

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

<b>Nidec Motor Corporation</b>	§	
<i>Plaintiff,</i>	§	
<b>v.</b>	§	CASE NO. : _____
	§	
<b>SNTech, Inc.</b>	§	<b>JURY TRIAL DEMANDED</b>
<i>Defendant.</i>	§	
	§	

**ORIGINAL COMPLAINT**

Plaintiff Nidec Motor Corporation (“Nidec Motor”), through its attorneys, files this complaint against defendant SNTech, Inc. and hereby alleges as follows:

**I. PARTIES**

1. Plaintiff Nidec Motor is a corporation organized and existing under the laws of the state of Delaware, with a principal place of business in this judicial district at 8050 W. Florissant Avenue, St. Louis, Missouri 63136.

2. SNTech, Inc. (“SNTech”) is a corporation organized and existing under the laws of the state of Delaware, with a principal place of business located at 1702 E. Highland Avenue, Suite 400, Phoenix, Arizona 85016. SNTech has engaged, and is engaging, in business in Missouri and in this judicial district.

**II. JURISDICTION AND VENUE**

3. This is an action for infringement of several United States patents, and arises under the patent laws of the United States, 35 U.S.C. § 271, *et. seq.* This Court has exclusive subject matter jurisdiction of such action under 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over SNTech by virtue of SNTech's regular commercial and business activities within and/or directed to the State of Missouri.

5. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b) and (c) and 28 U.S.C. § 1400(b).

**COUNT I:  
INFRINGEMENT OF U.S. PATENT NO. 5,818,194**

6. On October 6, 1998, United States Patent No. 5,818,194 (the "'194 patent") was duly and legally issued for "Direct Replacement Variable Speed Blower Motor." A true and correct copy of the '194 patent is attached hereto as Exhibit A and made a part hereof.

7. Nidec Motor is the assignee and owner of all rights and title to the '194 patent, with the exclusive right to enforce the patent against infringers and to sue for and collect damages for all relevant times, including the right to assert the present cause of action.

8. SNTech manufactures, makes, has made, uses, practices, imports, provides, supplies, distributes, sells and/or offers for sale products, including but not limited to ECM drop-in replacements for PSC blower motors, that directly infringe one or more claims in the '194 patent.

9. SNTech's products that directly infringe the '194 patent include but are not limited to "The Green Motor – Indoor" Model Nos. SE157S380RIC and SE157S750RIC and "The Green Motor – Outdoor" Model Nos. SE157S380ROC, SE157S750ROC, SE157S180ROC and SE157S380ROC (collectively the "SNTech Green Motors").

10. As one example of SNTech's direct infringement of the '194 Patent, SNTech's Green Motors directly infringes at least claims 1, 13 and 15 of the '194 Patent. Details of this infringement are set forth below:

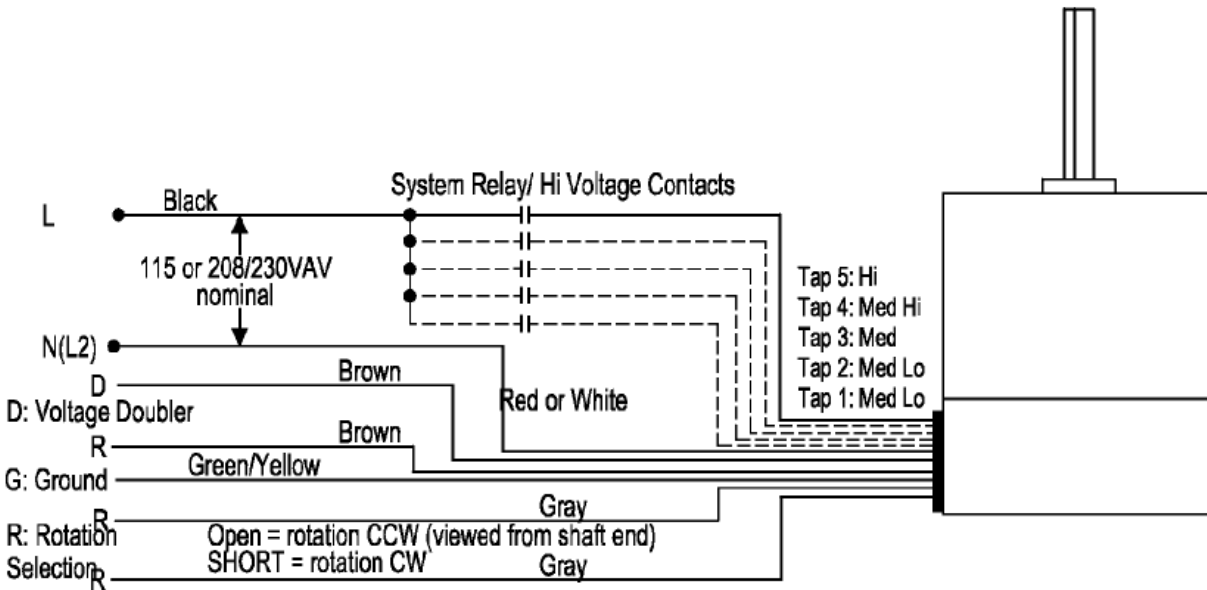
11. Each of the SNTech Green Motors is a "variable speed blower motor unit" as recited in claim 1 in that it was specifically designed and is specifically marketed by SNTech as a variable

speed motor for use in HVAC blower applications. For example SNTech’s Internet Webpage at <http://www.sntech.com/index.php?/products/thegreenmotor-indoor> specifically describes one SNTech Green Motor as follows: “*The Green Motor - Indoor (Drop-in Replacement for PSC Blower Motors).*”

