

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

WATERS INDUSTRIES, INC., an Illinois corporation,)	
)	
)	
Plaintiff,)	Civil Action No. 1:16-cv-07939
)	
v.)	
)	
READY READING GLASSES, INC., a Texas corporation,)	COMPLAINT
)	
Defendant.)	JURY TRIAL DEMANDED
)	

Plaintiff Waters Industries, Inc. (“Waters Industries”) complains against Defendant Ready Reading Glasses, 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’ wholly-owned Panther Vision division designs and sells a variety of hands-free LED lighting products for consumers and businesses, including lighted eyeglasses.

2. Upon information and belief, Defendant Ready Reading Glasses, Inc. is a corporation incorporated under the laws of the State of Texas with its principal place of business at 1003 Dragon Street, Dallas, Texas 75207. Upon information and belief, Defendant, by itself, and/or through one or more entities owned, controlled or otherwise affiliated with Defendant, conducts business in Illinois and in this District including, without limitation, by promoting, offering for sale, and selling products, including infringing products, to consumers in Illinois and in this District through its interactive website (www.readingglasses.com), and causing its products to be delivered to consumers in Illinois 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. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Illinois Long Arm Statute (735 ILCS 5/2-209), due at least to its substantial business conducted in this forum, including having (i) solicited business in the State of Illinois, transacted business within the State of Illinois and attempted to derive financial benefit from residents of the State of Illinois, including benefits directly related to the instant patent infringement causes of action set forth herein; (ii) placed its products and services into the stream of commerce throughout the United States and throughout Illinois and this District, having been actively engaged in transacting business in Illinois and in this District; and (iii) either alone or in conjunction with others, committed acts of infringement within Illinois and in this District.

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

FIRST CAUSE OF ACTION – INFRINGEMENT OF THE '664 PATENT

6. Waters Industries hereby repeats and re-alleges the allegations contained in paragraphs 1 to 5, as if fully set forth herein.

7. On May 27, 2008, U.S. Patent No. 7,377,664 ("the '664 patent"), entitled "LIGHTING DEVICE," a copy of which is attached hereto as Exhibit A, was duly and legally issued to inventor, Michael Waters. The '664 patent issued from U.S. patent application Serial Number 11/455,922, filed on June 19, 2006. Michael Waters assigned all right, title and interest

in the '664 patent to Waters Industries. Waters Industries currently owns all right, title and interest in and to the '664 patent.

8. Defendant, by itself, and through its subsidiaries, affiliates, and/or agents has been, and is, infringing the '664 patent by making, using, offering to sell, selling and/or importing LED lighted eyeglasses incorporating the inventions patented in the '664 patent within the United States and within this District. Defendant's infringing products include the LED lighted eyeglasses shown in the attached Exhibit G, which have been marketed as the BRITE EYES II, and the LED lighted eyeglasses shown in the attached Exhibit H, which have been marketed as the BRITE EYES III. Defendant's BRITE EYES II LED lighted eyeglasses infringe at least claims 6 and 10-17 of the '664 patent. Defendant's BRITE EYES III LED lighted eyeglasses infringe at least claims 1, 4-6 and 10-17 of the '664 patent. Unless enjoined by the Court, Defendant will continue to infringe the '664 patent.

9. Defendant's infringement of the '664 patent has injured Waters Industries. Waters Industries is entitled to recover damages adequate to compensate for such infringement pursuant to 35 U.S.C. § 284.

10. The infringement by Defendant will continue to injure Waters Industries unless the Court enters an injunction prohibiting further infringement of the '664 patent.

11. The service of this Complaint will provide Defendant with actual notice of the '664 patent and of Waters Industries' infringement allegations herein.

12. On information and belief, Defendant will continue its infringement notwithstanding its actual knowledge of the '664 patent and the lack of an objectively reasonable good faith basis to believe that its activities do not infringe any valid claim of the '664 patent. As such, Defendant's future acts of infringement will constitute continuing willful infringement of the '664 patent.

SECOND CAUSE OF ACTION – INFRINGEMENT OF THE ‘486 PATENT

13. Waters Industries hereby repeats and re-alleges the allegations contained in paragraphs 1 to 5, as if fully set forth herein.

14. On April 20, 2010, U.S. Patent No. 7,699,486 (“the ‘486 patent”), entitled “ILLUMINATED EYEGLOSS ASSEMBLY,” a copy of which is attached as Exhibit B, was duly and legally issued to inventor, Edward Beiner. The ‘486 patent issued from U.S. patent application Serial Number 11/978,401, filed on October 29, 2007. Edward Beiner assigned all right, title and interest in the ‘486 patent to Waters Industries. Waters Industries currently owns all right, title and interest in and to the ‘486 patent.

15. Defendant, by itself, and through its subsidiaries, affiliates, and/or agents has been, and is, infringing the ‘486 patent by making, using, offering to sell, selling and/or importing LED lighted eyeglasses incorporating the inventions patented in the ‘486 patent within the United States and within this District. Defendant’s infringing products include the LED lighted eyeglasses shown in the attached Exhibit I, which have been marketed as the BRITE EYES. Defendant’s BRITE EYES LED lighted eyeglasses infringe claims 1-12 of the ‘486 patent. Unless enjoined by the Court, Defendant will continue to infringe the ‘486 patent.

