IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

NSK LTD.,

Plaintiff,

v.

ILJIN BEARING CO., LTD.

Defendant.

Civil Action No. 2:11-CV-22-9022

DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

1. Plaintiff NSK Ltd., ("NSK" or "Plaintiff"), by and through its attorneys, for its Complaint against Defendant ILJIN Bearing Co., Ltd. ("ILJIN" or the "Defendant"), alleges the following.

NATURE OF THE ACTION

2. This action arises under the patent laws of the United States (35 U.S.C. § 1 *et seq.*) based upon ILJIN's infringement of U.S. Patent Nos. 6,280,096 ("the '096 Patent"); and 6,422,758 ("the '758 Patent").

PARTIES

3. NSK is a corporation organized and existing under the laws of Japan, having its principal place of business at Nissei Bldg., 1-6-3, Ohsaki, Shinagawa-ku, Tokyo, 141-8560 Japan. NSK is a global leader in the manufacture of bearings, including hub unit bearings for automobile wheels.

4. Upon information and belief, ILJIN is a corporation organized and existing under the laws of the Republic of Korea with its principal place of business at 50 Hwangsung-dong Gyeongju-City Kyungbuk, the Republic of Korea.

JURISDICTION AND VENUE

5. This is an action for patent infringement. The claims arise under the patent laws of the United States, Title 35 U.S.C. §§ 1 *et seq.*

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

7. Upon information and belief, this Court has personal jurisdiction over the Defendant because the Defendant has sufficient contacts within the State of Alabama and the Middle District of Alabama. Upon information and belief, within the Middle District of Alabama, the Defendant: (i) regularly transacts business; (ii) regularly supplies goods; and (iii) committed the tortious acts alleged in the Complaint. Upon information and belief, such activities include, without limitation, the importation, offering to sell and sale and use of infringing hub unit bearings for automobile wheels that are incorporated into automobiles made in the United States and sold in most districts, including in this district. Further, upon information and belief, the Defendant also sells to companies engaged in aftermarket sales of infringing hub unit bearings throughout the United States, including in this district.

8. Accordingly, this Court has personal jurisdiction over the Defendant pursuant to Fed. R. Civ. P. 4(k)(1)(A).

9. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) for at least the reasons that, upon information and belief, the Defendant has transacted business in this district and has committed, induced and contributed to acts of patent infringement within this district.

THE ACCUSED PRODUCTS

10. Upon information and belief, the Defendant manufactures and sells hub unit bearings for automobiles. These hub unit bearings are then imported by ILJIN and sold in the United States, including in this district.

11. Upon information and belief, the hub unit bearings have been and continue to be imported and sold in the United States by the Defendant to automakers that incorporate the hub unit bearings into numerous models of automobiles sold in the United States, including in this district. Such automobiles include, without limitation, Hyundai Santa Fe vehicles.

THE PATENTS-IN-SUIT

12. NSK is the owner of the entire right, title and interest in and to the '096 Patent, issued August 28, 2001, entitled "Rolling Bearing Unit For Supporting Vehicle Wheel."

13. NSK is the owner of the entire right, title and interest in and to the '758 Patent, issued July 23, 2002, entitled "Rolling Bearing Unit For Supporting Vehicle Wheel." The application for the '758 Patent was filed as a continuation of the '096 Patent application.

14. The '096 Patent, and the '758 Patent, are now, and have been at all times since their respective dates of issuance, valid and enforceable.

COUNT I

(Infringement of the '096 Patent)

15. The allegations of paragraphs 1-14 above are repeated and re-alleged as if set forth fully herein.

16. Upon information and belief, the Defendant's use, offer to sell, and sales within the United States and the Defendant's importation into the United States of hub unit bearings, including the hub unit bearings incorporated in Hyundai Santa Fe vehicles, infringes, literally or under the doctrine of equivalents, one or more claims of the '096 Patent pursuant to 35 U.S.C. § 271(a), (b), (c), (f), and/or (g).