12. As further recited in claim 1 of the ‘194 Patent, the SNTech Green Motors include “a variable speed motor having at least two operating speeds and a reference input for selecting an operating speed.” This is confirmed by the fact that SNTech promotes the SNTech Green Motors as implementing “Speed Defined Torque Control” and operation of the motor shows that it operates at at least two operating speeds. Still further, stickers found on the housings of exemplary SNTech Green Motors contain a “Wire Diagram” associating a plurality of taps of the motor with various speeds. For example, in the label on the representative SNTech Green Motor depicted in the photograph below, the SNTech Green Motor has five taps, corresponding to various speeds as follows: Tap 5-HI SPD; Tap 4-MD HI SPD; Tap 3 – MD SPD; Tap 2-MD LW SPD and Tap 1-LOW SPD:

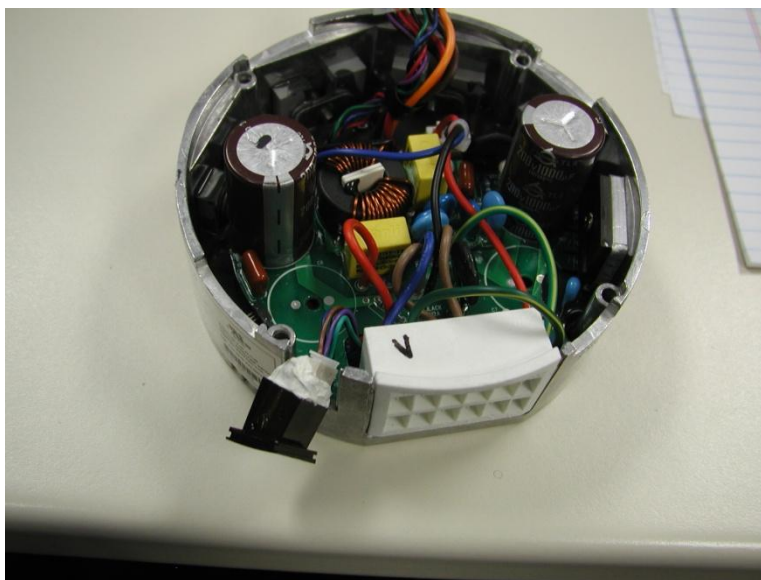


Further proof that SNTech’s Green Motors perform this function is found in SNTech’s pending U.S. Patent Application Publication No. 2011/0181216 entitled “Speed-Defined Torque Control” – a feature that SNTech explicitly associates with its Green Motors – which includes Figure 4 showing multiple speed taps.



**FIG. 4**

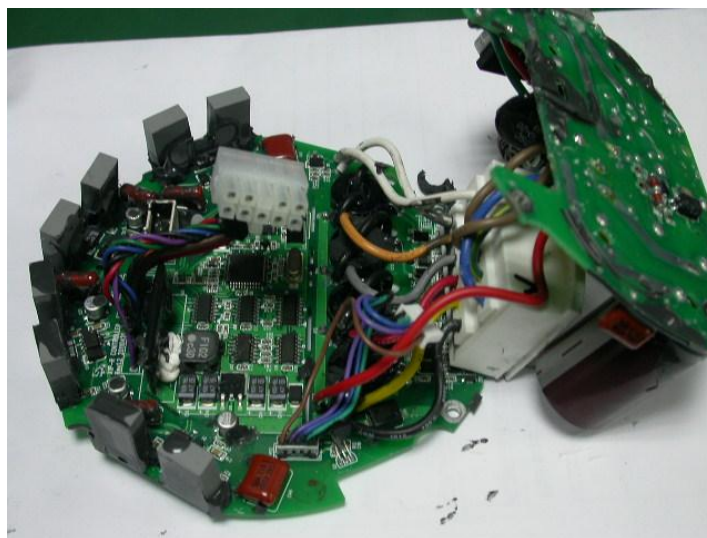
13. As still further recited in claim 1 of the '194 Patent, each of the SNTech Green Motors includes "a power input comprising a first and a second current input, each of the current inputs coupled to the motor so that an operating current applied to either of the current inputs supplies operating power to the motor." A photograph of a portion of the power input from an SNTech motor is provided below:



As reflected in the photograph, the Green Motor power input includes a terminal housing that includes prong connections constituting at least first and second current inputs. Operation of SNTech's motors shows that each of the current inputs is coupled to the motor so that an operating current applied to either of the current inputs supplies power to the motor.

