

RECEIPT # 34566  
 AMOUNT 150.00  
 SUMMIT N  
 LOCAL FILE 4.1  
 WAIVER OF SERV. \_\_\_\_\_  
 MCF ISSUED \_\_\_\_\_  
 AG 121 OR 121 \_\_\_\_\_  
 BY DFTY CLK lmm  
 DATE 10-19-01

UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF MASSACHUSETTS

HEADWATERS RESEARCH & DEVELOPMENT,  
 INC., and  
 HEADWATERS, INC.

Plaintiffs,

v.

OREGON SCIENTIFIC, INC.,  
 INTEGRATED DISPLAY TECHNOLOGY, LTD.,  
 SPRINGFIELD PRECISION INSTRUMENTS,  
 INC., AND  
 TAYLOR PRECISION PRODUCTS LP

Defendants.

Civil Action No.

01 CV 11811 REK

FILED  
 IN CLERK'S OFFICE  
 OCT 18 4 05 PM '01  
 US DISTRICT COURT  
 DISTRICT OF MASSACHUSETTS

COMPLAINT

This is an action for patent infringement under Title 35, United States Code, Sections 271 and 281, alleging, in complaint against each Defendant, as follows:

I. PARTIES

1. Plaintiff Headwaters Research & Development, Inc. is a Canadian corporation having a regular place of business at 700 Industrial Avenue, Suite 430, Ottawa, Ontario, Canada K1G0Y9.

2. Plaintiff Headwaters, Inc. is a Massachusetts corporation having a regular and established place of business at 26 Phillips Street, Marblehead, Massachusetts 01945.

DOCKETED

1

3. Plaintiff Headwaters, Inc. is an affiliated company of Plaintiff Headwaters Research & Development, Inc.

4. Collectively, Plaintiffs Headwaters, Inc. and Headwaters Research & Development, Inc. will be hereinafter referred to as "Plaintiffs."

5. On information and belief, Defendant Oregon Scientific, Inc. ("Oregon Scientific") is an Oregon corporation having a regular and established place of business at 19861 SW 95<sup>th</sup> Place, Tualatin, Oregon 97062-7526.

6. On information and belief, Defendant Integrated Display Technology, Ltd. ("IDT") is a Hong Kong corporation having a regular and established place of business at 29F Kaiser Estate, 41 Main Yue Street, Hunghom, Kowloon, Hong Kong.

7. On information and belief, Oregon Scientific is a wholly-owned subsidiary of IDT.

8. On information and belief, Defendant Springfield Precision Instruments, Inc. ("Springfield Precision") is a Delaware corporation having a regular and established place of business at 76-T Passaic Street, Wood-Ridge, New Jersey 07075-1004.

9. On information and belief, Defendant Taylor Precision Products LP ("Taylor Precision") is an Illinois Limited Partnership having a regular and established place of business at 2311 W. 22<sup>nd</sup> Street, Suite 103, Oakbrook, Illinois 60523-1246.

10. Collectively, Defendants Oregon Scientific, IDT, Springfield Precision, and Taylor Precision, will be hereinafter referred to as "Defendants."

## II. JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction over this dispute pursuant to 28 U.S.C. § 1338(a) and 28 U.S.C. § 1331 because this is an action arising under the patent laws of the United States, 35 U.S.C. § 1, et seq.

12. This Court is the appropriate venue for this action, pursuant to 28 U.S.C. § 1391.

## III. BACKGROUND

13. Plaintiffs are the owner of all right, title, and interest in and to United States Patent No. 6,046,674 (hereinafter “the ‘674 patent”), entitled “Multi-Station RF Thermometer and Alarm System.” A true and correct copy of the ‘674 patent is attached hereto as Exhibit A.

14. Pursuant to 35 U.S.C. § 282, the ‘674 patent is presumed valid.

15. Plaintiffs are the owner of all right, title, and interest in and to United States Patent No. 6,300,871 (hereinafter “the ‘871 patent”), entitled “Multi-Station RF Thermometer and Alarm System.” A true and correct copy of the ‘871 patent is attached hereto as Exhibit B.

16. Pursuant to 35 U.S.C. § 282, the ‘871 patent is presumed valid.

## IV. COUNT I

### PATENT INFRINGEMENT AGAINST OREGON SCIENTIFIC

17. Plaintiffs restate and reallege paragraphs 1 through 16 above as if set forth in full herein.

18. On information and belief, Defendant Oregon Scientific is selling one or more products, including at least one under the name of Cable-Free™.

19. On information and belief, Oregon Scientific has infringed and is infringing the '674 and the '871 patents under 35 U.S.C. § 271(a) by making, using, offering for sale, selling, and/or importing into the United States, within this district and elsewhere, multi-station RF thermometer and alarm system products, including but not limited to the Cable-Free™ product, which infringe one or more claims of the '674 and the '871 patents, and will continue to do so unless enjoined by this Court.

20. As a result of the aforesaid acts of Oregon Scientific, Headwaters has sustained damages, no portion of which has been recovered by Headwaters.

21. On information and belief, the infringement of Oregon Scientific has been, and continues to be, willful and deliberate.

22. On information and belief, Oregon Scientific will continue to infringe the '674 and the '871 patents by reason of which Headwaters will sustain irreparable damage for which there is no adequate legal remedy unless Oregon Scientific is restrained and enjoined from future infringement.

