

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

Lester Electrical Inc.,)	
)	
Plaintiff,)	
)	
v.)	
)	COMPLAINT
Diversified Power International, LLC)	
and)	
Nivel Parts & Manufacturing Co., LLC)	
)	
Defendants.)	

Plaintiff, for its complaint, by and through its attorney, alleges that:

PARTIES AND NATURE OF SUIT

1. This suit is for: (1) patent infringement under 35 U.S.C. 153; (2) contributory infringement under 35 U.S.C. 271; (3) induced infringement; and (4) violation of the Nebraska Deceptive Trade Protection Act.
2. Plaintiff, Lester Electrical Inc., is a corporation of the State of Nebraska and has its principal offices at 625 West "A" Street, Lincoln, Nebraska 68522.
3. Lester Electrical is the owner of United States Patent 6,114,833. A copy of this patent is attached to the complaint as Exhibit A.
4. Diversified Power International, LLC, is a corporation of the State of Tennessee having a regular and established place of business at 414 Century CT, Piney Flats, Tennessee 37686-4468. Nivel Parts & Manufacturing Co., LLC, is a corporation of the State of Florida having a regular and established place of business at 3510-1 Port Jacksonville Parkway, Jacksonville, Florida 32226.

SUBJECT MATTER JURISDICTION

5. Jurisdiction is given this Court over this cause of action for patent infringement under the Patent Laws of the United States, Title 35 United States Code, including Sections 271 and 281-287, by Title 28, United States Code, Section 1338 (a) and the general federal questions statute, 28 U.S.C. Section 1331.

6. The plaintiff, Lester Electrical, Inc., and the defendants, Diversified Power International, LLC, and Nivel Parts & Manufacturing Co., LLC, are citizens of different states. The amount in controversy is in excess of \$75,000.00 exclusive of interest and costs.

7. The jurisdiction of this Court is also founded upon the provisions of 28 U.S.C. Section 1332 (a) in that the matter in controversy exceeds \$75,000.00, exclusive of interest and costs, and there is complete diversity of citizenship between the parties. The plaintiff is a Nebraska corporation and the defendants are corporations of Tennessee and Florida.

PERSONAL JURISDICTION

8. Personal jurisdiction over the defendants, Diversified Power International, LLC, and Nivel Parts & Manufacturing Co., LLC, is based on the Nebraska Long Arm Statute, Revised Statutes of Nebraska, Chapter 25-536. This cause of action arose from the defendant's transaction of business in this jurisdiction as recited herein and the defendant's causing tortious injury in this jurisdiction as recited herein.

9. On information and belief, Diversified Power International, LLC, and Nivel Parts & Manufacturing Co., LLC, have transacted business in this jurisdiction by at least selling parts of battery chargers to Lester Electrical, Inc., Lincoln, Nebraska.

10. Tortious injury has been caused to the plaintiff in the District of Nebraska by selling or inducing the use of the infringing power supply that communicates with an onboard computer in violation of United States Patent 6,114,833.

VENUE

11. Venue is given this Court by Title 28, United States Code, Section 1400 (b) or Title 28, United States Code, Section 1391 (b) and (c).

DEFENDANTS'S WRONGFUL ACTIVITIES

12. Defendants have been notified of United States Patent 6,114,833 and has been notified of its infringement of United States Patent 6,114,833.

13. On information and belief, defendants will continue to sell infringing power supplies that communicate with an onboard computer unless enjoined by this Court.

14. On information and belief, by the acts above alleged, all of which will continue unless enjoined by this Court, defendants have damaged plaintiff by reducing plaintiff's sales, injured plaintiff's reputation and injured and deceived the public, thus causing plaintiff irreparable harm, the extent of which is presently unknown.

15. Plaintiff does not have an adequate remedy at law.

16. Defendants, Diversified Power International, LLC, a corporation of the State of Tennessee, and Nivel Parts & Manufacturing Co., LLC, a corporation of the State of Florida, have been and are infringing United States Patent 6,114,833 deliberately, willfully and intentionally by selling and are inducing infringement by demonstrating apparatuses embodying the patented inventions of United States Letter Patents 6,114,833.

17. Defendants have been made aware of said Letters Patent but has continued to infringe said Letters Patent in willful, wanton and unlawful disregard of plaintiff's rights therein and thereunder and with full knowledge of the existence of said Letters Patent, all to the plaintiff's great and irreparable damage.

18. The plaintiff places the required statutory notice on its products manufactured, used and/or sold by it under said Letters Patent.

19. By the defendants' infringement, plaintiff has been and will be greatly and irreparably damaged in the amount of which damages plaintiff cannot ascertain except by an accounting.

WHEREFORE, plaintiff prays that this Court enter judgement and decree against the defendants:

1. Ordering that the defendants, their respective officers, directors, representatives, successors and assigns and all those in active concert and in active participation with defendants and each and all of them all those acting under their authority and control or in privity with them, or any of them:

a. be preliminarily and perpetually enjoined from committing further acts of infringement of said Letters Patent and from aiding or abetting or inducing or in any way contributing in the infringement of said Letter Patent;

b. be required to account to plaintiff for all gains and profits derived by defendant from acts described herein;

c. be required to pay to plaintiff all costs of this action and plaintiff's reasonable attorneys' fees pursuant to the provisions of 35 U.S.C. Section 285 and 15 U.S.C. Section 1117, because of the calculated and deliberate nature of the infringing activities of defendants sought to be enjoined

hereby which make this an exceptional case warranting such an award; and

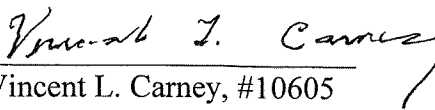
2. Awarding to the plaintiff:

a. an accounting for profits and damages arising out of infringement by the defendants, such damages to be trebled because of the willful nature of the infringement; and

b. such other and further different relief as this Court may deem just and proper.

Respectfully submitted,

Date: September 26, 2011


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Plaintiff requests trial in Lincoln, Nebraska