

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

**mitsubishi heavy industries,
LTD.,**

Plaintiff,

vs.

GENERAL ELECTRIC CO.,

Defendant.

Case No. _____

6:10-CV-812-oRL-28krs

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND

Plaintiff Mitsubishi Heavy Industries, Ltd. (“MHI”), by and through its undersigned attorneys, based upon actual knowledge as to itself and its own actions, and upon information and belief as to all other persons and events, hereby pleads the following claims for patent infringement against Defendant General Electric Co. (“GE”), and alleges as follows:

PARTIES

1. Plaintiff MHI is a Japanese corporation with its principal place of business at 16-5, Konan 2-chome, Minato-ku, Tokyo, Japan. MHI is the assignee and owns all right, title, and interest to U.S. Patent Number 7,452,185 (the “185 patent”). Among other things, MHI engages in the development, manufacture, and distribution of wind turbines and wind turbine components. MHI markets, sells, services and supports its wind turbine products in the United States through its Mitsubishi Power Systems America, Inc. subsidiary, which has its headquarters at 100 Colonial Center Parkway, Lake Mary, Florida.

2. On information and belief, Defendant GE is a corporation organized and existing under the laws of New York, having a principal place of business at 3135 Easton Turnpike, Fairfield, Connecticut. GE conducts business throughout the United States, including in the Middle District of Florida. Among other things, GE designs, manufactures, offers for sale and sells wind turbines and wind turbine components throughout the United States.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States of America, 35 U.S.C. § 1, et seq., including 35 U.S.C. § 271. This Court has subject matter jurisdiction over the matters pleaded herein under 28 U.S.C. §§ 1331 and 1338(a) in that this is a civil action arising out of the patent laws of the United States of America.

4. This Court has personal jurisdiction over Defendant GE because, among other reasons, GE does business in Florida and this District, maintains offices in Florida and this District, and is registered with the Florida Department of State to do business in Florida.

5. Venue is proper in the Middle District of Florida pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because Defendant GE is subject to personal jurisdiction in this district.

CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 7,452,185)

6. Plaintiff MHI incorporates by reference paragraphs 1 through 5 of this Complaint as if set forth here in full.

7. Plaintiff MHI is the owner of the entire right, title, and interest in and to the '185 patent, entitled "Blade-Pitch-Angle Control Device And Wind Power Generator," which

was duly issued on November 18, 2008 in the name of inventors Kazunari Ide, Yoshiyuki Hayashi, and Masaaki Shibata, and is now assigned to MHI. A copy of the '185 patent is attached as Exhibit A hereto.

8. On information and belief, Defendant GE has been and is currently directly infringing the '185 patent, in violation of 35 U.S.C. § 271, by, among other things, making, using, offering to sell, selling, and/or importing into the United States, without authority or license from MHI, wind turbines falling within the scope of one or more claims of the '185 patent.

9. On information and belief, Defendant GE induced and is actively inducing the infringement of the '185 patent, in violation of 35 U.S.C. § 271(b), by, among other things, actively and knowingly aiding and abetting others, including GE's customers, to directly make, use, offer for sale, sell, and/or import into the United States, without license or authority, wind turbines that fall within the scope of one or more claims of the '185 patent.

10. On information and belief, Defendant GE has contributorily infringed and is currently contributorily infringing the '185 patent, in violation of 35 U.S.C. § 271(c), by, among other things, making, using, offering to sell, selling, and/or importing into the United States, without authority or license from MHI, wind turbines and/or components of wind turbines (*e.g.*, blades, nacelles, controllers) which constitute a material part of an apparatus claimed by the '185 patent, knowing that such products and/or components are especially made or especially adapted for use in the infringement of the '185 patent, and not staple articles or commodities of commerce suitable for substantial non-infringing use.

11. Unless enjoined, Defendant GE will continue to infringe the '185 patent, and MHI will suffer irreparable injury as a direct and proximate result of GE's conduct.

12. Plaintiff MHI has been damaged by GE's conduct, and, until an injunction issues, will continue to be damaged in an amount yet to be determined.

PRAYER FOR RELIEF

WHEREFORE, MHI prays for relief as follows:

1. For a judicial determination that the '185 patent is valid and enforceable;
2. For a judicial determination that GE has directly infringed the '185 patent;
3. For a judicial determination that GE has induced the infringement of the '185 patent;
4. For a judicial determination that GE has contributorily infringed the '185 patent;
5. For an order preliminarily and permanently enjoining GE and its affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors, assigns, and all those acting for them and on their behalf, or acting in concert with them directly or indirectly, from further acts of infringement of the '185 patent;
6. For an award of damages resulting from infringement of the '185 patent by GE in an amount to be determined at trial;
7. For an award of supplemental damages and interest on all damages;
8. For a declaration that this case is exceptional pursuant to 35 U.S.C. § 285 and an award of attorneys' fees, expenses and costs in accordance with 35 U.S.C. §§ 284 and 285 and Rule 54(d) of the Federal Rules of Civil Procedure; and
9. For an award of such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff MHI hereby demands a trial by jury on all issues triable to a jury.

Dated: May 20, 2010

Respectfully submitted,



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