16. Defendant’s infringement of the ‘486 patent has injured Waters Industries. Waters Industries is entitled to recover damages adequate to compensate for such infringement pursuant to 35 U.S.C. § 284.

17. The infringement by Defendant will continue to injure Waters Industries unless the Court enters an injunction prohibiting further infringement of the ‘486 patent.

18. The service of this Complaint will provide Defendant with actual notice of the ‘486 patent and of Waters Industries’ infringement allegations herein.

19. On information and belief, Defendant will continue its infringement notwithstanding its actual knowledge of the '486 patent and the lack of an objectively reasonable good faith basis to believe that its activities do not infringe any valid claim of the '486 patent. As such, Defendant's future acts of infringement will constitute continuing willful infringement of the '486 patent.

THIRD CAUSE OF ACTION – INFRINGEMENT OF THE '524 PATENT

20. Waters Industries hereby repeats and re-alleges the allegations contained in paragraphs 1 to 5, as if fully set forth herein.

21. On August 7, 2012, U.S. Patent No. 8,235,524 ("the '524 patent"), entitled "ILLUMINATED EYEWEAR," a copy of which is attached as Exhibit C, was duly and legally issued to inventor, Michael Waters. The '524 patent issued from U.S. patent application Serial Number 12/835,508, filed on July 13, 2010. Michael Waters assigned all right, title and interest in the '524 patent to Waters Industries. Waters Industries currently owns all right, title and interest in and to the '524 patent.

22. Defendant, by itself, and through its subsidiaries, affiliates, and/or agents has been, and is, infringing the '524 patent by making, using, offering to sell, selling and/or importing LED lighted eyeglasses incorporating the inventions patented in the '524 patent within the United States and within this District. Defendant's infringing products include the LED lighted eyeglasses shown in the attached Exhibits G, H, and I, which have been marketed as the BRITE EYES II, BRITE EYES III, and BRITE EYES, respectively. Defendant's BRITE EYES II LED lighted eyeglasses infringe at least claims 1-21, 23-25, 27-33, 36-59, 61-63, 65-71 and 73-75 of the '524 patent. Defendant's BRITE EYES III LED lighted eyeglasses infringe at least claims 1-21, 23-25, 27-33, 36-59, 61-63, 65-71 and 73-75 of the '524 patent. Defendant's BRITE

EYES LED lighted eyeglasses infringe at least claims 1-33 and 36-75 of the '524 patent. Unless enjoined by the Court, Defendant will continue to infringe the '524 patent.

23. Defendant's infringement of the '524 patent has injured Waters Industries. Waters Industries is entitled to recover damages adequate to compensate for such infringement pursuant to 35 U.S.C. § 284.

24. The infringement by Defendant will continue to injure Waters Industries unless the Court enters an injunction prohibiting further infringement of the '524 patent.

25. The service of this Complaint will provide Defendant with actual notice of the '524 patent and of Waters Industries' infringement allegations herein.

26. On information and belief, Defendant will continue its infringement notwithstanding its actual knowledge of the '524 patent and the lack of an objectively reasonable good faith basis to believe that its activities do not infringe any valid claim of the '524 patent. As such, Defendant's future acts of infringement will constitute continuing willful infringement of the '524 patent.

FOURTH CAUSE OF ACTION – INFRINGEMENT OF THE '266 PATENT

27. Waters Industries hereby repeats and re-alleges the allegations contained in paragraphs 1 to 5, as if fully set forth herein.

28. On May 21, 2013, U.S. Patent No. 8,444,266 ("the '266 patent"), entitled "ILLUMINATED EYEWEAR," a copy of which is attached as Exhibit D, was duly and legally issued to inventor, Michael Waters. The '266 patent issued from U.S. patent application Serial Number 12/895,456, filed on September 30, 2010. Michael Waters assigned all right, title and interest in the '266 patent to Waters Industries. Waters Industries currently owns all right, title and interest in and to the '266 patent.

29. Defendant, by itself, and through its subsidiaries, affiliates, and/or agents has been, and is, infringing the '266 patent by making, using, offering to sell, selling and/or importing LED lighted eyeglasses incorporating the inventions patented in the '266 patent within the United States and within this District. Defendant's infringing products include the LED lighted eyeglasses shown in the attached Exhibit H, which have been marketed as the BRITE EYES III. Defendant's BRITE EYES III LED lighted eyeglasses infringe at least claims 1, 3, 6, 10 and 14 of the '266 patent. Unless enjoined by the Court, Defendant will continue to infringe the '266 patent.

30. Defendant's infringement of the '266 patent has injured Waters Industries. Waters Industries is entitled to recover damages adequate to compensate for such infringement pursuant to 35 U.S.C. § 284.

31. The infringement by Defendant will continue to injure Waters Industries unless the Court enters an injunction prohibiting further infringement of the '266 patent.

32. The service of this Complaint will provide Defendant with actual notice of the '266 patent and of Waters Industries' infringement allegations herein.

