

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

DENNIS P. DEGREGORIO, JR.,

Plaintiff,

v.

PHILIPS ELECTRONICS NORTH
AMERICA CORPORATION, individually and
d/b/a NORELCO CONSUMER PRODUCTS
COMPANY; SPECTRUM BRANDS, INC.,
individually and d/b/a RAYOVAC
CORPORATION; and WAHL CLIPPER
CORPORATION,

Defendants.

Case No. 07 cv 2683

Judge Gottschall
Magistrate Judge Mason

JURY TRIAL DEMANDED

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Dennis P. DeGregorio, Jr., complains of defendants, Philips Electronics North America Corporation, individually and d/b/a Norelco Consumer Products Company; Spectrum Brands, Inc., individually and d/b/a Rayovac Corporation; and Wahl Clipper Corporation, as follows:

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter of this case under 28 U.S.C. § 1338(a).

2. Dennis P. DeGregorio, Jr. ("DeGregorio") is an individual residing in Tinley Park, Illinois.

3. DeGregorio is the inventor of, owns and has standing to sue for infringement of United States Patent No. 6,978,547 B2, issued on December 27, 2005 and entitled "Beard

Trimmer with Internal Vacuum," and U.S. Patent No. 7,076,878 B2, issued on July 18, 2006 and entitled "Beard Trimmer with Internal Vacuum" (the "patents in suit") (Exhibits A and B).

4. Defendant Philips Electronics North America Corporation, individually and d/b/a Norelco Consumer Products Company ("Philips"), is a Delaware corporation with its principal place of business at 1251 Avenue of the Americas, New York, New York 10020. Philips manufactures and sells beard trimmer products under the Norelco brand name. Philips is registered to do business in Illinois.

5. Defendant Spectrum Brands, Inc., individually and d/b/a Rayovac Corporation ("Spectrum") is a Wisconsin corporation with its principal place of business at Six Concourse Parkway, Suite 3300, Atlanta, Georgia 30328. Spectrum manufactures and sells beard trimmer products under the Remington brand name. Spectrum is registered to do business in Illinois.

6. Defendant Wahl Clipper Corporation ("Wahl") is an Illinois corporation with its principal place of business at 2900 North Locust Street, Sterling, Illinois 61081.

7. Venue is proper in this judicial district under 28 U.S.C. § 1391 and 1400(b).

8. Defendants each transact business in Illinois, at least by offering to sell, selling and/or advertising beard trimmer products through retail stores, catalogs and the Internet in such a way as to reach customers in Illinois and this judicial district.

9. The Court has personal jurisdiction over each of the Defendants because they transact business and have committed acts of infringement in Illinois and in this judicial district.

10. Philips has infringed and is infringing the patents in suit through, among other activities, the manufacture, use, sale, importation and/or offer for sale of infringing beard trimmer products, including but not limited to the Norelco AccuVac Trimmer ("Philips Infringing Products"). Philips has also infringed the patents in suit by knowingly and actively

inducing others to infringe, and by contributing to the infringement of others by the manufacture, use, sale, importation and/or offer for sale of the Philips Infringing Products.

11. Spectrum has infringed and is infringing the patents in suit through, among other activities, the manufacture, use, sale, importation and/or offer for sale of infringing beard trimmer products, including but not limited to the Remington Precision Pro 400 (mb-400) and Remington Vacuum Trim Titanium (HKVAC-2000) ("Spectrum Infringing Products"). Spectrum has also infringed the patents in suit by knowingly and actively inducing others to infringe, and by contributing to the infringement of others by the manufacture, use, sale, importation and/or offer for sale of the Spectrum Infringing Products.

12. Wahl has infringed and is infringing the patents in suit through, among other activities, the manufacture, use, sale, importation and/or offer for sale of infringing beard trimmer products, including but not limited to the Trim 'n' VAC ("Wahl Infringing Products"). Wahl has also infringed the patents in suit by knowingly and actively inducing others to infringe, and by contributing to the infringement of others by the manufacture, use, sale, importation and/or offer for sale of the Wahl Infringing Products.

13. Defendants' infringement, contributory infringement and/or inducement to infringe is and has been willful and deliberate, and has injured and will continue to injure DeGregorio.

14. Defendants' infringement, contributory infringement and/or inducement to infringe has injured DeGregorio, and DeGregorio is entitled to recover damages adequate to compensate him for such infringement, but in no event less than a reasonable royalty.

15. Defendants' infringement of the patents in suit has caused irreparable harm to DeGregorio, who has no adequate remedy at law, and will continue to injure DeGregorio unless

and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining further importation, manufacture, use, offer for sale and/or sale of products within the scope of the patents in suit, and enjoining Defendants from contributing to and/or inducing infringement of the patents in suit.

WHEREFORE, DeGregorio respectfully asks this Court to enter judgment against each of the Defendants, individually and jointly, and against their respective subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

- A. The entry of judgment in favor of DeGregorio and against Philips, Spectrum and Wahl;
- B. An award of damages adequate to compensate DeGregorio for the infringement that has occurred, together with prejudgment interest from the date the infringement began, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284;
- C. Increased damages as permitted under 35 U.S.C. § 284;
- D. A finding that this case is exceptional and an award to DeGregorio of his attorneys fees and costs as provided by 35 U.S.C. § 285;
- E. A permanent injunction prohibiting further infringement, inducement and/or contributory infringement of the patents in suit; and,
- F. Such other relief that DeGregorio is entitled to under law, and any other and further relief that this Court or a jury may deem just and proper.

JURY DEMAND

DeGregorio demands a trial by jury on all issues presented in this Complaint.

Respectfully submitted,

/s/ Raymond P. Niro, Jr.

Raymond P. Niro, Jr.

Dina M. Hayes

Nicholas M Dudziak

NIRO, SCAVONE, HALLER & NIRO

181 West Madison, Suite 4600

Chicago, Illinois 60602

(312) 236-0733

Fax: (312) 236-3137

rnirojr@nshn.com; hayes@nshn.com;

dudziak@nshn.com

CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2007, I caused the foregoing AMENDED COMPLAINT FOR PATENT INFRINGEMENT to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Attorneys for Phillips Electronics North America Corp.
Bradley J. Hulbert
Richard A. Machonkin
Kurt W. Rohde
MCDONNELL, BOEHNEN, HULBERT & BERGHOFF, LTD.
300 South Wacker Drive, 32nd Floor
Chicago, IL 60606
(312) 913-0001
Fax: (312) 913-0002
hulbert@mbhb.com
machonkin@mbhb.com
rohdek@mbhb.com

Attorneys for Wahl Clipper Corp.
Patrick G. Burns
Lawrence J. Crain
Christopher Joseph McGeehan
GREER, BURNS & CRAIN, LTD.
300 South Wacker Drive, 25th Floor
Chicago, IL 60606
(312) 360-0080
Fax: (312) 360-9315
pburns@gbclaw.net
lcrain@gbclaw.net
cmcgeehan@gbclaw.net

Attorneys for Spectrum Brands, Inc.
Mark T. Banner
Thomas Kent Pratt
Jason S. Shull
BANNER & WITCOFF, LTD.
10 South Wacker Drive, Suite 3000
Chicago, IL 60606
(312)463-5000
Fax: (312) 463-5001
mbanner@bannerwitcoff.com
tpratt@bannerwitcoff.com
jshull@bannerwitcoff.com

I certify that all parties in this case are represented by counsel who are CM/ECF participants.

/s/ Raymond P. Niro, Jr.
Attorney for Plaintiff