

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

THE CHAMBERLAIN GROUP, INC.,	)	Civil Action No.: 10-cv-7843
	)	
Plaintiff,	)	Judge:
v.	)	
	)	Magistrate Judge:
DECKO PRODUCTS, a division of MICHEL	)	
SALES COMPANY,	)	
and GUARDIAN ACCESS CORPORATION,	)	<b><u>JURY TRIAL DEMANDED</u></b>
	)	
Defendants.	)	

**COMPLAINT**

Plaintiff, The Chamberlain Group, Inc., complains against Defendants, Decko Products and Guardian Access 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, Decko Products is a division of Michel Sales Company (collectively “Decko”), a corporation incorporated under the laws of the State of Minnesota with its principal place of business at 2805 North Fairview Ave., Roseville, Minnesota 55113.

3. On information and belief, Guardian Access Corporation (“Guardian”) is a Taiwan corporation with principal places of business at No. 1, Pei Yuan 2nd Rd., Chung Li City, Taiwan 32061 (R.O.C.); 4F-5, No.56, Xingshan Rd., Neihu District, Taipei City 114, Taiwan (R.O.C.); and No. 368 Min-Shen Rd. Song-Jiang, Shanghai, 201612 China.

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 Decko and Guardian. Venue in this judicial district is proper under 28 U.S.C. § 1391.

### **Count I**

#### **Infringement of U.S. Patent No. 6,051,947**

6. On April 18, 2000, U.S. Patent 6,051,947 (“the ‘947 Patent,” attached hereto as Exhibit A) entitled “*Pass Point System For Controlling The Operation of Movable Barriers*” was duly and legally issued, on an application filed by Roger William Lhotak et al.

7. Chamberlain is the owner of all right, title, and interest in the ‘947 Patent.

8. On information and belief, Decko and Guardian have been and are willfully infringing the ‘947 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 ‘947 Patent; and/or by contributing to the infringement by others of the ‘947 Patent. The accused infringing products include Xtreme Garage Professional Series Garage Door Opener Model No. 425-1636 and Xtreme Garage Professional Series Quiet-Drive Garage Door Opener Model No. 425-1656. Unless enjoined by the Court, Decko and Guardian will continue to infringe, induce the infringement of, and/or contributory infringe the ‘947 Patent.

9. Chamberlain is being damaged and irreparably harmed by the Defendants’ infringement of the ‘947 Patent.

**Count II**

**Infringement of U.S. Patent No. 6,111,374**

10. On August 29, 2000, U.S. Patent 6,111,374 (“the ‘374 Patent,” attached hereto as Exhibit B) entitled “*Movable Barrier Operator Having Force and Position Learning Capability*” 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 ‘374 Patent.

12. On information and belief, Decko and Guardian have been and are willfully infringing the ‘374 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 ‘374 Patent; and/or by contributing to the infringement by others of the ‘374 Patent. The accused infringing products include Xtreme Garage Professional Series Garage Door Opener Model No. 425-1636 and Xtreme Garage Professional Series Quiet-Drive Garage Door Opener Model No. 425-1656. Unless enjoined by the Court, Decko and Guardian will continue to infringe, induce the infringement of, and/or contributory infringe the ‘374 Patent.

13. Chamberlain is being damaged and irreparably harmed by the Defendants’ infringement of the ‘374 Patent.

**Count III**

**Infringement of U.S. Patent No. 6,414,454**

14. On July 2, 2002, U.S. Patent 6,414,454 (“the ‘454 Patent,” attached hereto as Exhibit C) entitled “*Pass Point System For Controlling The Operation of Movable Barriers*” was duly and legally issued, on an application filed by Roger William Lhotak et al.

15. Chamberlain is the owner of all right, title, and interest in the ‘454 Patent.

16. On information and belief, Decko and Guardian have been and are willfully infringing the ‘454 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 '454 Patent; and/or by contributing to the infringement by others of the '454 Patent. The accused infringing products include Xtreme Garage Professional Series Garage Door Opener Model No. 425-1636 and Xtreme Garage Professional Series Quiet-Drive Garage Door Opener Model No. 425-1656. Unless enjoined by the Court, Decko and Guardian will continue to infringe, induce the infringement of, and/or contributory infringe the '454 Patent.

17. Chamberlain is being damaged and irreparably harmed by the Defendants' infringement of the '454 Patent.

#### **Count IV**

#### **Infringement of U.S. Patent No. 7,164,246**

18. On January 16, 2007, U.S. Patent No. 7,164,246 ("the '246 Patent," attached hereto as Exhibit D) entitled "*Movable Barrier Operator*" 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 '246 Patent.

20. On information and belief, Decko and Guardian have been and are willfully 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 Xtreme Garage Professional Series Garage Door Opener Model No. 425-1636 and Xtreme Garage Professional Series Quiet-Drive Garage Door Opener Model No. 425-1656. Unless enjoined by the Court, Decko and Guardian will continue to infringe, induce the infringement of, and/or contributory infringe the '246 Patent.

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

**PRAYER FOR RELIEF**

WHEREFORE, Chamberlain prays:

1. Judgment that the '947, '374, '454, and '246 Patents are valid, enforceable, and infringed by Decko and Guardian;
2. A preliminary and permanent injunction enjoining Decko and Guardian, their officers, agents, servants, employees, and those persons acting in active concert or participation with Decko and Guardian from infringing, inducing infringement of, or contributorily infringing the '947, '374, '454, and '246 Patents;
3. An award of damages arising out of Decko's and Guardian's infringement, inducing infringement, or contributory infringement of the '947, '374, '454, and '246 Patents, together with interest;
4. Judgment 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: December 9, 2010

s/Karl R. Fink

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