## V. COUNT II

### PATENT INFRINGEMENT AGAINST IDT

23. Plaintiffs restate and reallege paragraphs 1 through 22 above as if set forth in full herein.

24. On information and belief, Defendant IDT is the supplier of the multi-station RF thermometer and alarm system products to Oregon Scientific, Springfield Precision, and Taylor Precision.

25. On information and belief, IDT has infringed and is infringing the '674 and the '871 patents under 35 U.S.C. § 271(a) by making, using, offering for sale, selling, and/or importing into the United States, within this district and elsewhere, multi-station RF thermometer and alarm system products which infringe one or more claims of the '674 and the '871 patents, and will continue to do so unless enjoined by this Court.

26. As a result of the aforesaid acts of IDT, Headwaters has sustained damages, no portion of which has been recovered by Headwaters.

27. On information and belief, the infringement of IDT has been, and continues to be, willful and deliberate.

28. On information and belief, IDT will continue to infringe the '674 and the '871 patents by reason of which Headwaters will sustain irreparable damage for which there is no adequate legal remedy unless IDT is restrained and enjoined from future infringement.

#### VI. COUNT III

##### PATENT INFRINGEMENT AGAINST SPRINGFIELD PRECISION

29. Plaintiffs restate and reallege paragraphs 1 through 28 above as if set forth in full herein.

30. On information and belief, Defendant Springfield Precision is selling one or more products, including at least one under the name of PreciseTemp™.

31. On information and belief, Springfield Precision has infringed and is infringing the '674 and the '871 patents under 35 U.S.C. § 271(a) by making, using, offering for sale, selling, and/or importing into the United States, within this district and elsewhere, multi-station RF thermometer and alarm system products, including but not limited to the PreciseTemp™ product, which infringe one or more claims of the '674 and the '871 patent, and will continue to do so unless enjoined by this Court.

32. As a result of the aforesaid acts of Springfield Precision, Headwaters has sustained damages, no portion of which has been recovered by Headwaters.

33. On information and belief, the infringement of Springfield Precision has been, and continues to be, willful and deliberate.

34. On information and belief, Springfield Precision will continue to infringe the '674 and the '871 patents by reason of which Headwaters will sustain irreparable damage for which there is no adequate legal remedy unless Springfield Precision is restrained and enjoined from future infringement.

#### VII. COUNT IV

##### PATENT INFRINGEMENT AGAINST TAYLOR PRECISION

35. Plaintiffs restate and reallege paragraphs 1 through 34 above as if set forth in full herein.

36. On information and belief, Defendant Taylor Precision is selling one or more products, including at least one under the name of Wireless Multi-Sensor.

37. On information and belief, Taylor Precision has infringed and is infringing the '674 and the '871 patents under 35 U.S.C. § 271(a) by making, using, offering for sale,

selling, and/or importing into the United States, within this district and elsewhere, multi-station RF thermometer and alarm system products, including but not limited to the Wireless Multi-Sensor product, which infringe one or more claims of the '674 and the '871 patents, and will continue to do so unless enjoined by this Court.

38. As a result of the aforesaid acts of Taylor Precision, Headwaters has sustained damages, no portion of which has been recovered by Headwaters.

39. On information and belief, the infringement of Taylor Precision has been, and continues to be, willful and deliberate.

40. On information and belief, Taylor Precision will continue to infringe the '674 and the '871 patents by reason of which Headwaters will sustain irreparable damage for which there is no adequate legal remedy unless Taylor Precision is restrained and enjoined from future infringement.

WHEREFORE, Headwaters prays for the entry of a judgment by this Court against each Defendant, providing:

A. That each Defendant, as well as its officers, directors, employees, agents and servants, and all persons and firms in active concert or participation with each Defendant, be preliminarily and permanently enjoined from infringing the '674 and '871 patents in any manner;

B. That each Defendant be required to make an accounting and pay all damages, together with interest, sustained by Plaintiffs based on the infringement of the '674 and '871 patents by each Defendant;

C. That, in light of the willful and deliberate nature of the infringement, each Defendant be required to pay the Plaintiffs up to three times the amount of damages sustained by Plaintiffs pursuant to 35 U.S.C. § 284;

D. That each Defendant be required to pay to Plaintiffs the cost of this action, reasonable attorney's fees, including interest, for the prosecution hereof to be fixed by the Court pursuant to 35 U.S.C. § 285; and

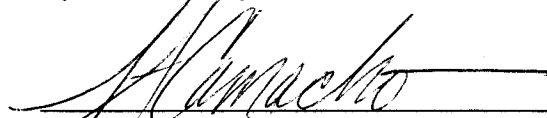
E. That Plaintiffs be granted such other and further relief as the Court shall deem just and proper.

Dated: October 18, 2001  
Boston, Massachusetts

Respectfully submitted,

HEADWATERS RESEARCH &  
DEVELOPMENT, INC. and  
HEADWATERS, INC.

By their attorneys,

A handwritten signature in black ink, appearing to read "S. Bauer", is written over a horizontal line.

Steven M. Bauer (BBO #542531)

Jennifer A. Camacho (BBO #638195)

Testa, Hurwitz & Thibeault, LLP

125 High Street

Boston, MA 02110

Telephone: (617) 248-7000



2186350\_2