

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RESEARCH PRODUCTS CORPORATION,
a Wisconsin corporation,

Plaintiff,

v.

Civil Action No. _____

R.P.S. PRODUCTS, INC.,
an Illinois corporation,

JURY TRIAL DEMANDED

BEST AIR PRO CORPORATION,
an Illinois corporation, and

FILTERSAMERICA.COM, INC.,
an Illinois corporation.

Defendants.

COMPLAINT

NOW COMES the plaintiff, Research Products Corporation (“Research Products”), by and through its attorneys, Boardman & Clark LLP, and for its Complaint against the defendants, R.P.S. Products, Inc. (“RPS”), Best Air Pro Corporation, (“BAP”) and Filtersamerica.com, Inc., (“FAI”), alleges and states as follows:

PARTIES

1. Research Products is a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, having its principal office and place of business at 1015 East Washington Avenue, Madison, Wisconsin, 53703.

2. Research Products is now, and at all times relevant hereto was, in the business of manufacturing and selling goods including air cleaners, and related upgrade kits, filters and media, as well as humidifiers and related filters.

3. On information and belief, RPS is a corporation organized and existing under and by virtue of the laws of the State of Illinois, having its principal office and place of business at 281 Keyes Avenue, Hampshire, Illinois 60140.

4. On information and belief, BAP is a corporation organized and existing under and by virtue of the laws of the State of Illinois, having its principal office and place of business at 281 Keyes Avenue, Hampshire, Illinois 60140, and is a related company to RPS (e.g., by reason of common ownership, management, and business address).

5. On information and belief, FAI is a corporation organized and existing under and by virtue of the laws of the State of Illinois, having its principal office and place of business at 11259 Kiley Drive, Huntley, Illinois 60142.

JURISDICTION AND VENUE

6. This is a civil action for patent infringement arising under the patent laws of the United States 35 U.S.C. § 101, *et seq.*, infringement of trademarks pursuant to 15 U.S.C. § 1051, *et seq.*, false designation of origin pursuant to 15 U.S.C. § 1125(a), and the common law of the state of Wisconsin. This Court has jurisdiction over the subject matter of this action under 15 U.S.C. § 1121, and 28 U.S.C. §§ 1331, 1332 and 1338(a).

7. This Court has personal jurisdiction over RPS, BAP and FAI under Wis. Stat. § 801.05(1)(d), among other provisions, because RPS, BAP and FAI are each engaged in substantial and not isolated activities within this state such that the exercise of personal

jurisdiction over each is consistent with due process. On information and belief, RPS, BAP and FAI have each committed acts of infringement in this state and district, purposely targeted this state and district by engaging in repeated sales to customers in this state and district, and sold products that competed directly with Research Product's products, in locations of this state and district that would compete with Research Product's products.

8. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400 because RPS, BAP and FAI are each subject to personal jurisdiction in this district, RPS, BAP and FAI each do substantial business in this district and, on information and belief, each has committed acts of infringement in this district, purposely targeted this district by engaging in repeated sales to customers in this district, and sold goods that competed directly with Research Product's goods, in locations of this district that would compete with Research Product's goods.

BACKGROUND

9. Research Products is the manufacturer and seller of the Aprilaire® brand air cleaner, which is widely distributed and sold in the United States and is a leading air cleaner in use in the United States. Research Products produces and sells or has sold several models of Aprilaire® brand air cleaners, in interstate commerce, including models 1210, 1310, 1410, 1510, 2200, 2120, 2140, 2210, 2310, 2400, 2410, 3210, 3310, 3410, 4200, 4300, and 4400. For decades, Research Products was also the manufacturer and seller of the Space-Gard® brand air cleaner which is also a leading air cleaner in use in the United States.

10. These Aprilaire® and Space-Gard® brand air cleaner models, as well as other third party air cleaners, use air cleaner filter media to help remove particles from and clean the air that passes through the filter. Such air cleaner filter media may be periodically replaced, and Research Products is also the manufacturer and seller of Aprilaire® brand air cleaner filter media for use in connection with its Aprilaire® and Space-Gard® brand air cleaners and third party air cleaners. Research Products manufactures and sells in interstate commerce several models of Aprilaire® brand air cleaner filter media including models 210, 213, 310, 313, 410, 413, 510, 513, 610, 613, 810, and 813.

