

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROSCO, INC.,)	
)	
Plaintiff,)	C. A. No. 11-117-LPS
)	
v.)	JURY TRIAL DEMANDED
)	
VELVAC INC.,)	
)	
Defendant.)	

AMENDED COMPLAINT

Rosco, Inc. ("Rosco" or "Plaintiff"), by its attorneys, for its complaint against Velvac, Inc. ("Velveac" or "Defendant"), alleges as follows.

THE PARTIES

1. Plaintiff Rosco is a corporation organized and existing under the laws of the State of New York, with its principal place of business at 144-31 91st Avenue, Jamaica, NY 11435.

2. Upon information and belief, defendant Velvac is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 2405 S. Calhoun Road, New Berlin, WI 53151-2709.

JURISDICTION AND VENUE

3. This is an action for patent infringement under the patent laws of the United States, Title 35, United States Code.

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332 and 1338(a).

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

BACKGROUND

6. Rosco is a leader in the design, development and sale of mirrors, visors and other visual safety systems to the worldwide commercial vehicle market.

7. In 2007, Rosco celebrated its 100th year of business. Rosco is renowned for its strong design engineering focus and custom product development. Rosco products are designed by Rosco to exacting specifications to ensure precision performance, long life and satisfying service.

8. Rosco provides equipment to manufacturers in the school bus, transit and shuttle bus, motor coach, truck and van, recreational vehicle, specialty vehicle, military, and materials handling vehicle markets.

9. Rosco has designed, manufactured and sold its Fender Mount Mirror Assembly, including the Fender Mount Mirror Assembly, designed specifically for the Ford E-Series chassis.

10. The Rosco Fender Mount Mirror Assembly provides stability and maintenance free durability and easy installation. Rosco's fender mount design maximizes performance, safety, and value, and helps to reduce maintenance and costs of ownership to bus and truck fleets.

11. Upon its introduction into the marketplace, the Fender Mount Mirror Assembly met immediate acceptance in the industry and considerable commercial success. The Rosco Fender Mount Mirror Assembly is described and claimed in United States Letters Patent No. 7,837,338 ("the '338 patent"), entitled "Mirror Mounting Assembly." The '338 patent was duly and legally issued on November 23, 2010 to inventor Benjamin Englander and is assigned to Rosco. A copy of the '338 patent is annexed hereto as Exhibit 1.

12. The Rosco Fender Mount Mirror Assembly is also described and claimed in United States Letters Patent No. 8,333,479 (“the ‘479 patent”), entitled “Mirror Mounting Assembly.” The ‘479 patent was duly and legally issued on December 18, 2012 to inventor Benjamin Englander and is assigned to Rosco. A copy of the ‘479 patent is annexed hereto as Exhibit 2.

COUNT I -- INFRINGEMENT OF THE ‘338 PATENT

13. Rosco realleges and incorporates paragraphs 1-12 above as if fully set forth herein.

14. Defendant Velvac has been infringing and continues to infringe the ‘338 patent, including without limitation, claim 1 thereof, under 35 U.S.C. § 271(a) by manufacturing, using, selling and/or offering for sale products, including at least the Wide Body Mirror Vision System, the 2020 SS Mirror System and/or similar products.

15. On information and belief, Velvac has been and continues to actively induce others to infringe the ‘338 patent in violation of 35 U.S.C. § 271(b), through its representations, advertising, distribution, offer for sale, sale and marketing of the Wide Body Mirror Vision System, the 2020 SS Mirror System and/or similar products.

16. Upon information and belief, Defendant has infringed and continues to infringe the ‘338 patent willfully and wantonly, with knowledge of the ‘338 patent and without any reasonable basis for believing that Defendant does not infringe.

17. Upon information and belief, Defendant’s infringement of the ‘338 patent will continue unless enjoined by this Court.

18. Rosco has suffered damages and irreparable harm as a result of Defendant’s infringement of the ‘338 patent, and will continue to be damaged unless Defendant is enjoined from future infringing sales or activities.

COUNT II -- INFRINGEMENT OF THE '479 PATENT

19. Rosco realleges and incorporates paragraphs 1-18 above as if fully set forth herein.

20. Defendant Velvac has been infringing and continues to infringe the '479 patent, including without limitation, claim 1 thereof, under 35 U.S.C. § 271(a) by manufacturing, using, selling and/or offering for sale products, including at least the Wide Body Mirror Vision System, the 2020 SS Mirror System and/or similar products.

21. On information and belief, Velvac has been and continues to actively induce others to infringe the '479 patent in violation of 35 U.S.C. § 271(b), through its representations, advertising, distribution, offer for sale, sale and marketing of the Wide Body Mirror Vision System, the 2020 SS Mirror System and/or similar products.

22. Upon information and belief, Defendant has infringed and continues to infringe the '479 patent willfully and wantonly, with knowledge of the '479 patent and without any reasonable basis for believing that Defendant does not infringe.

23. Upon information and belief, Defendant's infringement of the '479 patent will continue unless enjoined by this Court.

24. Rosco has suffered damages and irreparable harm as a result of Defendant's infringement of the '479 patent, and will continue to be damaged unless Defendant is enjoined from future infringing sales or activities.

PRAYER FOR RELIEF

WHEREFORE, Rosco respectfully requests that this Court enter judgment:

- A. Adjudging that Defendant has infringed the '338 patent;
- B. Adjudging that Defendant has infringed the '479 patent;
- C. Adjudging infringement of the '338 patent to be willful;

D. Adjudging infringement of the '479 patent to be willful;

E. Permanently enjoining Defendant and its officers, agents, servants, employees, affiliates and all others in active concert or participation with the foregoing from making, using, selling, offering to sell and importing into the United States any product that infringes, or induces infringement of the '338 patent;

F. Permanently enjoining Defendant and its officers, agents, servants, employees, affiliates and all others in active concert or participation with the foregoing from making, using, selling, offering to sell and importing into the United States any product that infringes, or induces infringement of the '479 patent;

G. Awarding monetary damages, including pre- and post-judgment interest, adequate to compensate Rosco for Defendant's infringement;

H. Awarding enhanced damages up to three times the amount found or assessed, and attorneys' fees to Rosco pursuant to 35 U.S.C. §§ 284 and 285; and

I. Ordering any such other and further relief as the Court deems just and appropriate.

DEMAND FOR A JURY TRIAL

Rosco respectfully demands a jury trial on all claims so triable.

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Dated: January 25, 2013
1091631

By: /s/ Philip A. Rovner

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CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on January 29, 2013, the within document was filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorneys of record that the document has been filed and is available for viewing and downloading.

I further certify that on January 29, 2013, the within document was electronically mailed to the following persons:

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