

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WATERS INDUSTRIES, INC., an Illinois corporation,)	Civil Action No. 1:10-cv-4076
)	
Plaintiff,)	The Honorable _____
)	
v.)	Magistrate Judge _____
)	
KIKKERLAND DESIGN, INC., a New York corporation,)	COMPLAINT
)	
Defendant.)	JURY TRIAL DEMANDED
)	

Plaintiff, Waters Industries, Inc. (“Waters Industries”) complains against Defendant, Kikkerland Design, Inc. (“Kikkerland”) as follows:

THE PARTIES

1. Waters Industries is a corporation incorporated under the laws of the State of Illinois with its principal place of business at 213 West Main Street, West Dundee, Illinois. Waters Industries’ wholly owned Panther Vision division designs and sells a variety of hands free LED task lighting products for consumers and businesses, including lighted eyeglasses.

2. Upon information and belief, Kikkerland is a corporation incorporated under the laws of the State of New York with its principal place of business at 666 Broadway 4FL, New York, New York 10012. Upon information and belief, Kikkerland, by itself, and/or through one or more entities owned, controlled or otherwise affiliated with Kikkerland, conducts business in Illinois and in this District including, without limitation, by promoting, distributing and selling a variety of products to various third-parties for resale to consumers through retail stores physically located in this District. The business activities of Kikkerland also include promoting, offering for sale and selling products

to consumers in Illinois and in this District through its interactive website www.kikkerland.com and through third-party interactive websites such as www.amazon.com.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue lies in this District pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b) because Kikkerland is subject to personal jurisdiction in this District, has regularly conducted business in this District directly, and/or through one or more resellers, and/or has committed acts of infringement in this District.

FIRST CAUSE OF ACTION – INFRINGEMENT OF ‘695 PATENT

5. On September 2, 2003, U.S. Patent No. 6,612,695 (“the ‘695 patent”) entitled, “LIGHTED READING GLASSES” was duly and legally issued to Michael Waters on an application filed on November 7, 2001. Waters Industries currently owns all right, title and interest in and to the ‘695 patent. A copy of the ‘695 patent is appended as Exhibit A.

6. Kikkerland, by itself, and through its subsidiaries, affiliates, and/or agents has been, and is, infringing the ‘695 patent by making, using, offering to sell, selling and/or importing LED lighted eyeglasses incorporating the inventions patented in the ‘695 patent within the United States and within this District; and by contributing to the infringement by others and/or by inducing others to infringe the ‘695 patent. Kikkerland’s infringing products include the LED lighted eyeglasses shown in the attached Exhibit B, which have been marketed as SPOTLIGHT Reading Glasses by Kikkerland. Unless enjoined by the Court, Kikkerland will continue to infringe, contribute to the infringement of and/or induce the infringement of the ‘695 patent.

7. Kikkerland's direct infringement of the '695 patent, and/or inducement of or contribution to the infringement of others, has injured Waters Industries, and Waters Industries is entitled to recover damages adequate to compensate for such infringement pursuant to 35 U.S.C. § 284.

8. Waters Industries has provided Kikkerland actual notice of the '695 patent and of the alleged infringement, but Kikkerland has continued to infringe notwithstanding its actual knowledge thereof and lack of an objectively reasonable good faith basis to believe that its activities do not infringe any valid claims of the '695 patent. The infringement of the '695 patent by Kikkerland has been willful and deliberate.

9. The infringement by Kikkerland will continue to injure Waters Industries unless the Court enters an injunction prohibiting further infringement of the '695 patent.

PRAYER FOR RELIEF

WHEREFORE, Waters Industries prays for:

1. Judgment that the '695 patent is valid, enforceable, and infringed by Kikkerland;
2. Judgment that the infringement by Kikkerland is willful;
3. A preliminary and permanent injunction enjoining Kikkerland, its officers, agents, servants, employees, subsidiaries and affiliated companies, and those persons acting in active concert or participation therewith, from engaging in the aforesaid unlawful acts of patent infringement;
4. An award of damages arising out of Kikkerland's acts of patent infringement, together with pre-judgment and post-judgment interest;
5. Judgment that the damages so adjudged against Kikkerland be trebled in accordance with 35 U.S.C. § 284;

6. An award of Waters Industries' attorneys fees, costs and expenses incurred in this action in accordance with 35 U.S.C. § 285; and

7. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Waters Industries demands trial by jury of all issues triable of right by a jury.

Respectfully submitted,

Date: June 30, 2010

/s/Timothy P. Maloney

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