As further proof, Figure 4 of SNTech's patent application, cited and shown above, also shows the claimed power input.

14. Further, the SNTech Green Motors include "a multiplexing unit coupled to the power input and the motor reference input, the multiplexing unit selecting one of at least a pair of reference signals and applying the selected reference signal to the reference input, the selection depending upon which of the first and the second current inputs has an operating current applied thereto; and a reference source coupled to the multiplexing unit and supplying the at least a pair of reference signals thereto" as recited in claim 1. Inspection of the SNTech Green Motors shows that they include a motor control that, at least in part, operates based on digital signals. At least portions of this digital motor control are reflected in the photograph of a portion of a SNTech Green Motor provided below:



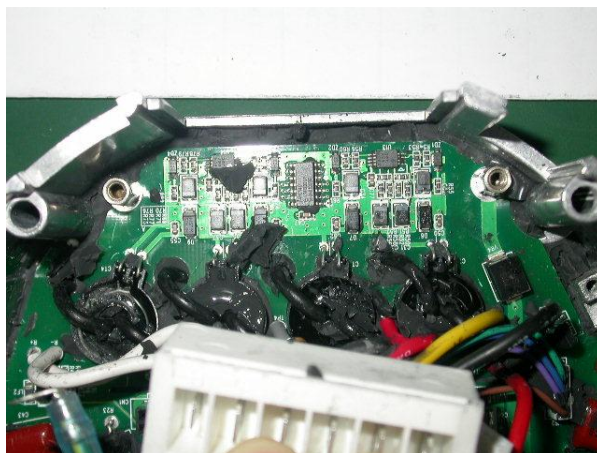
Application of current to the first and second current inputs of the SNTech Green Motor shows that the motor controller receives different digital signals that set the operating speed of the motor depending upon which of the first and second inputs has an operating power applied to it. Based on this inspection, these digital signals applied to the motor controller are provided from a reference source (likely a digital memory) and selected through the use of a unit performing a multiplexing function based on which current inputs have an operating current applied to it.

Further proof that SNTech's Green Motors perform this function is found in SNTech's pending U.S. Patent Application Publication No. 2011/0181216, which states in paragraph [0045] and Table 1. "[0045] As will be described below, optionally a first table is stored in memory. The first table includes pre-specified speed values, wherein a given RPM speed value corresponds to a respective motor tap. An example table storing a correspondence between a given tap and a corresponding motor speed is depicted below, as Table 1:"

TABLE 1

Tap Number	RPM Rating
5	1075 RPM
4	975 RPM
3	900 RPM
2	825 RPM
1	600 RPM

15. Claim 13 of the '194 Patent depends from claim 1 and states that the recited multiplexing unit "comprises a current sensing unit coupled to the power input for sensing the presence of an operating current flowing in at least a selected one of the first and second current inputs when operating power is supplied to the motor via the at least a selected one of the current inputs, and wherein the multiplexing unit selects one of the reference signals to apply to the reference input in response to the current sensing unit." The SNTech Green Motors include the sensing current required by this claim. Portions of this current sensor, including a number of toroidal current transformers are reflected in the photograph below of portions of an exemplary SNTech Green Motor:



16. Claim 15 depends from claim 13 and recites that the claimed subject matter further comprises “a DC power supply connected to the multiplexing unit that supplies power to at least a portion of the multiplexing unit when an operating current is supplied via the at least a selected one of the current inputs.” Inspection of the SNTech Green Motors shows that it includes an AC/DC power supply manufactured by Rohm Semiconductor that powers portions of the circuitry forming the multiplexing unit when operating current is supplied to the motor via at least one of the current inputs. A photograph of the portion of a Green Motor containing this DC power supply is provided below. The DC power supply includes the black-coated upstanding rectangular circuit board bearing the letters “ROHM”:



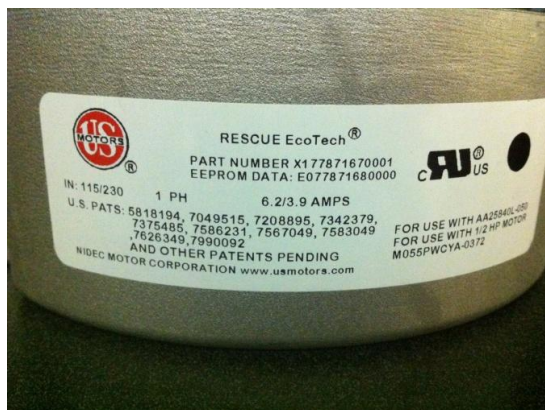
17. In addition to directly infringing the '194 Patent, SNTech has contributed to infringement of one or more claims of the '194 Patent because there is no substantial non-infringing use of the SNTech products at issue, including the SNTech Green Motors.

