

RECEIPT # 63942  
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BY DPTY. CLK. JK  
DATE 5-3-05

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

iROBOT CORPORATION,  
  
Plaintiff,  
  
v.  
  
URUS INDUSTRIAL CORPORATION,  
and  
KOOLATRON, a DIVISION of URUS  
INDUSTRIAL CORPORATION  
  
Defendants.

Civil Action No.

05 CV 10914

MAGISTRATE JUDGE Allyson

COMPLAINT

Plaintiff iROBOT CORPORATION, (“iRobot”), for its complaint against  
defendants URUS INDUSTRIAL CORPORATION and KOOLATRON (collectively  
“Defendants”), alleges as follows:

NATURE OF THE ACTION

1. In this action, iRobot seeks damages and a permanent injunction  
for infringement of its patent rights pursuant to Title 35 of the United States Code,  
infringement of its copyrights pursuant to Title 17 of the United States Code and for  
violations of the Lanham Act (Title 15 of the United States Code).

2. More particularly, this is an action, *inter alia*, for infringement of  
iRobot’s patent, copyright and trade dress rights that iRobot secured through its  
successful efforts to develop and commercialize its well-known and commercially  
successful Roomba® Robotic Floorvac. Upon information and belief, Defendants have

been and still are directly infringing, contributorily infringing, or actively inducing infringement by others of one or more claims of iRobot's patents, infringing iRobot's copyrights and violating the Lanham Act, by making, using, selling and/or offering for sale, robotic vacuum products including the Koolvac, such as the Koolvac KV-1 model, and packaging and manuals that accompany Defendants' infringing products.

3. iRobot is the world leader in the development and marketing of household robotic floor vacuum cleaners, due in no small measure to its outstanding technical achievements and innovative industrial designs. iRobot's intellectual property is the result of its extensive and successful research and development programs.

4. On information and belief, in or about March 2005 Koolatron launched a robotic vacuum cleaner system called "Koolvac" which Koolatron markets as a "*SMART* Floor & Carpet Vacuum" that is easy to use.

5. On information and belief, Koolatron has directly sold and is continuing to sell Koolvac products through one or more internet websites including, without limitation, Koolatron.com, WonderfulBuys.com and YouCanSave.com. In addition, Koolatron has indirectly sold and is continuing to sell Koolvac through other internet websites including, without limitation, Amazon.com.

6. Defendants' Koolvac robotic vacuum cleaners are a studied and careful reproduction – a complete "knock-off" – of iRobot's successful Roomba® robotic vacuum cleaner. This appears to be an attempt by Koolatron to seize a significant part of iRobot's business by: infringing on iRobot's patented technology, impermissibly copying iRobot's copyrighted works and infringing on iRobot's trade dress.

iRobot brings this action, seeking both injunctive relief and damages. iRobot respectfully requests that this Court enjoin Koolatron from making, using, selling and offering for sale the robotic vacuum cleaners including the Koolvac robotic vacuum cleaners and further requests an award of damages to compensate it for the injuries it has already suffered. iRobot also requests that it be awarded treble damages, statutory damages, attorneys' fees, and related legal costs and expenses.

### **THE PARTIES**

7. iRobot is a corporation organized and existing under the laws of the State of Delaware and having a principle place of business at 63 South Avenue, Burlington, Massachusetts 01803-4903.

8. Upon information and belief, Defendant Urus Industrial Corporation is a limited liability company organized and existing under the laws of Canada and having its principal place of business at 27 Catharine Avenue, Brantford, Ontario, Canada N3T 1X5A.

9. Upon information and belief, Defendant Koolatron is division of Urus Industrial Corporation and wholly owned by Urus Industrial Corporation, and through the Koolatron division Urus Industrial Corporation manufactures, markets, sells and imports the robotic vacuum systems that are the subject matter of this action. Koolatron was a distributor of iRobot's Roomba® robotic vacuum cleaner product from March 2003 until May 2004.

10. Upon information and belief, Koolatron makes, uses, sells and/or offers for sale throughout the United States robotic vacuum cleaners alleged herein to infringe one or more claims of at least one of iRobot's United States Patent

Nos. 6,594,844; 6,809,490; and 6,883,201. Upon information and belief, Koolatron does business in this Judicial District.

### **JURISDICTION AND VENUE**

11. This action for patent infringement arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.* Jurisdiction and venue are based on 28 U.S.C. §§ 1331, 1338, 1391(b), 1391(c) and/or 1400(b).

