

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

WATERS INDUSTRIES, INC., an Illinois corporation,	)	Civil Action No. _____
	)	
Plaintiff,	)	The Honorable _____
	)	
v.	)	Magistrate Judge _____
	)	
NTA ENTERPRISE, INC., a Pennsylvania corporation,	)	<b>COMPLAINT</b>
	)	
Defendant.	)	<b>JURY TRIAL DEMANDED</b>
	)	
	)	

Plaintiff Waters Industries, Inc. (“Waters Industries”) complains against Defendant NTA Enterprise, Inc., 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 60118. Waters Industries’ unincorporated Panther Vision division designs and sells a variety of hands free LED task lighting products for consumers and businesses, including lighted hats.

2. Upon information and belief, NTA Enterprise Inc. (“NTA Enterprise”) is a corporation incorporated under the laws of the state of Pennsylvania with its principal place of business at R.J. Casey Industrial Park, Columbus Avenue, Pittsburgh, Pennsylvania 15233. Upon information and belief, NTA Enterprise, by itself, and/or through one or more entities owned, controlled or otherwise affiliated with NTA Enterprise, 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 in this District through at least one interactive website (www.amazon.com) as well as directly to consumers in this District.

**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 NTA Enterprise 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.

**CAUSE OF ACTION – INFRINGEMENT OF THE ‘651 PATENT**

5. On October 8, 2013, U.S. Patent No. 8,550,651 (“the ‘651 patent”), entitled “Lighted Hat”, was duly and legally issued to Michael Waters on an application filed on February 26, 2010. Waters Industries currently owns all right, title and interest in and to the ‘651 patent.

6. Defendant NTA Enterprise, by itself, and through its subsidiaries, affiliates, and/or agents has been, and is, infringing the ‘651 patent by making, using, offering to sell, selling and/or importing LED lighted headwear incorporating the inventions patented in the ‘651 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 ‘651 patent. NTA Enterprise’s infringing products include the LED lighted caps shown in the attached Exhibit A, which have been marketed as the Huntworth<sup>®</sup> LED Lighted Caps. Unless enjoined by the Court, NTA Enterprise will continue to infringe, contribute to the infringement of and/or induce the infringement of the ‘651 patent.

7. NTA Enterprise's infringement of the '651 patent 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. The infringement by NTA Enterprise will continue to injure Waters Industries unless the Court enters an injunction prohibiting further infringement of the '651 patent.

**PRAYER FOR RELIEF**

WHEREFORE, Waters Industries prays for:

1. Judgment that the '651 patent is valid, enforceable, and infringed by Defendant NTA Enterprise;

2. A preliminary and permanent injunction enjoining NTA Enterprise, 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;

3. An award of damages arising out of NTA Enterprise's acts of patent infringement, together with pre-judgment and post-judgment interest;

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

5. 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: October 8, 2013

/s/ Timothy P. Maloney

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