18. In addition to directly infringing the '194 Patent through its acts associated with the SNTech Green Motors, SNTech sells motors that, when used as intended by SNTech and in accordance with instructions provided by SNTech, directly infringes the '194 Patent. As such, SNTech has induced infringement of the '194 Patent. As an example, use of the SNTech Green Motors as instructed and as recommended by SNTech results in performance of the methods of at least claims 39 and 44 of the '194 Patent.

19. SNTech and/or individuals within SNTech's employ had knowledge of the '194 patent prior to the filing of the Original Complaint in this action. This is evidenced by the fact that SNTech cited the '194 Patent as a reference in an information disclosure statement filed in connection with SNTech's pending United States Patent Application Serial No. 13/092,505.

20. SNTech's infringement of the '194 patent was and is willful. Despite knowing of the '194 Patent, SNTech engaged in, and continues to engage in, acts that infringe the '194 Patent.

21. At all relevant times, Nidec Motor has complied with any marking and/or notice provisions of 35 U.S.C. § 287 with respect to the '194 patent. Among other things, Nidec Motor has marked products utilizing the subject matter of the '194 Patent with the number of the '194 Patent. As an example, photographs of Nidec Motor's RESCUE EcoTech® motor bearing the number of the '194 Patent are provided below:



22. Nidec Motor has been damaged as a result of SNTech's infringing conduct. SNTech is, thus, liable to Nidec Motor in an amount that adequately compensates it for SNTech's infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs, including lost profits, as affixed by this Court under 35 U.S.C. § 284.

23. SNTech will continue its infringement of the '194 patent unless enjoined by the Court. SNTech's infringing conduct has caused Nidec Motor irreparable harm and will continue to cause such harm without the issuance of an injunction.

**COUNT II:  
INFRINGEMENT OF U.S. PATENT NO. 7,990,092**

24. On August 2, 2011, United States Patent No. 7,990,092 (the "'092 Patent") was duly and legally issued for "Blower Motor for HVAC Systems." A true and correct copy of the '092 Patent is attached hereto as Exhibit B and made a part hereof.

25. Nidec Motor is the assignee and owner of all rights and title to the '092 Patent, with the exclusive right to enforce the patent against infringers and to sue for and collect damages for all relevant times, including the right to assert the present cause of action.

26. SNTech manufactures, makes, has made, uses, practices, imports, provides, supplies, distributes, sells, and/or offers for sale, products, including but not limited to ECM drop-in replacements for PSC blower motors, that directly infringe one or more claims in the '092 Patent.

27. SNTech products that infringe the '092 Patent include but are not limited to the SNTech Green Motors.

28. As one example of SNTech's direct infringement of the '092 Patent, SNTech's Green Motors directly infringe at least claims 1-6 of the '092 Patent. Details of this infringement are set forth below:

29. During its manufacturing, demonstrating and testing of the SNTech Green Motors, SNTech operated the motors in such a manner that they implemented a "method of adjusting torque values of a motor having multiple torque settings and a maximum rated torque value" as recited in claim 1 of the '092 Patent. This is evidenced by the fact that each of the SNTech Green Motors has multiple torque settings, at least some of which are associated with individual motor input taps. Operation of the SNTech Green Motors shows that they have a maximum torque output. Photographs of an SNTech Green Motor showing multiple color-coded input motor taps and a label associating at least some of the taps with a desired operating speed (and therefore a torque value under a given load condition) are set forth below:



Further proof that SNTech’s Green Motors perform this function is found in SNTech’s pending U.S. Patent Application Publication No. 2011/0181216, which explains in paragraph [0053] that SNTech’s “calibration process causes the motor to scale its torque to an Adjusted Rated Torque (ART)--that is, the torque needed to maintain the rated speed designated for a given speed tap. The calibration process optionally assigns torque values to other taps based on a percentage of the Adjusted Rated Torque.” Additional proof may be found in paragraph [0068], which states “the values for the remaining taps are automatically set as a percentage of the Application Rated Torque (ART)”, and Table 2:

TABLE 2

Tap Number	% of Adjusted Rated Torque-ART
5	100%
4	91%
3	84%
2	77%
1	55%

30. The SNTech method of adjusting torque values with respect to the SNTech Green motors involves the step of “selecting an adjustment factor to obtain an adjusted maximum torque value that is less than the maximum rated torque value where the adjustment value is less than the maximum rated torque value” as recited in claim 1 of the ‘092 Patent. This adjustment can be automatically accomplished by the SNTech Green Motors using a processes that SNTech refers to as “Autosizing.” On information and belief, the adjustment factor selected by the SNTech Green Motors is, at least in many instances, “between 60% and 99%” as recited in claim 1. Further proof that SNTech’s Green Motors perform this function is found in paragraphs [0053] and [0068], as well as Table 2, cited above.