33. On information and belief, Defendant will continue its infringement notwithstanding its actual knowledge of the '266 patent and the lack of an objectively reasonable good faith basis to believe that its activities do not infringe any valid claim of the '266 patent. As such, Defendant's future acts of infringement will constitute continuing willful infringement of the '266 patent.

FIFTH CAUSE OF ACTION – INFRINGEMENT OF THE '945 PATENT

34. Waters Industries hereby repeats and re-alleges the allegations contained in paragraphs 1 to 5, as if fully set forth herein.

35. On October 29, 2013, U.S. Patent No. 8,567,945 (“the ‘945 patent”), entitled “ILLUMINATED EYEWEAR,” a copy of which is attached as Exhibit E, was duly and legally issued to inventor, Michael Waters. The ‘945 patent issued from U.S. patent application Serial Number 13/869,746, filed on April 24, 2013. Michael Waters assigned all right, title and interest in the ‘945 patent to Waters Industries. Waters Industries currently owns all right, title and interest in and to the ‘945 patent.

36. Defendant, by itself, and through its subsidiaries, affiliates, and/or agents has been, and is, infringing the ‘945 patent by making, using, offering to sell, selling and/or importing LED lighted eyeglasses incorporating the inventions patented in the ‘945 patent within the United States and within this District. Defendant’s infringing products include the LED lighted eyeglasses shown in the attached Exhibit G, which have been marketed as the BRITE EYES II. Defendant’s BRITE EYES II LED lighted eyeglasses infringe at least claims 1, 4, 7, 8-10 and 13 of the ‘945 patent. Unless enjoined by the Court, Defendant will continue to infringe the ‘945 patent.

37. Defendant’s infringement of the ‘945 patent has injured Waters Industries. Waters Industries is entitled to recover damages adequate to compensate for such infringement pursuant to 35 U.S.C. § 284.

38. The infringement by Defendant will continue to injure Waters Industries unless the Court enters an injunction prohibiting further infringement of the ‘945 patent.

39. The service of this Complaint will provide Defendant with actual notice of the ‘945 patent and of Waters Industries’ infringement allegations herein.

40. On information and belief, Defendant will continue its infringement notwithstanding its actual knowledge of the ‘945 patent and the lack of an objectively reasonable good faith basis to believe that its activities do not infringe any valid claim of the ‘945 patent. As

such, Defendant's future acts of infringement will constitute continuing willful infringement of the '945 patent.

SIXTH CAUSE OF ACTION – INFRINGEMENT OF THE '744 PATENT

41. Waters Industries hereby repeats and re-alleges the allegations contained in paragraphs 1 to 5, as if fully set forth herein.

42. On December 2, 2014, U.S. Patent No. 8,899,744 ("the '744 patent"), entitled "LIGHTED READING GLASSES," a copy of which is attached as Exhibit F, was duly and legally issued to inventor, Michael Waters. The '744 patent issued from U.S. patent application Serial Number 13/947,929, filed on July 22, 2013. Michael Waters assigned all right, title and interest in the '744 patent to Waters Industries. Waters Industries currently owns all right, title and interest in and to the '744 patent.

43. Defendant, by itself, and through its subsidiaries, affiliates, and/or agents has been, and is, infringing the '744 patent by making, using, offering to sell, selling and/or importing LED lighted eyeglasses incorporating the inventions patented in the '744 patent within the United States and within this District. Defendant's infringing products include the LED lighted eyeglasses shown in the attached Exhibits G, H, and I, which have been marketed as the BRITE EYES II, BRITE EYES III, and BRITE EYES, respectively. Defendant's BRITE EYES II, BRITE EYES III and BRITE EYES LED lighted eyeglasses infringe claim 1 of the '744 patent. Unless enjoined by the Court, Defendant will continue to infringe the '744 patent.

44. Defendant's infringement of the '744 patent has injured Waters Industries. Waters Industries is entitled to recover damages adequate to compensate for such infringement pursuant to 35 U.S.C. § 284.

45. The infringement by Defendant will continue to injure Waters Industries unless the Court enters an injunction prohibiting further infringement of the '744 patent.

46. The service of this Complaint will provide Defendant with actual notice of the '744 patent and of Waters Industries' infringement allegations herein.

47. On information and belief, Defendant will continue its infringement notwithstanding its actual knowledge of the '744 patent and the lack of an objectively reasonable good faith basis to believe that its activities do not infringe any valid claim of the '744 patent. As such, Defendant's future acts of infringement will constitute continuing willful infringement of the '744 patent.

PRAYER FOR RELIEF

WHEREFORE, Waters Industries prays for:

1. Judgment that the '664, '486, '524, '266, '945, and '744 patents are each valid, enforceable, and infringed by Defendant;
2. Judgement that Defendant's acts of patent infringement are willful;
3. A preliminary and permanent injunction enjoining Defendant, 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 Defendant's acts of patent infringement, together with pre-judgment and post-judgment interest;
5. Judgement that the damages so adjudged against Defendant 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: August 8, 2016

/s/ Timothy P. Maloney

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