11. Research Products has marketed and sold air cleaners and air cleaner filter media under and in connection with its Aprilaire® trademark since at least as early as November 16, 1954. Research Products began marketing and selling air cleaners and air cleaner filter media under and in connection with its Space-Gard® trademark at least as early as April 13, 1973.

12. Research Products is also the manufacturer and seller of the Aprilaire® brand whole-house humidifier which is widely distributed and sold in the United States and is a leading humidifier in use in the United States. Research Products produces and sells or has sold several models of Aprilaire® humidifiers, in interstate commerce, including models 110, 112, 120, 224, 350, 360, 400, 400A, 400M, 440, 445, 445A, 448, 500, 500A, 500M, 550, 550A, 558, 560, 560A, 568, 600, 600A, 600M, 700, 760, 760A, and 768.

13. These Aprilaire® brand humidifier models, as well as other third party air humidifiers, use related filters to help generate and maintain desired humidity levels. Research Products is also the manufacturer and seller of Aprilaire® brand humidifier filters

for use in connection with its Aprilaire® brand humidifiers and third party humidifiers. Research Products manufactures and sells in interstate commerce several models of Aprilaire® brand humidifier filters including models 10, 12, 35 and 45.

14. Research Products has marketed and sold humidifiers and related filters under and in connection with its Aprilaire® trademark since at least as early as 1960.

15. Research Products has invested substantial time, creative effort and resources to develop its highly distinctive and original Aprilaire® and Space-Gard® trademarks. As a result of Research Products' highly distinctive and original Aprilaire® and Space-Gard® trademarks and years of superior product development and customer service, Research Products has developed substantial and significant consumer recognition, trust, loyalty and goodwill in and to its Aprilaire® and Space-Gard® trademarks. Indeed, Research Products' establishment and maintenance of this public recognition, trust, loyalty and goodwill has been a significant factor in Research Products' success and growth.

16. Based on the inherently distinctive character and nature of Research Products' Aprilaire® and Space-Gard® trademarks and its continuous and uninterrupted use of the trademarks for decades in interstate commerce, relevant consumers have come to associate the Aprilaire® and Space-Gard® trademarks exclusively with Research Products and its goods.

17. Research Products has acquired strong common law rights throughout the United States based on its use of its Aprilaire® and Space-Gard® trademarks in commerce in connection with the advertising and sale of, among other things, air cleaners and air cleaner filter media, and humidifiers and related filters.

18. In addition to its common law rights, Research Products has received registrations for its Aprilaire® and Space-Gard® trademarks upon the Principal Register of the United States Patent and Trademark Office and is the owner of the following: (a) U.S. Trademark Registration No. 2,531,863 for Aprilaire (Stylized), having a date of registration of January 22, 2002; (b) U.S. Trademark Registration No. 2,531,862 for Aprilaire, having a date of registration of January 22, 2002; (c) U.S. Trademark Registration No. 1,032,177 for Aprilaire, having a date of registration of February 3, 1976; (d) U. S. Trademark Registration No. 613,970 for Aprilaire (Stylized), having a date of registration of October 11, 1955, and (e) U.S. Trademark Registration No. 979,021 for Space-Gard, having a date of registration of February 19, 1974. Copies of the aforesaid federal trademark registrations are attached hereto as Exhibits A, B, C, D, and E, respectively, and incorporated herein by reference. Each of these trademark registrations is valid and subsisting, and has been deemed incontestable, thereby demonstrating the validity of the trademarks and of the registration of the trademarks. Each of these trademark registrations also constitutes *prima facie* evidence of Research Products' exclusive ownership rights in and to the marks and evidence of Research Products' right to exclusively use these marks in commerce, as well as constructive notice of Research Products' claim of ownership thereto.

19. Employees of Research Products, Thomas J. Anoszko and John R. Genova, invented novel air cleaner filter media for use in connection with its Aprilaire® and Space-Gard® brand air cleaners and third party air cleaners.