31. After selecting an adjustment factor in accordance with the method step of the previous paragraph, SNTech’s Green Motors then engage in a step of “adjusting all the torque settings of the motor with the adjustment factor to obtain proportionally reduced torque settings” as recited in claim 1. Inspection of the SNTech motor shows that in implementing its “Autosizing” function it adjusts the maximum torque output of the motor to obtain a selected peak operating speed of approximately 1075 RPMs and that this adjustment also impacts the torque outputs associated with one or more input taps of the motor. Further proof that SNTech’s Green Motors perform this function is found in SNTech’s pending patent application entitled “Speed-Defined Torque Control” – a feature that SNTech explicitly associates with its Green Motors – which describes the operation of the disclosed SNTech Motor as involving steps of having a controller operate the motor to determine “the torque needed to operate the motor at a first desired speed” and then “set a value for a second speed tap by scaling an application rated torque associated with the first speed tap.” *See* SNTech U.S. Patent Application Publication No. 2011/0181216 at [10] – [14]. Further proof that SNTech’s Green Motors perform this function is found in

SNTech's pending U.S. Patent Application Publication No. 2011/0181216, which explains in paragraph [0053] that SNTech's "calibration process causes the motor to scale its torque to an Adjusted Rated Torque (ART)--that is, the torque needed to maintain the rated speed designated for a given speed tap. The calibration process optionally assigns torque values to other taps based on a percentage of the Adjusted Rated Torque."

32. After adjusting the torque settings using the method step of the previous paragraph, the SNTech Green Motors, in operation, perform the step of "operating the motor at the proportionally reduced torque settings" as recited in claim 1 of the '092 Patent. Proof that SNTech's Green Motors perform this function is found in SNTech's pending U.S. Patent Application Publication No. 2011/0181216, which explains in paragraph [0070] that "After the calibration period, the calibration process is completed and the motor is ready to operate normally. In this example, at the calibration process completion, tap 5 represents the torque (e.g., the Adjusted Rated Torque (ART)) used to operate the blower to achieve 1075 RPM, and the lower taps (taps 1-4 in this example) are scaled per Table 2 below based on the calibrated torque (the ART) of tap 5."

33. Claim 2 of the '092 Patent depends from claim 1 and recites that "the adjustment factor is between 80% and 95%." On information and belief, the adjustment factor selected by the SNTech Green Motors is, at least in many instances, within the range recited in claim 2.

34. Claim 3 of the '092 Patent depends from claim 1 and recites that the "adjustment factor is selected based on characteristics of an HVAC enclosure in which the motor is to be mounted."

SNTech specifically discusses its Green Motor as follows on its

<http://www.sntech.com/index.php?/products> webpage: "*The Green Motor-Indoor model is an ECM designed for replacement of PSC-induction motors in single- or multi-stage air handlers*

*and furnaces. . .The Green Motor-Indoor's patented Speed-Defined Torque Control™ process allows the motor to automatically size the horsepower in the application reducing installation time and complexity.*” Further proof that SNTech's Green Motors perform this function is found in SNTech's pending U.S. Patent Application Publication No. 2011/0181216, which explains in paragraph [0062] that “the calibration process may be performed under the same or very similar condition where the motor is operated for ventilation. The results from the calibration process will thus reflect the conditions of the actual ventilation system, such as the size, the design and the weight of the fan, and the configuration of the ventilation system ducting.”

35. Claim 4 of the '092 Patent depends from claim 1 and states that the “proportionally reduced torque settings are obtained by multiplying the torque settings by the adjustment factor.” As evidenced by the SNTech Patent Application on its “Speed –Defined Torque Control” feature (which it indicates is implemented in the SNTech Green Motors), the motors are configured to set the torque settings by “scaling” or using a “percentage” of certain values, and both functions would involve the multiplication of torque settings by an adjustment factor as recited in this claims. *See* SNTech U.S. Patent Application Publication No. 2011/0181216 at [10] – [14].

36. Claim 5 of the '092 Patent depends from claim 1 and recites that the “motor is a variable speed motor.” There is no question that each of the SNTech Green Motors is a “variable speed motor” as recited in this claim.

37. Claim 6 of the '092 Patent depends on claim 5 and recites that the “variable speed motor is a brushless permanent magnet motor.” Each of the SNTech Green Motors is a variable speed brushless permanent magnet motor. Reproduced below on the left is a photograph of a rotor from an SNTech Green Motor. As reflected in the photograph, it is brushless. Reproduced

below on the right is a photograph of a permanent magnet contained within the rotor of a SNTech Green Motor, confirming that it is a permanent magnet motor:

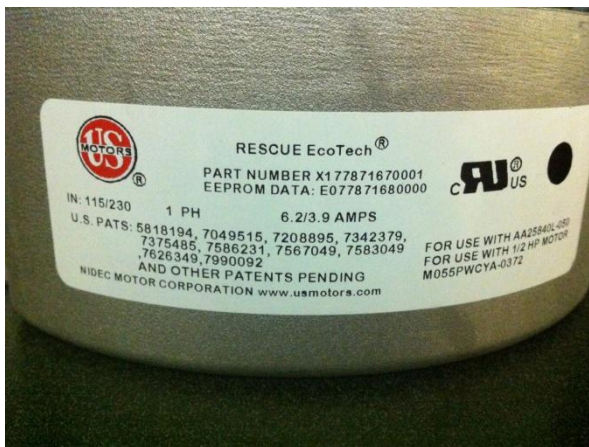


38. In addition to directly infringing the '092 Patent, SNTech has contributed to infringement of one or more claims of the '092 Patent because there is no substantial non-infringing use of the SNTech Green Motors. In use, the motors will perform the methods of at least one of the claims of the '092 Patent.

