

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

3M INNOVATIVE PROPERTIES	)	
COMPANY and 3M COMPANY,	)	
	)	
Plaintiffs,	)	Case No. _____
v.	)	<b><u>JURY TRIAL DEMANDED</u></b>
GDC, INC. and MONADNOCK	)	
NON-WOVENS, LLC.,	)	
	)	
Defendants.	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs 3M Company (“3M Company”) and 3M Innovative Properties Company (“3M IPC”) (collectively referred to herein as “3M”) bring this Complaint to stop GDC, Inc. (“GDC”) and Monadnock Non-Wovens, LLC (“Monadnock”) (collectively “Defendants”) from infringing 3M’s United States patent rights relating to thermally stable acoustical insulation and to award 3M damages for Defendants’ infringement. 3M alleges as follows:

**NATURE OF ACTION**

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§271, 281-285.

## **THE PARTIES AND JURISDICTION**

2. Plaintiff 3M Company is a corporation organized and existing under the laws of the state of Delaware, and having its principal place of business at 3M Center, St. Paul, Minnesota 55133.

3. Plaintiff 3M IPC is a corporation organized and existing under the laws of the state of Delaware, and having its principal place of business at 3M Center, St. Paul, Minnesota 55133.

4. On information and belief, Defendant Monadnock is a corporation organized and existing under the laws of the state of Pennsylvania, and has its principal place of business at 5110 Park Court, Mount Pocono, PA 18344.

5. On information and belief, Defendant GDC is a corporation organized and existing under the laws of the state of Indiana, and has its principal place of business at 815 Logan Street, Goshen, IN 46528.

6. This Court has subject matter jurisdiction under 28 U.S.C. §§1331 and 1338(a).

### **COUNT I (INFRINGEMENT OF U.S. PATENT NO. 5,773,375)**

7. On June 30, 1998, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,773,375 (“the ’375 Patent”), entitled “Thermally Stable Acoustical Insulation.” A true and correct copy of the ’375 Patent is attached as Exhibit A.

8. 3M IPC owns all right, title and interest to the ’375 Patent.

9. 3M Company has an exclusive license under the ’375 Patent.

10. The '375 Patent generally relates to thermally stabilized acoustical insulation. The technology can be incorporated into the doors, headliner and pillars of vehicles to deaden noise.
11. Monadnock manufactured, used, sold, and/or offered for sale thermally stabilized acoustical insulation products which infringe the '375 patent.
12. On information and belief, Monadnock sells rolls of the infringing thermally stable acoustical insulation to GDC.
13. On information and belief, GDC die cuts the rolls of infringing thermally stable acoustical insulation into inserts to be used in the manufacture of automotive products such as doors, seats, and headliners.
14. On information and belief, GDC manufactured, used, sold, and/or offered for sale thermally stabilized acoustical insulation products under the brand name "Sonozorb" which infringe the '375 patent.
15. GDC has offered for sale and sold the infringing Sonozorb product to some of the largest automotive door, seat, and headliner manufacturers in the United States and around the world, including Johnson Controls, Inc. and Lear Corp.
16. Automotive suppliers like Johnson Controls, Inc. and Lear Corp. incorporate the infringing Sonozorb products in to doors and headliners that will be ultimately incorporated into automobiles and trucks sold throughout the United States, including in this District.
17. On information and belief, GDC is aware and intends for its infringing Sonozorb products to be used and incorporated into automobiles and trucks that will be sold throughout the

United States, including in this District. Indeed, GDC touts the use of the infringing products in its marketing materials in vehicles sold and used throughout Minnesota including many popular vehicles sold under the Ford brand names Taurus, Fusion, Edge, Escape, Equinox and Expedition; and other brands including Toyota Sienna, Lincoln MKT and MKX, Nissan Titan, Chevy Equinox, GMC Torrent, and Mercury Mariner. Moreover, infringing GDC products made with infringing Monadnock acoustical insulation are available for direct purchase in Minnesota from at least one car dealership.

18. On information and belief, GDC has derived sales of infringing products totaling more than \$100 million since 2003.

19. GDC and Monadnock have engaged in conduct purposefully directed at Minnesota with an intent to invoke or benefit from the protection of its laws and with knowledge that its products will be used in end product that are marketed and sold in Minnesota.

20. On information and belief, Monadnock works closely with GDC and sells thermally stable acoustical insulation to GDC with knowledge that GDC sells the resultant Sonozorb products to the largest automotive door, seat, and headliner manufacturers in the United States and around the world, including Johnson Controls, Inc. and Lear Corp. for use in the above-listed vehicles sold and used in Minnesota.

21. On information and belief, Monadnock is aware and intends that its rolls of infringing thermally stable acoustical insulation to be used and incorporated into automobiles and trucks that will be sold throughout the United States, including in this District.

22. On information and belief, GDC and Monadnock entered into a joint venture to build a new manufacturing facility in Goshen, IN (near GDC manufacturing headquarters) which

would facilitate Monadnock's production of infringing rolls of the accused thermally stable acoustical insulation for sale to GDC.

23. Defendants and 3M are direct competitors with respect to the market for the accused products. Defendants know that 3M is the primary competitor in this market, and know or should know that 3M is based in Minnesota.

24. Defendants have caused and will continue to cause 3M injury and damage by infringing the '375 Patent. 3M will further suffer irreparable injury, for which 3M has no adequate remedy at law, unless and until Defendants are enjoined from infringing the '375 Patent.

#### **DEMAND FOR JURY TRIAL**

25. 3M hereby demands a jury trial on all issues so triable.

#### **PRAYER FOR RELIEF**

A. A judgment that Defendants have infringed one or more claims of the '375 Patent.

B. A permanent injunction enjoining Defendants and their respective affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors, assigns, and all those acting for any of them or on their behalf, or acting in concert with them, from further infringement of the '375 Patent;

C. An award of attorneys' fees incurred in prosecuting this action, on the basis that this is an exceptional case under 35 U.S.C. §285;

D. A judgment finding Defendants jointly and severally liable to 3M for damages under 35 U.S.C. §284, and requiring Defendants to pay damages including supplemental damages

for any continuing post-verdict infringement up until entry of the final judgment, with an accounting, as needed, and treble damages for willful infringement as provided by 35 U.S.C. §284;

E. A judgment and order requiring Defendant to pay 3M the costs of this action (including all disbursements);

F. A judgment and order requiring Defendants to pay 3M pre-judgment and post-judgment interest on the damages award; and

G. Further relief as the Court may deem just and proper.

Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: May 29, 2013

/s/ Daniel W. McDonald  
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