

1 187. Mr. Wilkins never signed an assignment of his rights in the '297 application or the
2 '565 patent.

3 188. The substance of the information stated in paragraphs 182 - 186 above was presented
4 in a declaration filed by GE's patent attorney at the U.S. Patent and Trademark Office on March 15,
5 2004, and stamped as being received on March 17, 2004.

6 189. Upon information and belief, on or about March 17, 2004, the information stated in
7 paragraphs 182 - 186 and 188 above was publicly available.

8 190. On March 16, 2004, GE's patent attorney submitted an assignment document relating
9 to the '297 application at the U.S. Patent and Trademark Office, which was publicly recorded on
10 March 19, 2004.

11 191. The assignment of the '297 application contained signatures from all named inventors
12 except for Mr. Wilkins.

13 192. On or about March 19, 2004, the public was on notice that GE had not recorded any
14 assignment from Mr. Wilkins of his rights as an inventor named in the '297 application.

15 193. On August 2, 2005, the '297 application issued as the '565 patent.

16 194. Upon information and belief, GE did not disclose the details of the Zond wind
17 turbines installed at Lake Benton and Algona, or Mr. Wilkins' work on them between 1998 and 2001
18 relating to reactive power support, to the U.S. Patent and Trademark Office during prosecution of the
19 application that issued as the '565 patent.

20 195. The '565 patent issued without any recorded assignment from Mr. Wilkins.

21 196. Because Mr. Wilkins is a co-inventor of ideas claimed in the '565 patent who had not
22 assigned his rights when the '565 patent issued, the '565 patent issued jointly to GE and Mr. Wilkins
23 as co-owners.

24 **COUNTERCLAIM 1:**

25 **Correction of Inventorship**

26 197. Mr. Wilkins repeats and realleges the allegations in paragraphs 1 - 196 above.
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1 198. When GE's patent attorney filed the application for the '985 patent at the U.S. Patent
2 and Trademark Office, the fourth inventor listed on the cover of the application was "THOMAS
3 WILKINS."

4 199. During prosecution of the application for the '985 patent at the U.S. Patent and
5 Trademark Office, GE's patent attorney caused the name "THOMAS WILKINS" to be removed
6 from the application for the '985 patent.

7 200. During his work with Zond and Enron between 1998 and 2001 on the Zond wind
8 turbines installed at Lake Benton and Algona, Mr. Wilkins conceived a solution for low voltage ride
9 through ("LVRT") for wind turbine generators, which included the use of an uninterruptible power
10 supply during low voltage events.

11 201. Mr. Wilkins met in Germany with one of the named inventors of the '985 patent,
12 Wilhelm Janssen, in late 2000, and described his LVRT ideas and work at Lake Benton, including
13 the use of an uninterruptible power supply during low voltage events.

14 202. In August 2002, Mr. Wilkins returned to Germany to meet with Wilhelm Janssen and
15 another named inventor of the '985 patent, Henning Lütze.

16 203. During his August 2002 meetings with Mr. Janssen and Mr. Lütze, Mr. Wilkins
17 explained his LVRT ideas and work at Lake Benton, including the use of an uninterruptible power
18 supply during low voltage events.

19 204. Mr. Wilkins' Lake Benton LVRT ideas, including the use of an uninterruptible power
20 supply during low voltage events, were used by GE as the basis for at least claim 1 of the '985
21 patent.

22 205. Mr. Wilkins' LVRT ideas, including the use of an uninterruptible power supply
23 during low voltage events, were also used by GE as the basis for the recitation of an "uninterruptible
24 power supply" in claims 15-28 of the '985 patent.

25 206. As-filed claim 15 of the '985 patent did not recite the use of an "uninterruptible
26 power supply."

27 207. The U.S. Patent and Trademark Office examiner rejected as-filed claim 15 of the '985
28 patent as being anticipated by prior art under 35 U.S.C. § 102(b).