20. Research Products is the assignee and lawful owner of such inventions including, without limitation, U.S. Patent No. 8,157,881 (hereinafter "the '881 Patent"),

entitled “Collapsible Extended Surface Filter and Air Cleaner System Using Collapsible Extended Surface Filter,” which duly and lawfully issued from the U.S. Patent and Trademark Office on April 17, 2012, U.S. Patent No. 8,414,674 (hereinafter “the ‘674 Patent”), entitled “Collapsible Extended Surface Filter and Air Cleaner System Using Collapsible Extended Surface Filter,” which duly and lawfully issued from the U.S. Patent and Trademark Office on April 9, 2013, and U.S. Patent No. 8,623,109 (hereinafter “the ‘109 Patent”), entitled “Collapsible Extended Surface Filter and Air Cleaner System Using Collapsible Extended Surface Filter,” which duly and lawfully issued from the U.S. Patent and Trademark Office on January 7, 2014. A true and correct copy of each of the ‘881 Patent, the ‘674 Patent and the ‘109 Patent are attached as Exhibits F, G and H, respectively, and made a part hereof.

21. As the owner of the ‘881 Patent, the ‘674 Patent, and the ‘109 Patent, by assignment, Research Products is authorized and has standing to bring legal action to enforce all rights arising under the ‘881 Patent, the ‘674 Patent, and the ‘109 Patent.

22. Research Products’ air cleaner filter media and packaging therefor has included appropriate patent markings, including “Patent Pending,” “U.S. Patent No. 8,157,881,” “U.S. Patent No. 8,414,674,” and “U.S. Patent No. 8,673,109.” Research Products’ Aprilaire® brand air cleaner filter media packaging also includes detailed instructions and illustrations for the installation of the air cleaner filter media in the frames of the Aprilaire® and Space-Gard® brand air cleaners.

23. On information and belief, RPS, BAP, and FAI are now, and at all times relevant hereto were, each in the business of selling and distributing humidifier filters and

air cleaner filter media and accessories. On information and belief, RPS and BAP are and also have been in the business of manufacturing humidifier filters and air cleaner filter media.

24. On information and belief, RPS and BAP manufacture and distribute in the United States air cleaner filter media that infringes the '881, '674, and '109 Patents including, without limitation, BestAir Pro Replacement Air Cleaner Filter Media Part Nos. SG213-PR and SG413-PR. On information and belief, RPS, BAP, and FAI have each offered for sale and sold and continue to sell in the United States air cleaner filter media that infringes the '881, '674, and '109 Patents including, without limitation, BestAir Pro Replacement Air Cleaner Filter Media Part Nos. SG213-PR and SG413-PR. Images of such infringing air cleaner filter media are shown in Exhibit I.

25. On information and belief, RPS, BAP and FAI have each used Research Products' Aprilaire® mark, and RPS and BAP have each used Research Products' Space-Gard® mark, in interstate commerce in connection with the sale of air cleaner filters and humidifier filters, without Research Products' authorization and long after Research Products had acquired its rights in and to these marks and long after the issuance of Research Products' U.S. Trademark Registration Nos. 2,531,863; 2,531,862; 1,032,177; 613,970; and 979,021.

26. On information and belief, RPS, BAP, and FAI each markets and provides its air cleaner filter media and humidifier filters through the same type of distribution channels, and to the same types of consumers as Research Products' markets its Aprilaire® air cleaner filter media and humidifier filters.

27. On information and belief, RPS's, BAP's, and FAI's unlawful actions have been motivated exclusively by financial gain, have been taken with full knowledge of Research Products' superior legal rights and are without regard to the public's right to be free of confusion as to the true source and origin of products and services.

28. Research Products, by correspondence dated November 1, 2011, and April 17, 2012, notified the President of RPS, Mr. Daniel Schuld, of its pending patent application and resulting '881 Patent, and informed RPS of its objection to RPS offering and selling air cleaner filter media infringing the '881 Patent. By letter of May 11, 2012, RPS's intellectual property counsel, Paul G. Juettner, of the firm of Greer, Burns & Crain, Ltd., responded to Research Products' letter of April 17, 2012, and advised that "... RPS is removing its current filter from the market." Research Products refrained from further action regarding infringement of the '881 Patent in reliance on Attorney Juettner's above-quoted statement. True and accurate copies of those letters are attached here as Exhibits J, K and L.

