

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

NUMATICS, INCORPORATED)
a Michigan corporation,) Civil Action No.
)
Plaintiff,) Honorable
)
v.) Magistrate Judge
)
BALLUFF, INC.)
a Kentucky corporation,) **COMPLAINT**
) **AND**
and) **JURY DEMAND**
)
H.H. BARNUM COMPANY,)
a Michigan corporation,)
)
Defendants.)
)

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Counsel for Plaintiff Numatics, Incorporated

COMPLAINT

Plaintiff Numatics, Incorporated (“Numatics”) by its undersigned attorneys, Reising Ethington PC, files its Complaint against Defendant Balluff, Inc. (“Balluff”), and H.H. Barnum Company (“Barnum”) as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising out of Balluff’s infringement of U.S. Patent No. 7,967,646 (“the ‘646 patent”) in violation of the patent laws of the United States, 35 U.S.C. §101 et seq. and further in particular; 35 U.S.C. §§ 271 and 281-285.

THE PARTIES

2. Plaintiff Numatics is a Michigan corporation with a principal place of business at 46280 Dylan Drive, Novi, Michigan, 48377.

3. Upon information and belief, Defendant Balluff is a Kentucky corporation with a principal place of business at 8125 Holton Drive, Florence, Kentucky 41042.

4. Upon information and belief, Defendant Barnum is a Michigan corporation with a principal place of business at 7915 Lochlin Drive, Brighton, Michigan 48126.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, Title 35 of the United States Code.

6. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. Upon information and belief, this Court has personal jurisdiction over Balluff. Balluff has conducted and continues to conduct business in this judicial district purposefully and has committed acts of infringement in this judicial district.

8. Upon information and belief, this Court has personal jurisdiction over Barnum. Barnum has conducted and continued to conduct business in this judicial district purposefully and has committed acts of infringement in this judicial district.

9. Venue is proper in this judicial district under 28 U.S.C. §§1391(b) and (c), and 1400(b).

COUNT I
Patent Infringement Of United States Patent 7,967,646

10. Plaintiff realleges and incorporates by reference every allegation contained in Paragraphs 1-9 of this Complaint.

11. The United States Patent and Trademark Office (“PTO”) duly and legally issued the ‘646 patent, entitled “Modular Electrical Bus Assembly,” to Enrico De Carolis et al. on June 28, 2011. The ‘646 patent was assigned on its face to Numatics, Incorporated. A true and correct copy of the ‘646 patent is attached as Exhibit A and is made a part of this Complaint.

12. Numatics is the owner of the ‘646 patent, and its ownership is duly reflected in the assignment records of the PTO.

13. The ‘646 patent is directed generally to an electrical serial fieldbus assembly and modules.

14. Balluff has been and still is infringing this patent by making, selling, using, and offering to sell input/output modules for electrical serial fieldbus assemblies embodying the patented invention without authority of Numatics, and will continue to do so unless enjoined by this court. One such infringing product is sold under the Balluff Part No. BNI EIP-305-100-Z016.

15. Barnum has been and still is infringing this patent by selling and offering to sell input/output modules for electrical serial fieldbus assemblies embodying the patented invention without authority of Numatics, and will continue to do so unless enjoined by this court. One such infringing product is sold under the Balluff Part No. BNI EIP-305-100-Z016.

16. On information and belief, Balluff had actual notice of the ‘646 patent.

17. On information and belief, Balluff had constructive notice of the “‘646 patent.

18. On information and belief, Balluff’s infringement is willful.

19. Balluff's and Barnum's infringement activities have directly and proximately caused and continue to directly and proximately cause damage to Numatics.

20. Balluff's and Barnum's infringement activities have directly and proximately caused and continue to cause immediate and irreparable injury to Numatics for which Numatics has no adequate remedy at law.

RELIEF REQUESTED

WHEREFORE, Plaintiff Numatics respectfully requests that this Court:

- A. Enter judgment that Balluff and Barnum have infringed the '646 patent;
- B. Enter judgment that Balluff's infringement of the '646 patent has been willful and deliberate;
- C. Enter a preliminary and permanent injunction to enjoin Balluff and Barnum and their respective officers, agents, representatives, employees and all others in concert or participation with them, directly or indirectly from infringing, inducing others to infringe and contributing to the infringement of the '646 patent;
- D. Award to Plaintiff Numatics damages adequate to compensate for Balluff's and Barnum's infringement of the '646 patent, pursuant to 35 U.S.C. § 284;
- E. Award Plaintiff Numatics pre-judgment and post judgment interest;
- F. Declare this case exceptional in accordance with 35 U.S.C. §285;
- G. Award Numatics its attorney fees and costs incurred in this case;
- H. Increase the amount of damages found or assessed as a result of Balluff's infringement three (3) times in accordance with 35 U.S.C. §284; and

I. Award Numatics other and further relief that this Court may deem just and proper.

Respectfully submitted,

Date: November 2, 2012

by /s/ Richard W. Hoffmann
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Counsel for Plaintiff Numatics, Incorporated

JURY DEMAND

Plaintiff NUMATICS, INCORPORATED hereby demands a trial by jury for all issues so triable.

Respectfully submitted,

Date: November 2, 2012

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