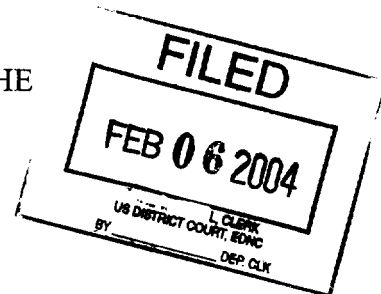


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NORTH CAROLINA
~~SOUTHERN~~ DIVISION
EASTERN



BETTY J. POWERS
13-B Mulberry Lane
New Bern, NC 28560
Plaintiff

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Case No: 4:04-CV-19-FL(2)

v.

TIM BOYES D/B/A
SCENTEDAIRFILTERS.COM
2040 Lodge Crest Ct.
League City, TX 77573

* * * * *

COMPLAINT

(Direct Patent Infringement, Active Inducement of Patent Infringement, Contributory Patent Infringement)

Plaintiff, Betty J. Powers, by their undersigned attorneys sues defendant and alleges as follows:

PARTIES

1. Plaintiff Betty J. Powers is an individual residing in New Bern, North Carolina.
2. Defendant, Tim Boyes, is a resident of League City, Texas. Defendant entity does business through a website where it sells "scented air filters", called Scentedairfilters.com.

JURISDICTION AND VENUE

3. This action for patent infringement arises under the Patent Laws of the United States, Title 35, United States Code, including 35 U.S.C. § 271 and 281-285.
4. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. § 1338.
5. Venue is proper in this district under 28 U.S.C. § 1391 and 1400(b).

PATENT IN SUIT

6. On May 16, 1995, U.S. Patent No. 5,414,675, entitled “Fragranced Return Air Filters,” was duly and legally issued to inventor Betty J. Powers. A copy of the patent is attached hereto as Exhibit A.

COUNT I
(Direct Infringement)

7. The allegations of paragraphs 1-6 are repeated and realleged as if set forth fully herein.
8. Defendant has infringed and is presently infringing the plaintiff’s “Fragranced Return Air Filters” patent by making, using, selling, importing and/or offering to sell within the United States, fragranced return air filters that infringe on the Plaintiff’s legal patent, and will continue the infringement unless enjoined by the court.
9. The infringement by defendant has been willful and deliberate.
10. Plaintiff has been damaged as a result of the infringing activities of Defendant and will continue to be damaged unless such activities are enjoined by this court.

WHEREFORE, Plaintiff requests judgment and relief including:

- a) An order declaring that the Defendant’s have infringed the Plaintiff’s “Fragranced Return Air Filters” patent;
- b) an injunction against Defendant’s continued infringement of the Plaintiff’s “Fragranced Return Air Filters”; patent.
- c) Damages in the amount of One Hundred Thousand Dollars (\$200,000.00), trebled to Six Hundred Thousand Dollars (\$600,000.00).
- d) Interest and fees;

- e) Any other remedies the court deems appropriate

COUNT II

(Active Inducement of Infringement)

- 11. The allegations of paragraphs 1-10 above are repeated and realleged as if fully set forth herein.
- 12. Defendant has infringed and is presently infringing the plaintiff's "Fragranced Return Air Filters" patent by actively inducing others to infringe the asserted patents within the United States, and will continue to do so unless enjoined by this court.
- 13. Defendant's inducement of infringement has been willful and deliberate.
- 14. Plaintiff has been damaged as a result of Defendant's infringing activities and will continue to be damaged unless such activities are enjoined.

WHEREFORE, Plaintiff requests judgment and relief including:

- a) An order declaring that the Defendant's have infringed the Plaintiff's "Fragranced Return Air Filters" patent;
- b) an injunction against Defendant's continued infringement of the Plaintiff's "Fragranced Return Air Filters"; patent.
- c) Damages in the amount of One Hundred Thousand Dollars (\$200,000.00), trebled to Six Hundred Thousand Dollars (\$600,000.00).
- d) Interest and fees;
- e) Any other remedies the court deems appropriate

COUNT III

(Contributory Infringement)

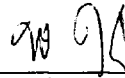
- 15. The allegations of paragraphs 1-14 above are repeated and realleged as if fully set forth herein

16. Defendant has infringed and is presently infringing the plaintiff's "Fragranced Return Air Filters" patent by having sold and offered to sell, and presently selling and offering to sell within the United States a component of the invention of the Plaintiff's "Fragranced Return Air Filters" constituting a material part of the invention, knowing the same to be especially made and not a commodity of commerce, knowing the same to be especially made and not a commodity of commerce suitable for substantial noninfringing use and will continue to do so unless enjoined by this Court.
17. Defendant's contributory infringement has been willful and deliberate.
18. Plaintiff has been damaged as a result of Defendant's infringing activities and will continue to be damaged unless such activities are enjoined.

WHEREFORE, Plaintiff requests judgment and relief including:

- a) An order declaring that the Defendant's have infringed the Plaintiff's "Fragranced Return Air Filters" patent;
- b) an injunction against Defendant's continued infringement of the Plaintiff's "Fragranced Return Air Filters"; patent.
- c) Damages in the amount of One Hundred Thousand Dollars (\$200,000.00), trebled to Six Hundred Thousand Dollars (\$600,000.00).
- d) Interest and fees;
- e) Any other remedies the court deems appropriate

Respectfully Submitted,
RESNICK & ABRAHAM, L.L.C.



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