29. On information and belief, Mr. Schuld is also the President of BAP. On information and belief, both RPS and BAP, at least as early as about September 2013, have resumed and continue to manufacture, offer and sell its infringing air cleaner filter media and to use Research Products' Aprilaire® and Space-Gard® marks in interstate commerce, in connection with the sale of air cleaner filter media, without Research Products' authorization.

30. Research Products, in an exchange of correspondence dated April 17, 2012, May 1, 2012, and May 18, 2012, notified FAI of its pending patent application and

resulting '881 Patent, and its trademark rights in and to the Aprilaire® trademark, and informed FAI of its objection to FAI offering and selling air cleaner filter media infringing the '881 Patent and its unauthorized use of Aprilaire®. True and accurate copies of those letters are attached hereto as Exhibits M, N and O. On information and belief, however, FAI continues to offer and sell the infringing BestAir Pro air cleaner filter media and use the Aprilaire® trademark without authorization. A true and accurate January 9, 2014 printout from www.filtersamerica.com is attached hereto as Exhibit P.

31. RPS's and BAP's continued infringing use of Research Products' Aprilaire® and Space-Gard® marks, and FAI's continued infringing use of Research Products' Aprilaire® mark, evidences a wrongful intent to trade upon Research Products' goodwill and reputation. On information and belief, RPS, BAP, and FAI has each acted in willful and wanton disregard of Research Products' superior rights and has willfully intended to trade upon Research Products' reputation and goodwill and cause dilution of Research Products' trademark rights.

FIRST CLAIM FOR RELIEF

(Infringement of the '881 Patent – All Defendants)

32. Research Products realleges and incorporates herein by reference each and every allegation in paragraphs 1 through 31.

33. On information and belief, RPS, BAP, and FAI has each infringed and continues to infringe, contributorily infringe, and/or induce infringement of one or more claims of the '881 Patent, pursuant to 35 U.S.C. § 271(a), (b) and/or (c), either directly or indirectly, literally or under the doctrine of equivalents, by making, using, offering for sale

and/or selling in the United States, without authority, air cleaner filter media including, but not limited to, BestAir Pro Replacement Air Cleaner Filter Media Part Nos. SG213-PR and SG413-PR.

34. On information and belief, RPS, BAP and FAI each directly infringes and/or will infringe the '881 Patent by making, using, selling, and/or offering for sale the air cleaner filter media practicing the claimed inventions of the '881 Patent. In addition, RPS, BAP and FAI each has actual and constructive notice of the '881 Patent. RPS, BAP and FAI each indirectly infringes the '881 Patent by knowingly inducing the infringement of the patent by end users of its air cleaner filter media. Further, on information and belief, RPS, BAP and FAI each contributes to the infringement of the '881 Patent because each knows that such air cleaner filter media is made for use in infringement and is not a staple article of commerce suitable for substantial non-infringing use.

35. RPS's, BAP's and FAI's infringing activities have caused and will continue to cause Research Products irreparable harm, for which it has no adequate remedy at law, unless the infringing activities are enjoined by this Court in accordance with 35 U.S.C. § 283.

36. Research Products has been and continues to be damaged by RPS's, BAP's and FAI's infringement of the '881 Patent in an amount to be ascertained at trial.

37. On information and belief, RPS's, BAP's and FAI's infringement of the '881 Patent is willful and deliberate, and justifies an increase in damages up to three times in accordance with 35 U.S.C. § 284.

38. On information and belief, RPS's, BAP's and FAI's infringement of the '881 Patent is exceptional and entitles Research Products to attorneys' fees and costs in prosecuting this action in accordance with 35 U.S.C. § 285.

SECOND CLAIM FOR RELIEF

(Infringement of the '674 Patent – All Defendants)

39. Research Products realleges and incorporates herein by reference each and every allegation in paragraphs 1 through 38.

