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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

2010 MAY -5 P 1:46

CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

ROLLS-ROYCE plc, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 UNITED TECHNOLOGIES )  
 CORPORATION (d/b/a PRATT & )  
 WHITNEY), )  
 )  
 Defendant. )

Civil Action No. 1:10cv457  
LMB JFA  
**DEMAND FOR JURY TRIAL**

**COMPLAINT**

Plaintiff, Rolls-Royce plc ("Rolls-Royce"), through its attorneys, alleges as follows:

**THE PARTIES**

1. Rolls-Royce is a corporation organized and existing under the laws of England and Wales, and has its principal place of business at 65 Buckingham Gate, London SW1E 6AT, United Kingdom. Rolls-Royce's North American business operations are based in Chantilly, Virginia.

2. On information and belief, defendant, United Technologies Corporation ("UTC" or "Defendant") is a Delaware corporation, having its principal place of business at United Technologies Building, Hartford, Connecticut 06101. UTC is registered to do business in the Commonwealth of Virginia and is doing business in this district and this division. UTC does business as "Pratt & Whitney" in connection with aircraft engine operations.

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, Title 35, United States Code. This Court is vested with subject matter jurisdiction in this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over the Defendant in this action because UTC maintains substantial, continuous and systematic contacts within the Commonwealth of Virginia and, thus, has purposefully availed itself of the privilege of conducting activities in this judicial district and division, thereby invoking the benefits and protections of the laws of the Commonwealth of Virginia.

5. UTC regularly transacts business in this judicial district by, among other things, maintaining business offices and facilities and (i) conducting manufacturing, supply, repair, training and customer support activities in connection with aircraft engines and parts, through its Pratt & Whitney business segment, (ii) offering products and services to customers through its Sikorsky Aircraft and Hamilton Sundstrand business segments, (iii) conducting manufacturing, supply, repair and sales activities relating to heating and air conditioning equipment through its Carrier business segment, and (iv) performing sales, installation, repair and supply activities relating to elevator, escalator and other industrial equipment through its Otis business segment.

6. Rolls-Royce conducts business operations in this judicial district and division at the Chantilly, Virginia corporate headquarters of its subsidiary, Rolls-Royce North America, Inc. ("Rolls-Royce North America"). Rolls-Royce North America provides management for all Rolls-Royce companies and business units in the North American region. Rolls-Royce North

America also conducts sales, customer support, finance, insurance, accounting and legal activities in this judicial district and division.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) & (c) and 1400(b).

### **BACKGROUND**

8. U.S. Patent No. 6,071,077 (the "'077 Patent") issued on June 6, 2000 to inventor Paul A. Rowlands ("Rowlands"). The '077 Patent is directed to a fan stage of a ducted fan gas turbine engine (e.g., a jet aircraft engine), the fan stage having a rearward swept fan blade design with a forward swept blade tip.

9. Rowlands assigned his rights in the '077 Patent to Rolls-Royce. Rolls-Royce is the legal owner of the '077 Patent and has the entire right, title and interest in and to the invention disclosed and claimed in the '077 Patent.

10. On or about July 22, 2002, UTC filed or caused to be filed a Request for Interference seeking to provoke an interference between UTC's patent application (Serial Number 09/874,931) and Rolls-Royce's '077 Patent. The PTO Board of Patent Appeals and Interferences (the "Board") declared an interference on December 31, 2003 (Interference No. 105,195).

11. On or about February 2, 2005, the Board issued a decision erroneously (a) determining that "the interference was properly declared," (b) denying Rolls-Royce's Preliminary Motion for no interference-in-fact, and (c) entering judgment against Rolls-Royce in the interference.

12. On or about April 1, 2005, Rolls-Royce filed Civil Action No. 1:05-cv-362 (LMB) in this Court pursuant to 35 U.S.C. § 146 (the "§146 Action") seeking, among other

things, reversal of the Board's February 2, 2005 Decision denying Rolls-Royce's Preliminary Motion as contrary to the facts and the law.

13. On or about March 31, 2009, the honorable Judge Leonie M. Brinkema issued a Memorandum Opinion and Order in the §146 Action finding that there was no interference-in-fact between Rolls-Royce's '077 Patent and UTC's '931 Application, ordering that judgment be entered in favor of Rolls-Royce, and remanding the matter to the Board with direction to enter a judgment of no interference-in-fact.

14. On or about April 7, 2009, UTC appealed this Court's decision in the §146 Action to the United States Court of Appeals for the Federal Circuit. On or about May 5, 2010, the Court of Appeals for the Federal Circuit affirmed this Court's decision.

#### **COUNT I (PATENT INFRINGEMENT)**

15. Rolls-Royce realleges the allegations of paragraphs 1-14 as if fully set forth herein.

16. Rolls-Royce is the sole owner of the '077 Patent and has the right to sue on it.

17. The '077 Patent is directed to a fan stage of a ducted fan gas turbine engine (e.g., a jet aircraft engine), the fan stage having a rearward swept fan blade design with a forward swept blade tip.

18. On information and belief, UTC manufactures, uses, offers to sell, sells and/or imports in/into the United States unauthorized products that are covered by one or more claims of, and hence infringe, Rolls-Royce's '077 Patent. Such products include, but are not limited to, the GP7200 Fan Stage, which UTC manufactures, offers to sell and sells through its Pratt & Whitney business segment.

19. UTC has infringed and is continuing to infringe the '077 Patent by manufacturing, using, offering to sell, selling and/or importing infringing products, by inducing others to infringe the '077 Patent, and/or by contributing to others' infringement of the '077 Patent; and UTC will continue to infringe the '077 Patent unless and until enjoined by this Court. UTC's actions constitute infringement of the '077 Patent under at least 35 U.S.C. §§ 271(a), (b) and/or (c). Such acts of infringement have been and are continuing to be committed in this judicial district and elsewhere in the United States. Rolls-Royce is entitled to compensatory damages from UTC under 35 U.S.C. § 284, in addition to other relief requested below.

20. UTC has knowledge of the infringement, validity and enforceability of the '077 Patent, and therefore its ongoing infringement of the '077 Patent is willful and deliberate, thereby rendering this case exceptional under the United States patent laws.

**PRAYER FOR RELIEF**

WHEREFORE, plaintiff Rolls-Royce requests that this Court:

A. Adjudge and decree that UTC has directly or indirectly infringed one or more claims of the '077 Patent;

B. Preliminarily and permanently enjoin UTC, its officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, from continuing to infringe the '077 Patent;

C. Order UTC to pay damages sustained by Rolls-Royce by reason of UTC's infringement of the '077 Patent, together with interest and costs;

D. Adjudge and decree that UTC's infringement of the '077 Patent has been and is willful and deliberate, and award Rolls-Royce increased damages pursuant to 35 U.S.C. § 284;

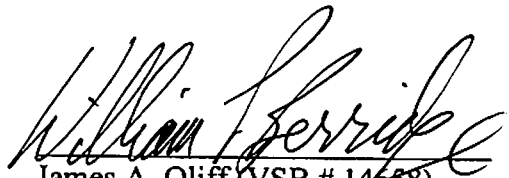
E. Award Rolls-Royce its costs, disbursements and attorneys' fees pursuant to 35 U.S.C. § 285 and/or any other appropriate provision of law; and

F. Award Rolls-Royce such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

1. Rolls-Royce hereby demands, pursuant to Fed. R. Civ. P. 38, a trial by jury of all issues so triable.

May 5, 2010



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