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U.S. DISTRICT COURT  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

ORECK HOLDINGS, L.L.C.

PLAINTIFF

v.

MINUTEMAN INTERNATIONAL,  
INC.

DEFENDANT

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CASE NUMBER:

03-0319

SECTION:

MAGISTRATE:

SECT. K MAG. 5

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COMPLAINT

Plaintiff, Oreck Holdings, L.L.C. ("Oreck"), through its undersigned counsel, hereby presents its Complaint as follows:

**I. PARTIES**

1. Oreck is a limited liability company organized and existing under the laws of the State of Delaware, with its registered office in Cheyenne, Wyoming, 82001.

2. On information and belief, Defendant Minuteman International, Inc. ("Minuteman"), is a corporation that has its principal place of business in Illinois. Minuteman manufacturers, produces, sells, and distributes the products that are the subject of this action in this and in all other judicial districts within this country.

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## **II. JURISDICTION AND VENUE**

3. This action is based upon the patent laws of the United States, 35 U.S.C. § 1 *et seq.*
4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331.
5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c).

## **III. FACTS**

6. Oreck is affiliated with Oreck Corporation, which is an industry leader in the design, manufacture and marketing of vacuum cleaner products. Oreck Corporation manufactures an Extractor, which incorporates features described in the patents that are referred to in this suit.

7. On December 24, 1985, the United States Patent and Trademark Office duly and lawfully issued United States Patent No. 4,559,667 (hereinafter “the ‘667 patent”) entitled “Dripless Nozzle for a Cleaning Device.” Oreck is the assignee and the sole owner of the ‘667 patent. A copy of the said patent is attached hereto as Exhibit A.

8. The ‘667 patent discloses a suction nozzle for an Extractor that has a horizontal trough that permits the retention of fluid that is contained within the suction conduit when the suction source is deactivated.

9. On December 24, 1985, the United States Patent and Trademark Office duly and lawfully issued United States Patent No. 4,559,665 (hereinafter “the ‘665 patent”) entitled “Indicator Nozzle for Cleaning Devices.” Oreck is the assignee and sole owner of the ‘665 patent. A copy of the said patent is attached hereto as Exhibit B.

10. The '665 patent discloses a suction nozzle for a cleaning device (i.e., an Extractor), that has a viewing area that slows down the speed of the liquid in the nozzle. This permits viewing by the operator during operation of the cleaning device.

11. Minuteman manufactures an "ET" extraction tool that is used in combination with its "Gotcha" and "Ambassador" line of extractors. It contains features and elements that are described within the claims of the '667 and '665 patents.

#### **IV. PATENT INFRINGEMENT**

12. Oreck repeats and re-alleges each of the allegations contained in paragraphs 1 through 11 of this Complaint as if fully set forth herein.

13. On information and belief, Minuteman has been, and is, infringing the '667 and the '665 patents by manufacturing, using, offering to sell, or selling products that have features that infringe claims of the referenced patents. This infringement has taken place throughout the United States and in this judicial district.

14. By infringing the '667 and '665 patents, Minuteman has unfairly reaped a substantial commercial advantage and savings in research and development time and cost, all to Oreck's detriment.

15. Minuteman's activities constitute willful infringement of the '667 and '665 patents.

16. Minuteman knew, or should have known, of Oreck's rights in, and to, the aforesaid patents.

17. Oreck has been, and will continue to be, damaged by such patent infringement in an amount to be proven at trial and in a manner and amount that cannot be fully measured or compensated in economic terms. The actions of the defendant have damaged, and will continue

to damage, Oreck's business, market, reputation, and goodwill, and may discourage current and potential customers from dealing with Oreck. Such irreparable damage will continue unless the acts of the defendant are enjoined during the pendency of this action and thereafter.

**PRAYER FOR RELIEF**

**WHEREFORE**, Oreck prays that judgment be entered in its favor against Minuteman as follows:

1. That Minuteman and its officers, agents, servants, and employees and all persons in active concert or participation with them, be enjoined and restrained during the pendency of this action and permanently thereafter from infringing Oreck's '667 and '665 patents;
2. That Minuteman be required to pay Oreck such damages as Oreck has sustained, or will sustain, in consequence of Minuteman's patent infringement, including Oreck's lost profits, but in no event less than a reasonably royalty, as provided by 35 U.S.C. § 284;
4. That Minuteman's infringement of Oreck's '667 and '665 patents be found to have been willfully committed by Minuteman and that the damages be increased to three times the amount assessed, as provided by 35 U.S.C. § 284;
5. That Minuteman be ordered to pay Oreck prejudgment interest on all sums as allowed by law;
6. That the Court adjudge this to be an exceptional case and require Minuteman to pay over to Oreck the costs of this action, including reasonable attorney's fees, and interest as provided by applicable law;
7. That Oreck have such other and further relief as this Court may deem just and proper.


**V. PLAINTIFF'S DEMAND FOR JURY TRIAL**

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

Dated this 31st day of January, 2003.

Respectfully submitted,

**ORECK, BRADLEY, CRIGHTON,  
ADAMS & CHASE**



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**SEE RECORD FOR  
EXHIBITS  
OR  
ATTACHMENTS  
NOT SCANNED**