

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

SCHUMACHER ELECTRIC)
CORPORATION, an Illinois)
Corporation,)
)
Plaintiff,)
)
v.)
)
ADVANCE AUTO PARTS,)
a Delaware Corporation;)
ADVANCE AUTO)
INNOVATIONS, LLC,)
a Virginia Corporation; and)
AUTOCRAFT)
)
Defendants.)

Case No.:

Jury Trial Demanded

COMPLAINT

NOW COMES Plaintiff, Schumacher Electric Corporation, (“Schumacher”), by and through its attorneys, for its Complaint against Defendants, Advance Auto Parts, Inc. (“AAP”), Advance Auto Innovations, LLC (“AAI”), and Autocraft (collectively “Defendants” or “Advance”), hereby alleges as follows:

PARTIES

1. Plaintiff, Schumacher, is an Illinois corporation with its principal place of business at 801 Business Center Drive, Mount Prospect, Illinois 60056.
2. Schumacher is in the business of designing, developing, manufacturing, and selling automotive battery chargers and other power products.
3. Upon information and belief, Defendant AAP is a Delaware corporation with its principal place of business at 5008 Airport Road, Roanoke, VA 24012.

4. AAP is a retailer of automotive aftermarket parts, including automotive battery chargers.

5. Upon information and belief, Defendant AAI is a Virginia corporation with its principal place of business at 5008 Airport Road, Roanoke, VA 24012.

6. Upon information and belief, AAI is an importer of automotive aftermarket parts, including automotive battery chargers.

7. Upon information and belief, Defendant Autocraft has its principal place of business at 5008 Airport Road, Roanoke, VA 24012.

8. Upon information and belief, Autocraft is a distributor of automotive aftermarket parts, including automotive battery chargers.

NATURE OF ACTION

9. This is a patent infringement action seeking to enjoin Defendants' unauthorized and infringing sale, offer for sale and/or importation of products incorporating Schumacher's patented charging inventions. Plaintiff Schumacher seeks to enjoin Defendants from continuing to infringe upon Schumacher's valuable patent rights. In addition, Plaintiff Schumacher seeks monetary damages for Defendants' infringement of these rights. This action is based upon the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*

JURISDICTION AND VENUE

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

11. This Court has personal jurisdiction over the Defendants based on at least:

A. Defendants' engaging in business in Illinois, including selling Defendants' chargers, and causing Defendants' chargers to be sold in Illinois;

B. Defendants' committing the tortuous act of patent infringement within Illinois; and

C. Defendants' causing injury to Plaintiff Schumacher in Illinois by sending Defendants' chargers into Illinois to be used or consumed within Illinois in the ordinary course of commerce, trade or use;

D. This Court's personal jurisdiction over Defendants is proper based upon; *inter alia*, Defendants' acts of infringement within this judicial district, and Defendants' systematic and continuous contacts with this judicial district.

12. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

THE PATENT

13. U.S. Patent No. 8,575,899 ("the '899 patent") entitled "Battery Charger with Automatic Voltage Detection" was duly and legally issued on November 5, 2013. A copy of the '899 patent is attached as Exhibit A.

14. Plaintiff Schumacher is assignee and exclusive owner of all rights, title, and interest in the '899 patent, including the right to sue for injunctive relief and damages.

15. The '899 patent is valid and enforceable.

ACTS GIVING RISE TO THIS ACTION

16. AAP purchased automotive battery chargers from Schumacher for many years. In fact, AAP currently still purchases certain battery chargers from Schumacher.

17. In November 2012, AAP notified Schumacher that it would no longer be purchasing four of the most popular Schumacher battery chargers from Schumacher. Instead, AAP notified Schumacher that it would be sourcing comparable units from a Chinese supplier.

18. In 2013, AAP began offering for sale a battery charger, in Autocraft branding, that appeared to be identical to the Schumacher model number SEM-1562A. Notably, AAP even used Schumacher's model number SEM-1562A. The packaging advertised automatic voltage detection, and stated that the product was distributed by Autocraft, 5008 Airport Road, Roanoke, VA 24012. This is the principal place of business for AAP and AAI.

19. Schumacher notified AAP that, after analysis of the Autocraft SEM-1562A, it violated the '899 patent that would be issued on November 5, 2013.

20. Defendants infringe upon one or more of the claims of the '899 patent under 35 U.S.C. §§ 271(a), (b) and/or (c), including, at least, claim 1, by making, using, selling and/or offering for sale in the United States, and/or importing into the United States, automotive battery chargers, including, but not limited to, Autocraft Model SEM-1562A.

21. Upon information and belief, Defendants will continue to make, use, sell, offer to sell, and/or import its infringing chargers within the United States after the filing of this lawsuit and service of this Complaint. Accordingly, Defendants' infringement of the '899 patent is, and will continue to be, willful.

22. Defendants' conduct in infringing upon the '899 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

23. Plaintiff Schumacher has been, and will continue to be, damaged by Defendants' infringement and will suffer irreparable injury unless the infringement is enjoined by this Court.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff, Schumacher Electric Corporation, prays for judgment as follows:

A. Declaring that Defendants have infringed and are infringing upon the '899 patent;

- B. Declaring that Defendants' infringement of the patent are willful and deliberate;
- C. Enjoining Defendants, their officers, agents, servants and employees, and those acting in concert or participation with any of them, from infringement, inducement of infringement, and contributory infringement of the '899 patent, including but not limited to making, using, offering to sell, selling, or importing any devices that infringe upon the '899 patent prior to the expiration of that patent, including any term extensions;
- D. Awarding Schumacher damages adequate to compensate for Defendants infringement of the '899 patent, together with pre-judgment and post-judgment interest and costs;
- E. Trebling all damages awarded to Schumacher for Defendants' willful infringement of the '899 patent, pursuant to 35 U.S.C. § 284;
- F. Declaring this case to be exceptional within the meaning of 35 U.S.C. § 285 and awarding Schumacher the attorney fees, costs and expenses it that it incurs in this action; and
- G. Awarding Schumacher such other and further relief that this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff Schumacher hereby demands a trial by jury for all issues so triable.

Dated: November 8, 2013

Respectfully submitted,
SCHUMACHER ELECTRIC CORP.

By: /s/ Michael A. Dorfman
One of its attorneys

Charles Chejfec (ARDC No.: 6230825)
Michael A. Dorfman (ARDC No.: 6255860)
Katten Muchin Rosenman LLP
525 W. Monroe Street
Chicago, IL 60661
312-902-5200 telephone
312-902-1061 facsimile
charles.chejfec@kattenlaw.com
michael.dorfman@kattenlaw.com