

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
KANSAS CITY DIVISION**

SCOT YOUNG RESEARCH, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 02-6156-CV-SJ-DW
)	
ABCO PRODUCTS CORPORATION)	
)	
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

This is a complaint for infringement of United States Patent No. 5,706,544, MOPHEADS, by defendant.

Plaintiff contends:

PARTIES

1. Plaintiff Scot Young Research, Inc., is a Missouri Corporation having its principal place of business at 503 Renick Street, St. Joseph, Missouri 64501.
2. Defendant ABCO Products Corporation is a corporation having a principal place of business at 6800 N.W. 36th Avenue, Miami, Florida 33147.

JURISDICTION

3. This action arises under the Act of June 25, 1948, 25 Stat. 869, U.S.C., Title 28, Section 1338(a), as hereinafter more fully appears.
4. Jurisdiction in this District is proper as Plaintiff resides herein and Defendant may be found herein, as Defendant admits to distributing its products coast to coast. Upon information and

belief, Defendant's infringing products have been distributed within the Western District of Missouri.

FACTS AND ALLEGATIONS

5. On January 13, 1998, U.S. Patent No. 5,706,544 for MOPHEADS was duly and legally issued to Plaintiff, as assignee of its inventor, Ronald Alexander (a/k/a/ Scot) Young. A copy of the '544 patent is attached hereto as Exhibit A. Plaintiff has given notice of its patent by duly and properly marking the patent number on its mopheads configured according to the patent, in accordance with 35 U.S.C. § 287, and Plaintiff is now and at all times has been the owner of such patent. All maintenance fees current to date have been paid and said patent is in full force and effect.

6. Defendant's Vice President of Sales, Jeff Maslinski, had been observed several times by Plaintiff's employees at industry trade shows wherein Mr. Maslinski displayed great interest in Plaintiff's products, including its patented mopheads. Mr. Maslinski closely examined the patented mophead, studied its features and characteristics, viewed its labeling, including the patent notice thereon, and asked Plaintiff's employees questions about Plaintiff's products. On several occasions Mr. Maslinski has attempted to hire away Plaintiff's employees, including Plaintiff's employee Jerry Alvarez, and has repeatedly asked Alvarez and others about Plaintiff's methods of doing business.

7. Both Plaintiff and Defendant compete for the same class of customers throughout their competing lines of mop and other cleaning products. This is the fast food national franchise system consisting of McDonald's, Burger King, Wendy's, and others similarly positioned. Plaintiff has successfully sold its mop, termed the "Changer" mop, covered by its '544 patent, into the market and has enjoyed recurrent sales of this mop plus associated cleaning products. Plaintiff's Changer mop is manufactured in St. Joseph, Missouri, by its local labor force.

8. Within the last 30 days, Plaintiff has become aware of a copy of its Changer mop sold into the above identified market. This is a mop labeled "BlueMop T02114 Made in Honduras." This

mop is known to be manufactured and distributed by Defendant and shown on Defendant's website as a "Deckmop". Photographs of Defendant's mop are attached as Exhibit B.

9. Plaintiff contends that Defendant's Deckmop T02114 infringes Claims 1, 3, 4, 5, 7, and 8 of Plaintiff's '544 patent. Plaintiff contends the infringement is ongoing and continuous and Defendant will continue to infringe unless enjoined by this court. Such infringement is willful and deliberate, notice of Plaintiff's patent being duly placed on all of Plaintiff's Changer mops, and considering the deliberate and noteworthy inspection of its mops by Defendant's corporate officer Maslinski witnessed by Plaintiff's employees.

10. The infringement by Defendants of the '544 patent has deprived Plaintiff of sales and associated product sales, the extent of which is presently unknown, which Plaintiff would have otherwise made and has in other respects injured Plaintiff and will cause Plaintiff added injury and loss of profits unless enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays

- a. For an Injunction temporarily and permanently enjoining Defendant from infringement of Plaintiff's '544 patent;
- b. For an Order requiring destruction of all infringing products in Defendant's possession or control;
- c. For an award of damages caused by the infringement;
- d. For such damages to be trebled because of Defendant's deliberate and willful infringement;
- e. For an award of attorney fees and costs associated with bringing this action;
- f. For other appropriate relief as may be ordered by the Court.

JURY TRIAL DEMAND

Plaintiff hereby demands trial by jury on all issues so triable.

Respectfully submitted,

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