17. Upon information and belief, the Defendant's infringement of the '096 Patent has been knowing and willful.

18. The Defendant's infringement of the '096 Patent has caused and continues to cause NSK to suffer substantial monetary damages.

19. The Defendant's infringement of the '096 Patent has caused and continues to cause NSK to suffer irreparable harm for which there is no adequate remedy at law.

COUNT II

(Infringement of the '758 Patent)

20. The allegations of paragraphs 1-14 above are repeated and re-alleged as if set forth fully herein.

21. Upon information and belief, the Defendant's use, offer to sell, and sales within the United States and the Defendant's importation into the United States of hub unit bearings, including the hub unit bearings incorporated in Hyundai Santa Fe vehicles, infringes, literally or under the doctrine of equivalents, one or more claims of the '758 Patent pursuant to 35 U.S.C. § 271(a), (b), (c), (f), and/or (g).

22. Upon information and belief, the Defendant's infringement of the '758 Patent has been knowing and willful.

23. The Defendant's infringement of the '758 Patent has caused and continues to cause NSK to suffer substantial monetary damages.

24. The Defendant's infringement of the '758 Patent has caused and continues to cause NSK to suffer irreparable harm for which there is no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, NSK respectfully requests that the Court grant the following relief:

a) enter judgment that the Defendant infringes and has infringed the '096 Patent and the '758 Patent;

b) declare that the Defendant's infringement of the '096 Patent and the '758 Patent has been willful;

c) enter a preliminary and permanent injunction enjoining the Defendant, its officers, agents, servants, employees, and attorneys, and those persons and entities in active concert or participation with them, from further infringement of the '096 Patent and the '758 Patent;

d) enter judgment awarding NSK damages from the Defendant adequate to compensate for the Defendant's infringement, including interest and costs;

e) enter judgment awarding NSK treble damages based on the Defendant's willful infringement of the NSK '096 Patent and '758 Patent;

f) declare this case to be exceptional and enter judgment awarding NSK increased damages under 35 U.S.C. § 284 and its reasonable attorney fees and costs under 35 U.S.C. § 285; and

g) award NSK such further relief as this court deems just and proper.

DEMAND FOR JURY TRIAL

NSK respectfully requests a trial by jury on all issues so triable, pursuant to Ref. R. Civ. P. 38.

Dated: January 11, 2011

NSK Ltd.

By: _____

Attorneys

Charles A. Stewart III (STE067)
Bradley Arant Boult Cummings LLP
Alabama Center For Commerce Building
401 Adams Avenue, Suite 780
Montgomery, AL 36104
Phone: (334) 956-7608
Fax: (334) 956-7808
cstewart@babc.com

Frank M. Caprio (CAP005)
Bradley Arant Boult Cummings LLP
200 Clinton Avenue, Suite 900
Huntsville, AL 35801
Phone: (256) 517-5240
jcaprio@babc.com

Joseph S. Bird III (BIR001)
Bradley Arant Boult Cummings LLP
1819 Fifth Avenue North
One Federal Place
Birmingham, AL 35203-2119
Direct Dial: (205) 521-8473
Fax: (205) 488-6473
jbird@babc.com

Of Counsel:

Jack Q. Lever
Shamita D. Etienne-Cummings
WHITE & CASE LLP
701 Thirteenth Street, NW
Washington, DC 20005-3807
Telephone: (202) 626-3600
Facsimile: (202) 626-9355
jlever@whitecase.com
setienne@whitecase.com

David E. Case
WHITE & CASE LLP
Marunouchi Trust Tower Main
26th Floor, 1-8-3
Marunouchi, Chiyoda-ku
Tokyo, 101-0054
Japan
Telephone: 81-3-6384-3149
Facsimile: 81-3-3259-0150
dcase@whitecase.com

Attorneys for NSK Ltd.