UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

RALLY MANUFACTURING, INC.
7600 Corporate Center Drive, Suite 400
Miami, Florida 33126

CASE NO.:

Plaintiff,

v.

FEDERAL-MOGUL CORPORATION
26555 Northwestern Highway
Southfield, Michigan 48033

Defendant
_____/

COMPLAINT AND JURY TRIAL REQUEST

COMES NOW the Plaintiff, Rally Manufacturing Inc. (hereinafter "Rally"), and for its cause of action against Defendant, Federal-Mogul Corporation (hereinafter "Federal-Mogul"), for patent infringement, Rally alleges:

PARTIES AND JURISDICTION

1. Rally is a corporation formed under the laws of Florida having its principal place of business at 7600 Corporate Center Drive, Suite 400, Miami Florida 33014.

2. Upon information and belief Federal-Mogul Corporation is a Delaware corporation having a principal place of business at 26555 Northwestern Highway, Southfield, Michigan 48033.

3. Upon information and belief, Federal-Mogul sells windshield wipers in their associated packaging through ANCO.

4. Upon information and belief, ANCO is a division of Federal-Mogul.

5. This is a complaint for infringement of U.S. Patent No. 6,279,746 (hereinafter "the '746 Patent") under 35 U.S.C. §271.

6. The Court has original and exclusive jurisdiction over the subject matter of the complaint under 28 U.S.C. §§ 1331, 1338(a). Venue is proper under 28 U.S.C. §§ 1391 and 1400(a).

GENERAL ALLEGATIONS

7. Rally is in the business of designing, manufacturing, importing distributing and selling high-end automotive accessories, and amongst a host of products develops, manufactures and sells wiper blades with associated packaging.

8. Rally's in-house designers conceived of and reduced to practice a new reclosable packaging for wiper blades. As a result of Rally's in-house design efforts, Rally applied for and obtained U.S. Patent No. 6,279,746 (hereinafter referred to as "the '746 patent). (A copy of the '746 patent is attached hereto as Exhibit 1 and is incorporated herein by reference). The '746 Patent was filed on May 22, 2000 and issued on August 28, 2001. The inventors of the '746 patent are Saied Hussaini and Marc Iacovelli.

9. The '746 patent is presumed valid by virtue of 35 U.S.C. § 282.

10. The '746 patent is still in full force and effect.

11. Plaintiff Rally is the owner of the '746 Patent by virtue of an assignment from the inventors to Rally which was recorded at the U.S. Patent and Trademark Office.

12. Federal-Mogul imports, sells, has sold and/or has offered to sell within the United Sates and within this judicial district, wiper blades within packaging that infringes the '746 patent.

13. On information and belief Federal-Mogul imports the infringing reclosable packaging

for wiper blades.

14. Rally has given Federal-Mogul notice of the '746 patent.

COUNT I
PATENT INFRINGMENT

15. Paragraphs 1 through 14 are adopted and incorporated herein by reference as is fully set out in this paragraph 15.

16. Rally is the owner of the '746 patent.

17. The Defendant imports, sells, distributes, and offers for sale within this judicial district packaging for wiper blades covered by the '746 patent.

18. Defendant has infringed upon the '746 Patent in violation of Title 35 U.S.C. §271 by making, using, selling, offering to sell, and/or importing wiper blades within packaging which infringes the '746 Patent, all to the damage and injury of the Plaintiff Rally.

19. Federal-Mogul has sold and offered for sale wiper blades in reclosable packaging that infringes the '746 patent after constructive notice of the '746 patent and upon information and belief continues to sell the accused infringement packaging after having actual notice of the infringement.

20. Defendant sells and has sold windshield wiper blades with associated infringing reclosable packaging within the United States without license from the Plaintiff.

21. Upon information and belief Federal-Mogul's actions were willful and in direct disregard of Plaintiff's patent rights.

22. Plaintiff Rally has suffered and continues to suffer irreparable damage and injury for which there is no adequate remedy at law against the Defendant for its infringement of the '746 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Rally prays that judgment be entered by this Court in its favor and against the Defendant Federal-Mogul providing the following relief:

A. That Defendant, its agents, affiliates, subsidiaries, servants, employees and attorneys and those persons in active concert with or controlled by them be permanently enjoined from:

1. Making, using and selling products which infringe the '746 Patent;
2. Inducing others to infringe the '746 Patent; and
3. Contributing to the infringement of the '746 patent;

B. That Defendant be required to account to Plaintiff for Plaintiff's lost profits and for all damages sustained by and entitled to Plaintiff by reason of the infringement of the '746 Patent (35 U.S.C. § 284);

C. That judgment be entered against Defendant for Plaintiff's damages in an amount to be determined at trial, and for prejudgment interest based upon infringement damages accruing from the date of Defendant's acts of infringement;

D. That a determination be made that Defendant Federal-Mogul's actions were willful in disregard to Plaintiff's rights and be required to pay to Plaintiff the costs of this action and Plaintiff's reasonable attorney fees (35 U.S.C. § 285), and that damages be trebled;

E. An order directing Defendant to deliver to Rally for immediate destruction all remaining infringing packaging, advertisements, circulars, brochures or other promotional or advertising items, web site or other materials for its infringing packaging;

F. Rally also seeks such other and further relief as may be proper and just.

Plaintiff requests a trial by jury.

Dated: October 20, 2010.

Respectfully submitted,

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