39. Still further, SNTech sells motors that, when used as intended by SNTech and in accordance with instructions provided by SNTech, directly infringes the '092 Patent. As such, SNTech has induced infringement of the '092 Patent.

40. SNTech and/or individuals within SNTech's employ had knowledge of the '092 Patent prior to the filing of the Original Complaint in this action. As a result of this knowledge and SNTech's continued infringement, SNTech's infringement of the '092 Patent was and is willful. *[NOTE: The allegations in this paragraph will likely have evidentiary support after a reasonable opportunity for investigation and discovery].*

41. At all relevant times, Nidec Motor has complied with any marking and/or notice provisions of 35 U.S.C. § 287 with respect to the '092 Patent. Among other things, Nidec Motor has marked products utilizing the subject matter of the '092 Patent with the number of the '092 Patent. As an example, photographs of Nidec Motor's RESCUE EcoTech® motor bearing the number of the '092 Patent are provided below:



42. Nidec Motor has been damaged as a result of SNTech's infringing conduct with respect to the '092 Patent. SNTech is therefore liable to Nidec Motor in an amount that adequately compensates it for SNTech's infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs, including lost profits, as affixed by this Court under 35 U.S.C. § 284.

43. SNTech will continue its infringement of the '092 Patent unless enjoined by the Court. SNTech's infringing conduct causes Nidec Motor irreparable harm and will continue to cause such harm without the issuance of an injunction.

### **COUNT III: INFRINGEMENT OF U.S. PATENT NO. 8,049,459**

44. On November 1, 2011, United States Patent No. 8,049,459 (the "'459 Patent") was duly and legally issued for "Blower Motor for HVAC Systems." A true and correct copy of the '459 Patent is attached hereto as Exhibit C and made a part hereof.

45. Nidec Motor is the assignee and owner of all rights and title to the '459 Patent, with the exclusive right to enforce the patent against infringers and to sue for and collect damages for all relevant times, including the right to assert the present cause of action.

46. SNTech manufactures, makes, has made, uses, practices, imports, provides, supplies, distributes, sells, and/or offers for sale, products, including but not limited to ECM drop-in replacements for PSC blower motors, that directly infringe one or more claims in the '459 Patent.

47. SNTech's products that infringe the '459 Patent include but are not limited to the SNTech Green Motors.

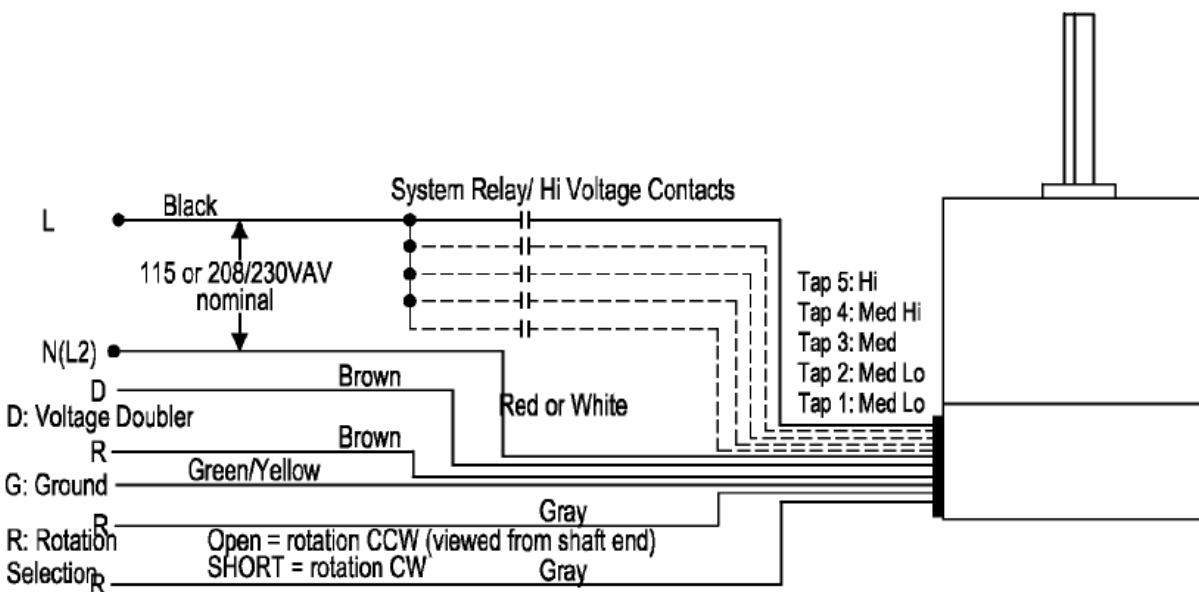
48. As one example of SNTech's direct infringement of the '459 Patent, SNTech's Green Motors infringe at least claim 18 of the '459 Patent. Details of this infringement are set forth below:

49. Each of the SNTech Green Motors was designed for, is intended for, and is sold for use as part of a "blower motor assembly" as recited in claim 18 of the '459 Patent. Indeed, SNTech's Internet website at <http://www.sntech.com/index.php?/products/thegreenmotor-indoor> explicitly describes certain SNTech Green Motors as being a "***Drop-in Replacement for PSC Blower Motors***." Further proof that SNTech's Green Motors perform this function is found in SNTech's pending U.S. Patent Application Publication No. 2011/0181216, which explains in paragraph [0024] that "certain embodiments may be used to adjust the horsepower of a motor used in a heating, ventilation and air conditioning (HVAC) system, such as to drive a blower or fan".

50. As set forth above, each of the SNTech Green Motors includes a "variable speed motor and motor controller" as recited in claim 18 of the '459 Patent. Photographs of a variable speed motor and a motor controller from a SNTech Green Motor are provided below:



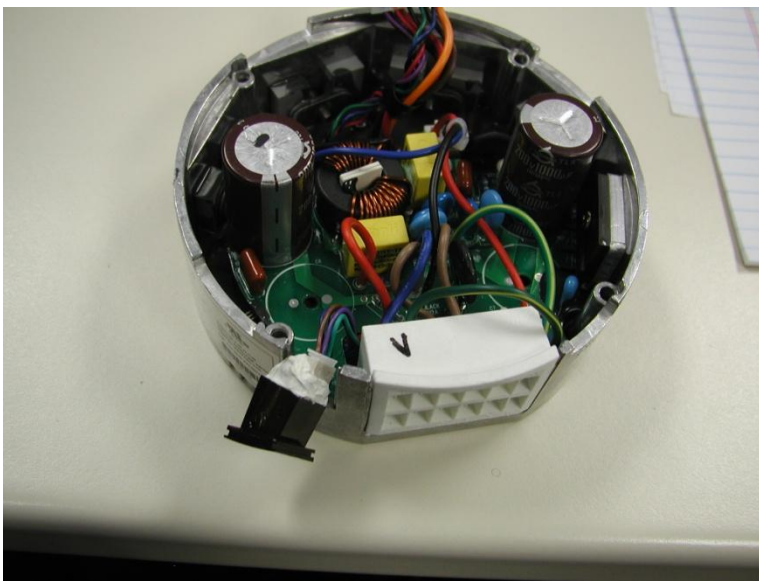
Further proof that SNTech’s Green Motors perform this function is found in SNTech’s pending U.S. Patent Application Publication No. 2011/0181216 entitled “Speed-Defined Torque Control” – a feature that SNTech explicitly associates with its Green Motors – which includes Figure 4 showing multiple speed taps.



**FIG. 4**

51. Each of the SNTech Green Motors includes “a power input coupled with the motor controller and comprising at least first, second and third inputs for receiving AC power from an

AC power source.” A photograph of a portion of the power input from an SNTech motor is provided below:

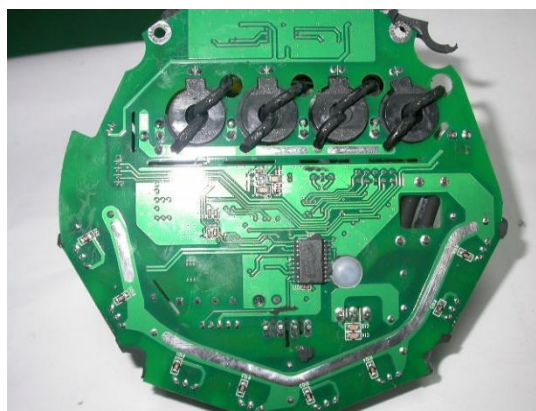


As reflected in the photograph, the SNTech Green Motor power input includes a terminal housing that includes prong connections constituting at least first, second and third current inputs. Review of the nameplate sticker on an SNTech Green Motor confirms that these inputs are for receiving AC power from an AC power source as recited in the claims. As depicted in the SNTech Green Motor name plate below, the depicted motor is intended to receive AC input voltages of 115VAC/208-230VAC:



As further proof, Figure 4 of SNTech's patent application, cited and shown above, also shows the claimed power input.

