

SCANNED

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

OMEGAFLEX, INC.	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: 02-30022-MAP
	)	
PARKER HANNIFIN CORPORATION	)	
Defendant,	)	

**SECOND AMENDED COMPLAINT**

FOR ITS COMPLAINT, Plaintiff, OMEGAFLEX, INC. (hereinafter "OmegaFlex") hereby alleges:

**THE PARTIES**

1. Plaintiff OmegaFlex is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, having a place of business at 260 North Elm Street, Westfield, Massachusetts 01085.
2. Defendant, Parker Hannifin Corporation (hereinafter "PHC") is a corporation organized and existing under the laws of the State of Ohio, having a principal place of business at 6035 Parkland Boulevard, Cleveland, Ohio 44124-4141.

**JURISDICTION and VENUE**

3. Jurisdiction of this court with respect to the claims set forth herein, arises under the Patent Laws of the United States, Title 35, U.S.C. et seq. Jurisdiction is founded under 28 U.S.C. §1338(a). Venue with regard to Defendant, is found upon 28 U.S.C. §1400(b) and 1391(c) in that Defendant is doing business in the district.

**FIRST COUNT - PATENT INFRINGEMENT**  
**(U.S. PATENT NO. 6,079,749)**

4. Plaintiff, OmegaFlex, is the owner by assignment of United States Patent No. 6,079,749, entitled "Preassembled Fitting For Use With Corrugated Tubing" which was duly and legally issued by the United States Patent and Trademark Office on June 27, 2000, hereinafter the '749 Patent. A copy of the '749 Patent is attached hereto as Exhibit A.

5. On or about October 3, 2000 the Defendant, Parker Hannifin Corporation, requested that the United States Patent & Trademark Office ("PTO") reexamine the '749 patent. On or about December 5, 2000 the PTO granted the Defendant's request for reexamination of the '749 patent.

6. On or about November 6, 2001 the PTO issued a Reexamination Certificate regarding the '749 patent which included patentable claims (hereafter, the Reexamined '749 patent). A copy of the '749 Patent Reexamination Certificate is attached as Exhibit B.

7. Defendant PHC has infringed the Reexamined '749 Patent by making, using offering for sale and/or selling products, including, but not limited to, those products designated Parflex FastMate™ Quick Connect Coupling, which are covered by the claims of the Reexamined '749 Patent and will continue to do so unless enjoined there from by this Court.

8. Defendant, PHC has also infringed the reexamined '749 patent by contributing to the infringement of that patent by others and/or by inducing others to infringe the reexamined '749 patent.

9. Upon information and belief, the Defendant's infringement of the Reexamined '749 Patent, direct, contributory, and by inducement, has been knowing and willful.

**SECOND COUNT – PATENT INFRINGEMENT**  
**(U.S. PATENT NO. 6,428,052)**

10. The Plaintiff repeats and realleges paragraphs 1-9, above, as though fully set forth herein.

11. The Plaintiff, OmegaFlex, is the owner by assignment of United States Patent No. 6,428,052 entitled "Fitting For Use With Corrugated Tubing" which was duly and legally issued by the United States Patent and Trademark Office on August 6, 2002 (hereafter, "the '052 Patent"). A copy of the '052 patent is attached hereto as Exhibit C.

12. Defendant, PHC, has infringed the '052 patent by making, using, offering for sale, and/or selling products, including but not limited to those products designated Parflex FastMate™ Quick Connect Cupling, which are covered by the claims of the '052 patent, and will continue to do so unless enjoined there from by this Court.

13. Defendant, PHC has also infringed the '052 patent by contributing to the infringement of that patent by others and/or by inducing others to reexamined '749 patent.

14. Upon information and belief, the Defendant's infringement of the '052 patent direct, contributory, and by inducement, has been knowing and willful.

WHEREFORE, Plaintiff demands judgment as follows:

1. That this Court preliminarily and permanently enjoin the Defendant from infringing the Reexamined '749 Patent as provided in 35 U.S.C. §283;

2. That this Court preliminarily and permanently enjoin the Defendant from infringing the '052 patent as provided in 35 U.S.C §283;

3. That this Court award Plaintiff an accounting for its damages resulting from said infringement as provided in 35 U.S.C. §284;

4. That this Court award Plaintiff its costs in this action together with reasonable attorney's fees as provided in 35 U.S.C. §285; and

5. That the Plaintiff be granted such other relief as the Court may deem just and proper.

The Plaintiff demands a trial by jury on all issues so triable.

Respectfully Submitted,  
OmegaFlex, Inc. Plaintiff

By: 

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Plaintiff's Attorneys

I hereby certify that a true copy of the above document was served upon the attorneys of record for each party by mail on the 7<sup>th</sup> day of July, 2004.

  
Steven M. Coyle, Esq.