

FILED
CLERK OF DISTRICT COURT
APR 22 2005
DISTRICT OF MASSACHUSETTS

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THOMAS J. LAURIA,

Plaintiff,

v.

WATTS WATER TECHNOLOGIES, INC.,

Defendant.

Civil Action No.: 05-10813 RCL

63730
AMOUNT \$ 350.00
SUMMONS ISSUED 1
LOCAL RULE 4.1 -
WAIVER FORM -
MCF ISSUED -
BY DPTY. CLK. M.P.
DATE 4/22/05

COMPLAINT AND JURY DEMAND

Plaintiff Thomas J. Lauria for his Complaint against defendant Watts Water Technologies, Inc. alleges as follows:

MAGISTRATE JUDGE TGD

PARTIES

1. Plaintiff Thomas J. Lauria is an individual who resides at 7002 Boulevard East, No. 30B, Guttenberg, New Jersey 07093.
2. On information and belief, defendant Watts Water Technologies, Inc. ("Watts") is incorporated in the State of Massachusetts, with a principal place of business at 815 Chestnut Street, North Andover, Massachusetts 01845-6098.

JURISDICTION AND VENUE

3. This action arises under the Patent Laws of the United States, Title 35, United States Code, including but not limited to 35 U.S.C. § 271. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338.

4. Venue in this judicial district is proper under the provisions of 28 U.S.C. §§ 1391 and 1400.

FACTS PERTAINING TO ALL COUNTS

5. Thomas J. Lauria is the inventor of United States Patent No. 5,404,905 (the “ ‘905 patent”) entitled “BACKFLOW PREVENTER WITH FAILURE INDICATOR” legally granted on April 11, 1995. Thomas J. Lauria is further the inventor of United States Patent No. 5,462,082 (the “ ‘082 patent”) entitled “BACKFLOW PREVENTER WITH FAILURE INDICATOR” granted on October 31, 1995.

6. Thomas J. Lauria is the exclusive owner of title to and all rights to both the ‘905 and ‘082 patents.

7. Both the ‘905 and ‘082 patents are generally concerned with backflow preventers having failure indicators. Prior to these inventions, it was difficult, if not impossible, to determine whether or not a backflow preventer (whether in the form of a double check valve or a reduced-pressure zone assembly) was functioning properly. The failure of such a backflow device might allow a fluid, such as drinking water, beverages, or petrochemicals to flow in a reverse direction, thereby allowing contaminants to be introduced into the source of the fluid or water.

8. The inventions embodied in both the ‘905 and ‘082 patents allow backflow preventers, whether in the form of a double check valve assembly or a reduced-pressure zone assembly, to be easily and quickly tested for failure of their backflow-prevention valve components.

9. On information and belief, Watts has manufactured, used, offered for sale and/or sold a reduced pressure zone assembly backflow preventer called the "Watts Series 009," which includes a chamber, isolation valves upstream and downstream of the chamber, first and second check valve module assemblies, a testing kit having a pressure gauge that is connectable to the reduced pressure zone assembly between its isolation valves to determine fluid pressure within the chamber, and a relief valve assembly between the upstream and downstream isolation valves. Watts continues the sale of its Series 009 reduced-pressure zone assembly to the present.

10. On information and belief, Watts has manufactured, used, offered for sale and/or sold a backflow preventer called the "Watts Series 007 Double Check Valve Assembly," which, when used in combination with their Watts TK-9A Backflow Preventer Test Kit, includes a fluid flow path, two spring-loaded check valves in the fluid flow path, a shut off valve which allows the spring of at least one of the check valves to close the check valve, a test cock in communication with the fluid flow path that allows fluid pressure from the inlet of the Watts Series 007 Double Check Valve Assembly to flow through a by-pass line of a test gauge, and a pressure gauge for determining whether or not at least one of the check valves in the double check valve assembly is operational.

11. The acts of Defendant Watts with regard to the aforementioned products constitute acts of direct infringement, contributory infringement and/or inducement of infringement of both the '905 and '082 patents, which have caused and will continue to cause Thomas J. Lauria great damage.

12. Moreover, absent preliminary and permanent injunctive relief, Thomas J. Lauria will be irreparably damaged as a result of the actions of Watts.

COUNT I - PATENT INFRINGEMENT - '905 PATENT

13. Thomas J. Lauria restates and incorporates by reference paragraphs 1-12 of the Complaint, as is fully set forth herein.

14. Thomas J. Lauria is the inventor of the '905 patent, and retains exclusive title to and all rights in the '905 patent.

15. On information and belief, defendant Watts has been and still is causing Thomas J. Lauria tortious injury, by directly infringing the '905 patent or infringing via the doctrine of equivalents through its manufacture, use, offer for sale and/or sale of the Watts Series 009 Reduced Pressure Zone Assemblies, which, at a minimum, infringe claims 1-7 of the '905 patent.

16. On information and belief, Watts has caused and is causing Plaintiff tortious injury by contributorily infringing and/or inducing infringement of the '905 patent.

17. On information and belief, Watts' infringement of the '905 patent has been and continues to be willful, wanton, deliberate, without license and with full knowledge of Mr. Thomas J. Lauria's rights, causing Mr. Lauria great damage.

18. Unless restrained and enjoined by this Court, Watts will continue its acts of infringement and the resulting damage to Plaintiff shall be substantial, continuing and irreparable.

COUNT II - PATENT INFRINGEMENT - '082 PATENT

19. Mr. Thomas J. Lauria restates and incorporates by reference paragraphs 1-18 of the Complaint, as is fully set forth herein.

20. Mr. Thomas J. Lauria is the inventor of the '082 patent, and retains exclusive title to and all rights in the '082 patent.

21. On information and belief, Defendant Watts has been and is still causing Mr. Lauria injury, by directly infringing the '082 patent or infringing via the doctrine of equivalents through its manufacture, use, offer for sale, and/or sale of the Watts Series 007 - Double Check Valve Assemblies, which, at a minimum, infringe claims 1-8 of the '082 patent.

22. On information and belief, Watts has caused and is causing Plaintiff tortious injury by contributorily infringing and/or inducing infringement of the '082 patent.

23. On information and belief, Watts' infringement of the '082 patent has been and continues to be willful, wanton, deliberate, without license and with full knowledge of Mr. Thomas J. Lauria's rights, causing Mr. Lauria great damage.

24. Unless restrained and enjoined by this Court, Watts will continue its acts of infringement and the resulting damage to Plaintiff shall be substantial, continuing and irreparable.

WHEREFORE, the Plaintiff prays that:

A. Watts, its officers, employees, agents, servants, and attorneys, and any and all persons acting in privity or in concert with them, be preliminarily and permanently restrained and enjoined from further infringement of United States Patent Nos. 5,404,905 and 5,462,082;

B. This Court award Plaintiff damages in an amount adequate to compensate for the Defendants' infringement of these patents, and increase such damages to three (3) times the amount found or assessed pursuant to, *inter alia*, 35 U.S.C. § 284;

C. This Court award Plaintiff his costs, expenses and disbursements in this action, including reasonable attorneys' fees, pursuant to, *inter alia*, 35 U.S.C. § 285;

D. Plaintiff be awarded prejudgment and post judgment interest; and

E. Plaintiff be awarded such other relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on each Count of its Complaint, as well as each and every defense asserted thereto.

Respectfully submitted,

THOMAS J. LAURIA
By his attorneys,



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Dated: April 22, 2005