“the ‘364 Patent”).

7. Chamberlain is the owner of all right, title and interest in the ‘364 Patent.

8. Lynx has been, and is, willfully infringing the ‘364 Patent: by making, using, offering to sell, and/or selling within the United States and within this District; by inducing others to make, use, offer to sell, and/or sell those inventions patented in the ‘364 Patent within the United States and within this District; and/or by contributing to the infringement by others of the ‘364 Patent within the United States and within this District. Unless enjoined by the Court, Lynx will continue to infringe, induce the infringement of, and/or contributorily infringe the ‘364 Patent.

9. Napoleon has been, and is, willfully infringing the ‘364 Patent: by making, using, offering to sell, and/or selling within the United States and within this District; by inducing others to make, use, offer to sell, and/or sell those inventions patented in the ‘364 Patent within the United States and within this District; and/or by contributing to the infringement by others of the ‘364 Patent within the United States and within this District. Unless enjoined by the Court, Napoleon will continue to infringe, induce the infringement of, and/or contributorily infringe the ‘364 Patent.

10. The required statutory notice has been placed on garage door operators manufactured and sold under the '118 Patent and the '364 Patent.

INFRINGEMENT OF '986 PATENT

11. On February 11, 2003, the '118 patent was duly and legally reissued to Chamberlain as Reissue Patent No. 37,986 ("the '986 patent").

12. Chamberlain is the owner of all right, title and interest in the '986 patent.

13. Lynx has been and is willfully infringing the '986 patent: by making, using, offering to sell, and/or selling those inventions patented in the '986 patent within the United States; by inducing others to infringe the '986 patent; and by contributing to the infringement by others of the '986 patent. Unless enjoined by the Court, Lynx will continue to infringe, induce the infringement of, and contributorily infringe the '986 patent.

14. Napoleon has been and is willfully infringing the '986 patent: by making, using, offering to sell, and/or selling those inventions patented in the '986 patent within the United States; by inducing others to infringe the '986 patent; and by contributing to the infringement by others of the '986 patent. Unless enjoined by the Court, Napoleon will continue to infringe, induce the infringement of, and contributorily infringe the '986 patent.

DEMAND

WHEREFORE, Chamberlain prays for:

1. Judgment that the '364 and '986 patents are valid, enforceable and infringed by Lynx and Napoleon;

2. A preliminary and permanent injunction enjoining Lynx, Napoleon, its officers, agents, servants, employees and those persons acting in active concert or participation with Lynx and

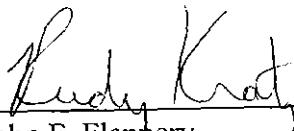
Napoleon from infringing, inducing infringement of, or contributorily infringing the '364 and '986 patents.

3. An award of damages arising out of Lynx and Napoleon's infringement, inducing infringement or contributory infringement, of the '364 and '986 patents, together with interest;
4. Judgment that the damages so adjudged be trebled;
5. Judgment that Chamberlain be awarded its attorney's fees, costs and expenses incurred in this action; 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: March 26, 2003



John F. Flannery
Karl R. Fink
Rudy I. Kratz
FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603
(312) 577-7000


Attorneys for The Chamberlain Group, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF FILING and SECOND AMENDED COMPLAINT were caused to be served by facsimile and first class mail upon:

David M. Frischkorn, Esq.
A. Blair Hughes, Esq.
Thomas E. Wettermann, Esq.
S. Richard Carden, Esq.
MCDONNELL BOEHNEN HULBERT & BERGHOFF
300 South Wacker Drive
Chicago, Illinois 60606
Facsimile No.: (312)913-0002

attorneys for Defendants, this 26th day of March, 2003.



Attorney for Plaintiff, The Chamberlain Group, Inc.