52. Each of the SNTech Green Motors includes "at least two sensing circuits, each of said at least two sensing circuits is adapted for sensing which of at least one of the first, second, and third inputs power is applied to and for delivering a corresponding signal to the motor controller for selecting a corresponding operating parameter for the motor" as recited in claim 18 of the '459 Patent. These sensing circuits are generally reflected in the photographs of a portion of an SNTech Green Motor provided below, where each of the circular portion of the images reflects a part of one of the current sensors in the SNTech Green Motor:



Further proof that SNTech's Green Motors perform this function is found in SNTech's pending U.S. Patent Application Publication No. 2011/0181216, which explains in paragraph [0079] that the SNTech product "is also beneficial to contractors because the installation of a speed-defined torque control motor can be very similar to the installation of PSC motor and often does not require rewiring of the HVACR system. For example, in certain embodiments, the contractor/installer simply connects power to the speed taps and turns the motor on in the same or similar manner as with a PSC motor."

53. Based on the manner in which the operation of the SNTech Green Motor changes depending on the application of power to the inputs of the motor, the motor controller within each of the SNTech Green Motors "determines to which of the first, second, and third inputs power is applied by determining which of the sensing circuits sense power and which of the sensing circuits sense no power" as recited in claim 18 of the '459 Patent. Further proof that SNTech's Green Motors perform this function is found in SNTech's pending U.S. Patent Application Publication No. 2011/0181216, which explains in paragraph [0059] that "should multiple taps being simultaneously activated, the highest number activated tap (corresponding to the highest RPM rating of the activated taps) will be given priority over lower number taps (corresponding to lower RPM ratings of the activated taps)."

54. In addition to directly infringing the '459 Patent, SNTech has contributed to infringement of one or more claims of the '459 Patent because there is no substantial non-infringing use of the SNTech products at issue.

55. In addition to direct and contributory infringement, SNTech sells motors that, when used as intended by SNTech and in accordance with instructions provided by SNTech, directly infringe the '459 Patent. As such, SNTech has induced infringement of the '459 Patent.

56. SNTech and/or individuals within SNTech's employ had knowledge of the '459 Patent prior to the filing of the Original Complaint in this action. Because of SNTech's continuing infringement after obtaining such knowledge, SNTech's infringement was and is willful. [The allegations advanced in this paragraph will likely have evidentiary support after a reasonable opportunity for investigation and discovery].

57. At all relevant times, Nidec Motor has complied with any marking and/or notice provisions of 35 U.S.C. § 287 with respect to the '459 Patent.

58. Nidec Motor has been damaged as a result of SNTech's infringing conduct with respect to the '459 Patent. SNTech is therefore liable to Nidec Motor in an amount that adequately compensates it for SNTech's infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs, including lost profits, as affixed by this Court under 35 U.S.C. § 284.

59. SNTech will continue its infringement of the '459 Patent unless enjoined by the Court. SNTech's infringing conduct causes Nidec Motor irreparable harm and will continue to cause such harm without the issuance of an injunction.

#### **IV. JURY DEMAND**

Nidec Motor hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

**PRAYER FOR RELIEF**

THEREFORE, Nidec Motor respectfully requests that this Court enter judgment in its favor and grant Nidec Motor the following relief:

1. Judgment that one or more claims of the '194, '092 and/or '459 Patents have been infringed, either literally and/or under the doctrine of equivalents, by Defendant and/or by others to whose infringement Defendant has contributed and/or by others whose infringement has been induced by Defendant;
2. That Defendant's infringement be found to be willful from the time Defendant became aware of the infringing nature of its products, which was prior to the time of filing of Plaintiff's Original Complaint, and that the Court treble damages for the period of such willful infringement pursuant to 325 U.S.C. § 284;
3. That Nidec Motor be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendant's infringing activities and other conduct complained of herein;
4. That this Court declare this an exceptional case and award Nidec Motor its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285;
5. That Defendant be enjoined from any further activity or conduct that infringes one or more claims of the patent-in-suit; and
6. That Nidec Motor be granted such other and further relief as the Court may deem just and proper under the circumstances including, but not limited to, supplemental damages and/or and accounting for any infringing acts not covered by any damages verdict entered in this action and for any post-verdict and/or post-injunction infringing acts.

Date: January 21, 2012

Respectfully submitted

By: /s/ Jason M. Schwent

Jason M. Schwent 53260MO  
Missouri State Bar No. 53260  
**THOMPSON COBURN LLP**  
One US Bank Plaza  
St. Louis, MO 63101-1693  
Telephone: (314) 552-6000  
Facsimile: (314) 552-7000  
jschwent@thompsoncoburn.com

*Attorneys for Plaintiff*  
**NIDEC MOTOR CORPORATION**

Robert J. McAughan, Jr.  
Texas State Bar No. 00786096  
*Lead Attorney*  
**LOCKE LORD LLP**  
2800 JP Morgan Chase Tower  
600 Travis Street  
Houston, TX 77002-3095  
Telephone: (713) 226-1200  
Facsimile: (713) 223-3717  
bmcaughan@lockelord.com  
*Of Counsel, Pro Hoc Vice Application to be  
filed*