40. On information and belief, RPS, BAP, and FAI has each infringed and continues to infringe, contributorily infringe, and/or induce infringement of one or more claims of the '674 Patent, pursuant to 35 U.S.C. § 271(a), (b) and/or (c), either directly or indirectly, literally or under the doctrine of equivalents, by making, using, offering for sale and/or selling in the United States, without authority, air cleaner filter media including, but not limited to, BestAir Pro Replacement Air Cleaner Filter Media Part Nos. SG213-PR and SG413-PR.

41. On information and belief, RPS, BAP and FAI each directly infringes and/or will infringe the '674 Patent by making, using, selling, and/or offering for sale the air cleaner filter media practicing the claimed inventions of the '674 Patent. In addition, RPS, BAP and FAI each has actual and constructive notice of the '674 Patent. RPS, BAP and FAI each indirectly infringes the '674 Patent by knowingly inducing the infringement of the patent by end users of its air cleaner filter media. Further, on information and belief, RPS, BAP and FAI each contributes to the infringement of the '674 Patent because each knows

that such air cleaner filter media is made for use in infringement and is not a staple article of commerce suitable for substantial non-infringing use.

42. RPS's, BAP's and FAI's infringing activities have caused and will continue to cause Research Products irreparable harm, for which it has no adequate remedy at law, unless the infringing activities are enjoined by this Court in accordance with 35 U.S.C. § 283.

43. Research Products has been and continues to be damaged by RPS's, BAP's and FAI's infringement of the '674 Patent in an amount to be ascertained at trial.

44. On information and belief, RPS's, BAP's and FAI's infringement of the '674 Patent is exceptional and entitles Research Products to attorneys' fees and costs in prosecuting this action in accordance with 35 U.S.C. § 285.

THIRD CLAIM FOR RELIEF

(Infringement of the '109 Patent – All Defendants)

45. Research Products realleges and incorporates herein by reference each and every allegation in paragraphs 1 through 44.

46. On information and belief, RPS, BAP, and FAI has each infringed and continues to infringe and/or induce infringement of one or more claims of the '109 Patent, pursuant to 35 U.S.C. § 271(a), (b) and/or (c), either directly or indirectly, literally or under the doctrine of equivalents, by making, using, offering for sale and/or selling in the United States, without authority, air cleaner filter media including, but not limited to, BestAir Pro Replacement Air Cleaner Filter Media Part Nos. SG213-PR and SG413-PR.

47. On information and belief, RPS, BAP and FAI each directly infringes and/or will infringe the '109 Patent by making, using, selling, and/or offering for sale the air cleaner filter media practicing the claimed inventions of the '109 Patent. In addition, RPS, BAP and FAI each has actual and constructive notice of the '109 Patent, at least because each was provided with a copy of this Complaint upon its filing. RPS, BAP and FAI each indirectly infringes the '109 Patent by knowingly inducing the infringement of the patent by end users of its BestAir Pro air cleaner filter media. Further, on information and belief, RPS, BAP and FAI each contributes to the infringement of the '109 Patent because each knows that such air cleaner filter media is made for use in infringement and is not a staple article of commerce suitable for substantial non-infringing use.

48. RPS's, BAP's and FAI's infringing activities have caused and will continue to cause Research Products irreparable harm, for which it has no adequate remedy at law, unless the infringing activities are enjoined by this Court in accordance with 35 U.S.C. § 283.

49. Research Products has been and continues to be damaged by RPS's, BAP's and FAI's infringement of the '109 Patent in an amount to be ascertained at trial.

50. On information and belief, RPS's, BAP's and FAI's infringement of the '109 Patent is exceptional and entitles Research Products to attorneys' fees and costs in prosecuting this action in accordance with 35 U.S.C. § 285.

FOURTH CLAIM FOR RELIEF
(False Designation of Origin under § 43(a)
of The Lanham Act – RPS and BAP)

51. Research Products realleges and incorporates herein by reference, each and every allegation contained in paragraphs 1 through 50 of this Complaint.