### **FIRST CAUSE OF ACTION (For Patent Infringement)**

12. iRobot repeats and realleges the allegations of paragraphs 1 through 11 above.

13. On July 22, 2003, U.S. Patent No. 6,594,844 (“the ’844 patent”), entitled “Robot Obstacle Detection System,” was duly and legally issued to Joseph L. Jones. The entire right, title and interest in and to the ’844 patent, including the right to sue and recover for any and all past infringement thereof, is assigned to iRobot. A true and correct copy of the ’844 patent is attached hereto as Exhibit 1.

14. Upon information and belief, Defendants have been and are now directly infringing, contributorily infringing, and/or actively inducing infringement by others of one or more claims of the ’844 patent by making, using, selling, and/or offering to sell, and/or actively inducing others to make, use, sell, and/or offer to sell, in this Judicial District and elsewhere, products covered by one or more claims of the ’844 patent, including products designated as the Koolvac robotic vacuum cleaners.

15. Upon information and belief, Defendants’ infringement and active inducement of infringement has been willful and deliberate, rendering this case “exceptional” within the meaning of 35 U.S.C. § 285.

16. iRobot has been damaged and will be irreparably injured by Defendants' continuing infringement and active inducement of infringement, for which iRobot has no adequate remedy at law. Defendants' infringing activities will continue unless enjoined by this Court.

**SECOND CAUSE OF ACTION  
(For Patent Infringement)**

17. iRobot repeats and realleges the allegations of paragraphs 1 through 11 above.

18. On October 26, 2004, U.S. Patent No. 6,809,490 ("the '490 patent"), entitled "Method and System for Multi-mode Coverage for an Autonomous Robot," was duly and legally issued to Joseph L. Jones and Phillip R. Mass. The entire right, title and interest in and to the '490 patent, including the right to sue and recover for any and all past infringement thereof, is assigned to iRobot. A true and correct copy of the '490 patent is attached hereto as Exhibit 2.

19. Upon information and belief, Defendants have been and are now directly infringing, contributorily infringing, or actively inducing infringement by others of one or more claims of the '490 patent by making, using, selling, and/or offering to sell, and/or actively inducing others to make, use, sell, and/or offer to sell, in this Judicial District and elsewhere, products covered by one or more claims of the '490 patent, including products designated as the Koolvac robotic vacuum cleaners.

20. Upon information and belief, Defendants' infringement and active inducement of infringement have been willful and deliberate, rendering this case "exceptional" within the meaning of 35 U.S.C. § 285.

21. iRobot has been damaged and will be irreparably injured by Defendants' continuing infringement and active inducement of infringement, for which iRobot has no adequate remedy at law. Defendants' infringing activities will continue unless enjoined by this Court.

**THIRD CAUSE OF ACTION  
(For Patent Infringement)**

22. iRobot repeats and realleges the allegations of paragraphs 1 through 11 above.

23. On April 26, 2005, U.S. Patent No. 6,883,201 ("the '201 patent"), entitled "Autonomous Floor-Cleaning Robot," was duly and legally issued to Joseph L. Jones, Newton E. Mack, David M. Nugent and Paul E. Sandin. The entire right, title and interest in and to the '201 patent, including the right to sue and recover for any and all past infringement thereof, is assigned to iRobot. A true and correct copy of the '201 patent is attached hereto as Exhibit 3.

24. Upon information and belief, Defendants have been and are now directly infringing, contributorily infringing and/or actively inducing infringement by others of one or more claims of the '201 patent by making, using, selling, and/or offering to sell, and/or actively inducing others to make, use, sell, and/or offer to sell, in this Judicial District and elsewhere, products covered by one or more claims of the '201 patent, including products designated as the Koolvac robotic vacuum cleaners.

25. Upon information and belief, Defendants' infringement and active inducement of infringement have been willful and deliberate, rendering this case "exceptional" within the meaning of 35 U.S.C. § 285.

**FOURTH CAUSE OF ACTION  
(For Copyright Infringement)**

26. iRobot repeats and realleges the allegations of paragraphs 1 through 11 above.

27. This is a claim for infringement of the copyrights in iRobot's product literature, and system interface, including its musical audio feedback features, arising under the U.S. Copyright Act, 17 U.S.C. § 101 *et seq.*

28. By the foregoing acts, Defendants have infringed iRobot's copyrights and have created, displayed and distributed, and contributed to the creation, display and distribution of unauthorized derivative works.

29. Upon information and belief, Defendants' copying of and creation of derivative works based on the Roomba® robotic floorvac and its product literature has been willful and with knowledge of iRobot's copyrights, and has resulted in damage to iRobot.

