

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

TROUNSON AUTOMATION LLC,
a New York Limited Liability Company,

Plaintiff,

v.

HAAS AUTOMATION, INC.,
a California Corporation,

Defendant.

Case No. 6:13-CV-1926-ORL-22 TBS

COMPLAINT FOR PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

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FILED

**PLAINTIFF TROUNSON AUTOMATION, LLC'S
COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

Plaintiff, Trounson Automation, LLC ("Trounson" or "Plaintiff"), by and for its Complaint against defendant Haas Automation, Inc. ("Haas" or "Defendant") hereby alleges as follows:

NATURE OF THE CASE

1. This is an action for patent infringement arising under the patent laws of the United States. Trounson holds the rights in U.S. Patent No. 5,926,389 ("the '389 patent"). The United States patent laws grant the holder of a patent the right to exclude infringers from making, using, selling or importing the invention claimed in a patent, and to recover damages for the infringer's violations of these rights, and to recover treble damages where the infringer willingly infringed the patent. Under 35 U.S.C. § 282(a), the '389 Patent is entitled to a presumption of validity. Trounson is suing Haas for infringing its patent, and doing so willfully.

Trounson seeks to recover damages from Haas, including treble damages for willful infringement.

THE PARTIES

2. Trounson is a limited liability company, organized and existing under the laws of the State of New York, having its principal place of business at 75 Montebello Road, Suffern, New York 10901-3740.

3. Upon information and belief, Haas is a corporation organized and existing under the laws of the State of California with its principal place of business at 2800 Sturgis Road, Oxnard, California 93030, with its registered agent, Corporation Service Company – Lawyers Incorporating Service, located at 2710 Gateway Oaks Dr., Suite 150N, Sacramento, California 95833.

JURISDICTION

4. This is an action for patent infringement arising under the patent laws of the United States of America, more specifically under 35 U.S.C. § 100, *et seq.* Subject matter jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1338.

5. Personal jurisdiction is also proper in this Court under § Fla. Stat. 48.193 and this judicial district because, upon information and belief, Defendant has sufficient contacts within the State of Florida and within this judicial district to subject itself to the jurisdiction of this Court. Defendant has purposefully availed itself of the privileges of conducting business in the State of Florida and this judicial district. Defendant has sought protection and benefit from the laws of the State of Florida. Defendant regularly conducts business within the State of Florida and within this judicial district. Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Florida and in this District.

6. More specifically, personal jurisdiction is proper in this judicial district because, upon information and belief, Defendant, directly and/or through its intermediaries, transacts business in this judicial district, including using, distributing, making, offering for sale, selling, and/or marketing, supporting and advertising of its infringing products in the United States, the State of Florida and the Middle District of Florida.

VENUE

7. Venue properly lies within this judicial district and division, pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

INFRINGEMENT OF U.S. PATENT NO. 5,926,389

8. Trounson incorporates by reference the allegations set forth in the preceding paragraphs.

9. On July 20, 1999, the United States Patent No. 5,926,389 (“the ‘389 Patent”), entitled “Computer Control System For Generating Geometric Designs,” was duly and lawfully issued based upon an application filed by the inventor, James E. Trounson. A true and correct copy of the ‘389 Patent is attached hereto as Exhibit 1.

10. On January 20, 2009, the United States Patent and Trademark Office (“USPTO”) issued a Reexamination Certificate for the ‘389 Patent. A true and correct copy of the Reexamination Certificate is attached hereto as Exhibit 2.

11. Plaintiff Trounson is the assignee and the owner of all right, title and interest in and to the ‘389 Patent, and has the right to sue and recover damages for infringement thereof.

12. On information and belief, Defendant is engaged in use, marketing, sales and/or offers for sale of computer numerical control (CNC) systems under the trade names, Haas CNC Vertical Machining Center (VMC), including, but not limited to, 40-Taper Standard, 50-Taper

Standard, Universal Machine, Haas SS Series, Mold Machine, 5-Axis VMC, Haas Mini Mill, Toolroom Mill, Office Mill, Gantry/Router and Large Capacity models; Horizontal Machining Center (HMC), including, but not limited to, Bed Type 3-Axis, Bed Type 4-Axis and Pallet Changing 4-Axis models; CNC Lathes, including, but not limited to, Office Lathe, Toolroom Lathe, 2-Axis, Super-speed, Dual-spindle, Y-Axis and Bar Feeders; and Rotaries and Indexers, including, but not limited to, Indexers, Rotary Tables and 5-Axis Rotary Tables models in the United States generally, and in the Middle District of Florida specifically.

13. Upon information and belief, by acts including, but not limited to use, offers to sell, sales and marketing of the products that fall within the scope of at least Claim 1 of the '389 Patent, Defendant has infringed and is continuing to infringe the '389 Patent and is thus liable to Trounson pursuant to 35 U.S.C. § 271.

14. Upon information and belief, Haas actively and knowingly has infringed and is infringing the '389 Patent with knowledge of Trounson's patent rights and without reasonable basis for believing that Haas's conduct is lawful.

15. Upon information and belief, Haas's infringement of the '389 Patent has been and is willful and will continue unless enjoined by this Court. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. § 285 entitling Trounson to its attorneys' fees and expenses.

16. As a result of Haas's acts of infringement, Trounson has suffered and will continue to suffer damages in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Trounson requests this Court enter judgment as follows:

- A. That the '389 patent is valid and enforceable.
- B. That Trounson has infringed one or more claims of the '389 Patent;

C. That such infringement has been willful;

D. That Haas accounts for and pays to Trounson all damages pursuant to 35 U.S.C. § 284 to adequately compensate Trounson for Haas's infringement of the '389 Patent, but in no event less than a reasonable royalty for the use made by Haas of the inventions set forth in the '389 Patent;

E. That Trounson receives enhanced damages, in the form of treble damages, pursuant to 35 U.S.C. § 284;

F. That this is an exceptional case under 35 U.S.C. § 285;

G. That Haas pays Trounson all of Trounson's reasonable attorneys' fees and expenses pursuant to 35 U.S.C. § 285;

H. That Trounson be granted pre-judgment and post-judgment interest in accordance with 35 U.S.C. § 284 on the damages caused to it by reason of Haas's infringement of the '389 Patent, including pre-judgment and post-judgment interest on any enhanced damages or attorneys' fees award;

I. That costs be awarded in accordance with 35 U.S.C. § 284 to Trounson; and

J. That Trounson be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Trounson hereby demands a trial by jury on all issues so triable in this action.

Dated: December _17, 2013

By: 

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