52. RPS and BAP has each used, promoted and sold, and continues to promote and provide in interstate commerce, its air cleaner filter media and humidifier filters utilizing Research Products' Aprilaire® and Space-Gard® marks in a prominent manner. In doing so, RPS and BAP have each described falsely and misrepresented its air cleaner filter media and humidifier filters and their characteristics.

53. RPS's and BAP's actions have created a likelihood of consumer confusion as to the affiliation, connection, or association, itself with Research Products and as to the origin, sponsorship, or approval of RPS's goods by Research Products.

54. RPS's and BAP's unauthorized use of Research Products' Aprilaire® and Space-Gard® marks in connection with the marketing and provision of air cleaner filter media and humidifier filters is a violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

55. RPS and BAP each adopted and continues to use Research Products' Aprilaire® and Space-Gard® marks with knowledge of Research Products' superior rights, but without Research Products' authorization. RPS's and BAP's tortious acts constitute willful and deliberate infringement under 15 U.S.C. § 1125(a) and are in willful and wanton disregard of Research Products' superior rights.

56. As a result of RPS's and BAP's unlawful conduct, Research Products has suffered commercial harm.

57. Research Products has been and continues to be harmed irreparably by RPS's and BAP's unlawful actions, and has no adequate remedy at law.

FIFTH CLAIM FOR RELIEF
(False Designation of Origin under § 43(a)
of The Lanham Act – FAI)

58. Research Products realleges and incorporates herein by reference, each and every allegation contained in paragraphs 1 through 57 of this Complaint.

59. FAI has used, promoted and sold, and continues to utilize Research Products' Aprilaire® mark in a prominent manner to promote and provide third party air cleaner filter media and humidifier filters in interstate commerce. In doing so, FAI has described falsely and misrepresented such air cleaner filter media and humidifier filters and their characteristics.

60. FAI's actions have created a likelihood of consumer confusion as to the affiliation, connection, or association, itself with Research Products and as to the origin, sponsorship, or approval by Research Products of third party air cleaner filter media and humidifier filters sold by FAI.

61. FAI's unauthorized use of Research Products' Aprilaire® mark in connection with the marketing and provision of such air cleaner filter media and humidifier filters is a violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

62. FAI adopted and continues to use Research Products' Aprilaire® mark with knowledge of Research Products' superior rights, but without Research Products' authorization. FAI's tortious acts constitute willful and deliberate infringement under 15

U.S.C. § 1125(a) and are in willful and wanton disregard of Research Products' superior rights.

63. As a result of FAI's unlawful conduct, Research Products has suffered commercial harm.

64. Research Products has been and continues to be harmed irreparably by FAI's unlawful actions, and has no adequate remedy at law.

SIXTH CLAIM FOR RELIEF

(Infringement of Federally Registered Aprilaire®
and Space-Gard® Marks under § 32(1)
of The Lanham Act – RPS and BAP)

65. Research Products realleges and incorporates herein by reference each and every allegation contained in paragraphs 1 through 64 of this Complaint.

66. RPS's and BAP's actions constitute infringement of Research Products' Aprilaire® and Space-Gard® marks and thus violate 15 U.S.C. § 1114.

67. RPS and BAP each adopted and continues to use Research Products' Aprilaire® and Space-Gard® marks, with full knowledge of Research Products' superior rights, but without Research Products' authorization. RPS's and BAP's tortious acts constitute willful and deliberate infringement under 15 U.S.C. § 1114 and are in willful and wanton disregard of Research Products' established and superior rights.

68. As a result of RPS's and BAP's unlawful actions, Research Products has suffered commercial harm.

69. Research Products has been and continues to be harmed irreparably by RPS's and BAP's actions and has no adequate remedy at law.

SEVENTH CLAIM FOR RELIEF

(Infringement of Federally Registered Aprilaire®
Mark under § 32(1) of The Lanham Act - FAI)

70. Research Products realleges and incorporates herein by reference each and every allegation contained in paragraphs 1 through 69 of this Complaint.

71. FAI's actions constitute infringement of Research Products' Aprilaire® mark and thus violate 15 U.S.C. § 1114.

72. FAI adopted and continues to use Research Products' Aprilaire® mark, with full knowledge of Research Products' superior rights, but without Research Products' authorization. FAI's tortious acts constitute willful and deliberate infringement under 15 U.S.C. § 1114 and are in willful and wanton disregard to Research Products' established and superior rights.