30. Upon information and belief, unless restrained by the Court, Defendants will continue to infringe iRobot's copyrights causing irreparable injury and damage to iRobot. iRobot has no adequate remedy at law.

**FIFTH CAUSE OF ACTION  
(For Trade Dress Infringement and False Designation of Origin in Violation of  
§43(a) of the Lanham Act)**

31. iRobot repeats and realleges the allegations of paragraphs 1 through 11 above.

32. This is a claim for trade dress infringement and false designation of origin arising under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

33. iRobot's Roomba® robotic floorvac has broad customer recognition in the United States and abroad. Moreover, these well-known robotic floorvacs have garnered numerous awards and press coverage thereby increasing the public goodwill in the trade dress and the products that they represent.

34. Defendants' activities, as alleged, constitute infringement and/or contributory infringement of iRobot's trade dress elements as manifested by the physical appearance of the Koolatron systems, as well as false designation of origin, false representation and false description, all to the substantial and irreparable injury of the public and of iRobot's business reputation and goodwill.

35. By such wrongful acts, Defendants have caused and, unless restrained by the Court, will continue to cause serious irreparable injury and damage to iRobot and to the goodwill associated with iRobot's trade dress, including diversion of customers from iRobot, lost sales and lost profits, and Defendants will be unjustly enriched. iRobot has no adequate remedy at law.

#### **PRAYER FOR RELIEF**

WHEREFORE iRobot demands judgment as follows:

- (a) For judgment to be entered that Defendants have infringed the '844 patent;
- (b) Finding that Defendants' infringement of the '844 patent has been willful and deliberate;
- (c) Permanently enjoining Defendants, their officers, agents, all parent, subsidiary and affiliate corporations and other business entities, and all other persons or entities acting in concert, participation or in privity with them, and their



successors and assigns from further acts of infringement, contributory infringement or inducement of infringement of the '844 patent;

(d) For judgment to be entered that Defendants have infringed the '490 patent;

(e) Finding that Defendants' infringement of the '490 patent has been willful and deliberate;

(f) Permanently enjoining and restraining Defendants, their officers, agents, all parent, subsidiary and affiliate corporations and other business entities, and all other persons or entities acting in concert, participation or in privity with them, and their successors and assigns from further acts of infringement, contributory infringement or inducement of infringement of the '490 patent;

(g) For judgment to be entered that Defendants have infringed the '201 patent;

(h) Finding that Defendants' infringement of the '201 patent has been willful and deliberate;

(i) Permanently enjoining and restraining Defendants, their officers, agents, all parent, subsidiary and affiliate corporations and other business entities, and all other persons or entities acting in concert, participation or in privity with them, and their successors and assigns from further acts of infringement, contributory infringement or inducement of infringement of the '201 patent;

(j) For a judgment that Defendants' accused products and product literature infringe iRobot's copyrights and that Defendants' use and distribution of the accused product constitutes direct and contributory infringement of iRobot's copyrights;

(k) For a judgment that Defendants' accused products infringe iRobot's trade dress and that Defendants' use and distribution of the accused products constitute direct and contributory infringement of iRobot's trade dress;

(l) Awarding iRobot monetary damages, in an amount to be determined at trial, together with interest and costs as fixed by the Court;

(m) Awarding iRobot enhanced damages under 35 U.S.C. § 284;

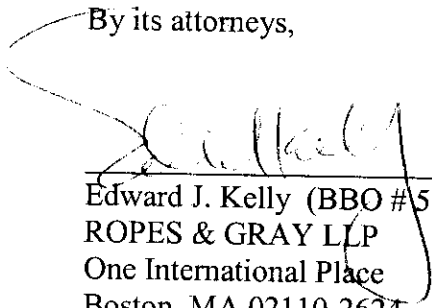
(n) Awarding iRobot their reasonable attorneys' and experts' fees and their costs and disbursements in this action, as provided by 35 U.S.C. § 285;

(o) That Defendants be required to account to iRobot for Defendants' profits and the actual damages suffered by iRobot as a result of Defendants' acts of direct and contributory infringement, false designation of origin and unfair competition together with interest, that iRobot's recoveries be enhanced and/or trebled, and that prejudgment interest be awarded, pursuant to Sections 35 and 43 of the Lanham Act, 15 U.S.C. §§ 1117 and 1125; and

- (p) Granting iRobot such other and further relief as is just and proper.

iRobot Corporation

By its attorneys,



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Attorneys for Plaintiff

Dated: May 3, 2005