

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
GREENBELT DIVISION**

<p>LMK ENTERPRISES, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>NU FLOW TECHNOLOGIES (2000) INC., NU FLOW AMERICA, INC. and VIDEO PIPE SERVICES, INC.</p> <p style="text-align: center;">Defendants.</p>	<p>Civil Action No. DKC-05-CV-1233</p> <p style="text-align: center;">Judge Deborah K. Chasanow</p> <p style="text-align: center;">Jury Trial Demanded</p>
---	---

FIRST AMENDED COMPLAINT

COMES NOW, the Plaintiff, LMK Enterprises, Inc. ("LMK"), and for its Complaint against the Defendants, Nu Flow Technologies (2000) Inc. and Nu Flow America, Inc. (collectively "Nu Flow") and Video Pipe Services, Inc. ("Video Pipe"), states and alleges as follows:

The Parties

1. Plaintiff LMK is a corporation organized and existing under the laws of the State of Illinois with its principal place of business at 1779 Chessie Lane, Ottawa, Illinois.
2. Upon information and belief, Nu Flow Technologies (2000) Inc. is a Canadian company having its principal place of business at 1010 Thornton Road South, Oshawa, Ontario L1J7E2.

3. Upon information and belief, Nu Flow America, Inc. is a corporation organized and existing under the laws of the state of New York and doing business in this district.

4. Upon information and belief, Video Pipe is a corporation organized and existing under the laws of the State of New Jersey, having offices at 11525 E. Maple Avenue, Beltsville, Maryland and doing business in this district.

Venue and Jurisdiction

5. This action arises under the patent laws of the United States, Title 35 United States Code, and this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1338(a).

6. Upon information and belief, Defendant Video Pipe has contracted with the City of Frederick, Maryland to perform the complained of alleged infringing activities, has performed said activities in this District, and has derived substantial revenue from goods and services used in the District and the Court therefore has jurisdiction over Defendant Video Pipe pursuant to MD. Code Ann., Cts. & Jud. Proc. §§ 6-103(3) and (4).

7. Upon information and belief, Defendant Nu Flow has transacted with Defendant Video Pipe to perform the complained of alleged infringing activities in this District, has performed said activities in this District, and has derived substantial revenue from goods and services used in the District and the Court therefore has jurisdiction over Defendant Nu Flow pursuant to MD. Code Ann., Cts. & Jud. Proc. §§ 6-103(3) and (4).

8. Venue is proper under 28 U.S.C. § 1391 and 28 U.S.C. § 1400(b) since Defendants reside in this judicial district by virtue of their doing business in this district, and since acts of which Plaintiff LMK complains occur in this district and elsewhere in the U.S.A.

COUNT I
(Patent Infringement – U.S. Patent No. 6,105,619)

9. On August 22, 2000, United States Letters Patent 6,105,619, entitled "APPARATUS FOR REPAIRING A PIPELINE AND METHOD FOR USING SAME" was duly and legally issued in the name of Larry W. Kiest, Jr., and the entire right, title and interest in and to said patent has been assigned to Plaintiff LMK, as reflected by the information appearing on the face of the patent. A copy of the aforesaid patent is attached hereto as Exhibit 1.

10. Upon information and belief, Defendant Nu Flow has directly and contributorily infringed certain claims of United States Patent No. 6,105,619, and has induced infringement of the patent by others, including but not limited to Video Pipe, by performing the methods claimed in the patent, and by one or more acts of making, using, offering for sale and/or selling pipelining products and services for use in performing the methods claimed in the patent, without authority to do so, all in violation of 35 U.S.C. § 271. Plaintiff LMK has been damaged by Defendant Nu Flow's infringement of United States Patent No. 6,105,619 and will continue to be damaged in the future unless Defendant Nu Flow is permanently enjoined from infringing, either directly or indirectly, said patent.

11. Upon information and belief, Defendant Video Pipe has infringed certain claims of United States Patent No. 6,105,619 and threatens to continue its infringement by performing the methods claimed in the patent without authority to do so, all in violation of 35 U.S.C. § 271. Plaintiff LMK has been damaged by Defendant Video Pipe's infringement of United States Patent No. 6,105,619 and will continue to be damaged in the future unless Defendant Video Pipe is permanently enjoined from infringing, either directly or indirectly, said patent.

12. Upon information and belief, Defendants had both constructive and actual notice of Plaintiff's patent and in particular that said patent and was duly and legally issued and Defendants are aware or should be aware that their activities directly infringe, contributorily infringe and/or induce others to infringe United States Patent No. 6,105,619.

13. Upon information and belief, Defendants' infringement of United States Patent No. 6,105,619 is now and has been intentional, willful, and deliberate.

WHEREFORE Plaintiff LMK prays for the following relief:

- a. A judgment against Defendants as to the sole Count in the Complaint;
- b. a judgment that Defendant Nu Flow Technologies (2000) Inc. has infringed United States Patent No. 6,105,619;
- c. a judgment that Defendant Nu Flow America, Inc. has infringed United States patent No. 6,105,619;
- d. a judgment that Defendant Video Pipe has infringed United States Patent No. 6,105,619;
- e. an injunction enjoining and restraining Defendants, their officers, directors, agents, servants, employees, attorneys and all others acting under or through them, directly or indirectly, from infringing United States Patent No. 6,105,619;
- f. a judgment that Defendants' infringement of United States Patent No. 6,105,619 has been willful and deliberate;
- g. a judgment requiring Defendants to pay damages under 35 U.S.C. § 284 for the infringement, including treble damages due to the knowing, willful and wanton nature of Defendants' conduct;

- h. a judgment and order directing Defendants to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285;
- i. an award of pre-judgment interest from the date of first patent infringement to entry of judgment;
- j. such other and further relief as the Court deems equitable under the circumstances, including where appropriate, punitive damages for the Defendants' conduct.

Demand for Jury Trial

Plaintiff demands trial by jury as to all issue triable by jury in this case as a matter of right.

Respectfully submitted,

/s/ Jeffrey D. Harty _____
Jeffrey D. Harty
Robert A. Hodgson
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, IA 50309-2721
Phone: 515-288-3667
Fax: 515-288-1338
Email: harty@ipmvs.com
Email: hodgson@ipmvs.com

Mary Jane Saunders
Venable LLP
575 7th Street NW
Washington, D.C. 20004
Phone: 202-344-4000
Fax: 202-344-8300
Email: mjsaunders@venable.com

ATTORNEYS FOR PLAINTIFF LMK
ENTERPRISES, INC.

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2005, I filed the foregoing with the Clerk of Court using the ECF system which will send notification of such filing to the following:

Brian H. Corcoran
Justin L. Krieger
Katten Muchin Rosenman LLP
1025 Thomas Jefferson Street, N.W.
East Lobby, Suite 700
Washington, D.C. 20007-5201
Phone: 202-625-3500
Fax: 202-339-8290
Email: brian.corcoran@kattenlaw.com
Email: justin.krieger@kattenlaw.com

Timothy J. Vezeau
Katten Muchin Rosenman LLP
525 West Monroe Street
Chicago, IL 60661-3693
Phone: 312-902-5200
Fax: 312-902-1061
Email: timothy.vezeau@kattenlaw.com

/s/ Jeffrey D. Harty