73. As a result of FAI's unlawful actions, Research Products has suffered commercial harm.

74. Research Products has been and continues to be harmed irreparably by FAI's actions and has no adequate remedy at law.

EIGHTH CLAIM FOR RELIEF

(Unfair Competition – All Defendants)

75. Research Products realleges and incorporates herein by reference, each and every allegation contained in paragraphs 1 through 74 of this Complaint.

76. RPS's actions, BAP's actions, and FAI's actions as alleged above have caused and are likely to cause confusion with Research Products' established and superior

rights and otherwise unfairly compete with Research Products. As such, RPS's actions, BAP's actions, and FAI's actions constitute unfair competition under state common law.

77. RPS's, BAP's, and FAI's unlawful actions were committed with willful and wanton disregard for Research Products' superior rights.

78. As a result of RPS's, BAP's, and FAI's unlawful actions, Research Products has suffered commercial harm.

79. Research Products has been and continues to be harmed irreparably by RPS's, BAP's, and FAI's unlawful actions and has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Research Products prays for relief as follows:

1. a judgment that each of Defendants has directly infringed, induced infringement, and/or contributed to the infringement of one or more of the claims of each of the '881 Patent, '674 Patent, and '109 Patent;

2. a judgment that each of Defendants has infringed Research Products' trademark rights in and to the Aprilaire® mark, and a judgment that RPS and BAP has each infringed Research Products' trademark rights in and to the Space-Gard® mark;

3. a judgment that the actions of each of RPS, BAP and FAI constitute unfair competition;

4. a judgment preliminarily and permanently enjoining each of Defendants, their agents, servants, employees, officers and directors, affiliates, and those persons in privity or active concert or participation with them, and their parents, subsidiaries, divisions, successors and assigns:

(a) from further acts of infringement, contributory infringement, and inducement of infringement of the '881 Patent, '674 Patent, and '109 Patent;

(b) from infringing Research Products' trademarks in any manner in the sale, promotion, distribution or advertising of air cleaner filter media and humidifier filters and related products; and

(c) from distributing, advertising, promoting or offering for sale and/or selling any goods or products prominently bearing or using any of Research Products' trademarks or copyrighted material, or any colorable imitations thereof, which have not been authorized for sale in the United States by Research Products;

5. a judgment ordering each of Defendants, their agents, servants, employees, officers and directors, affiliates, and those persons in privity or active concert or participation with them, and their parents, subsidiaries, divisions, successors and assigns to:

(a) deliver up for destruction all infringing materials in its possession not authorized by Research Products for sale or use within the United States;

(b) deliver up for destruction all unauthorized trade dress, advertising, marketing and promotional materials and packaging associated with or relating to its unauthorized use of Research Products' trademarks or copyright;

(c) make a diligent effort to recall all of its infringing products, packaging and materials, and to file with this Court and serve on Research Products a report in writing, under oath, setting forth in detail the manner and form in which it has complied with this order;

6. a judgment against each of Defendants awarding all damages adequate to compensate for each Defendant's infringement, including all pre-judgment and post-judgment interest at the maximum rate permitted by law;

7. a judgment that each of Defendant's various acts of infringement of the '881 Patent has been willful and deliberate, and therefore, that Research Products is entitled to up to treble damages as provided by 35 U.S.C. § 284 and 35 U.S.C. § 1117;

8. a judgment that each of Defendant's willful infringements renders this an exceptional case entitling Research Products to an award of its attorneys' fees and costs incurred in prosecuting this action, together with interest, pursuant to 35 U.S.C. § 285 and 35 U.S.C. § 1117; and

9. such other and further relief as the Court deems just and equitable.

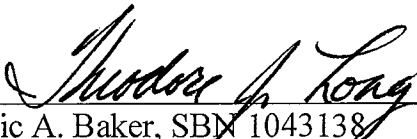
JURY DEMAND

Research Products demands a jury trial on all issues so triable.

Dated this 12th day of February, 2014.

BOARDMAN & CLARK LLP

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