

4. This Court has personal jurisdiction over Defendant because, upon information and belief, Defendant directly, or indirectly through its agents, does business in this judicial district and/or has committed acts of infringement within this judicial district giving rise to this action.

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400 because the Defendant has conducted business here and/or has committed acts of infringement here.

FACTUAL BACKGROUND

6. On September 1, 1998, United States Patent No. 5,799,989 was duly and legally issued by the United States Patent and Trademark Office (“PTO”) entitled “Corrugated Tubing Fitting” (hereinafter “the ‘989 patent”). A true and correct copy of the ‘989 patent is attached hereto as Exhibit A.

7. On June 27, 2000, United States Patent No. 6,079,749 was duly and legally issued by the United States Patent and Trademark Office (“PTO”) entitled “Preassembled Fitting For Use With Corrugated Tubing” (hereinafter collectively referred to as “the ‘749 patent”), and a Reexamination Certificate subsequently issued on November 6, 2001. A true and correct copy of the ‘749 patent and its Reexamination Certificate are attached hereto as Exhibit B.

8. On August 6, 2002, United States Patent No. 6,428,052 B1 was duly and legally issued by the United States Patent and Trademark Office (“PTO”) entitled “Fitting For Use With Corrugated Tubing” (hereinafter “the ‘052 patent”). A true and correct copy of the ‘052 patent is attached hereto as Exhibit C.

9. Plaintiff OmegaFlex, Inc. is the owner by assignment of the ‘989, ‘749, and ‘052 patents.

FIRST COUNT
(Infringement of U.S. Patent No. 5,799,989 Patent)

10. Plaintiff restates and incorporate herein by reference Paragraphs 1 through 9 as though fully set forth herein.

11. The Defendant has infringed and continues to infringe the '989 patent by making, using, offering for sale and/or selling products, including but not limited to its Diamondback® fittings, further including but not limited to at least Diamondback® fittings bearing model nos. 375DMF, 500DMF, 750DMF, 1000DMF, and/or 1250DMF which are covered by one or more claims of the '989 patent, and will continue to do so unless enjoined therefrom by this Court.

12. The Defendant has also infringed the '989 patent by contributing to the infringement of the patent by others and/or by inducing others to infringe the '989 patent.

13. Upon information and belief, Defendant's continued infringement of the '989 patent, whether direct, contributory, and/or by inducement, has been and continues to be knowing and willful.

14. Plaintiff has been irreparably harmed to an extent not yet determined by Defendant's infringement, and will continue to be irreparably harmed in the future unless Defendant is enjoined from its activities by this Court.

SECOND COUNT
(Infringement of U.S. Patent No. 6,079,749 Patent)

15. Plaintiff restates and incorporate herein by reference Paragraphs 1 through 14 as though fully set forth herein.

16. The Defendant has infringed and continues to infringe the '749 patent by making, using, offering for sale and/or selling products, including but not limited to its Diamondback®

fittings, further including but not limited to at least Diamondback® fittings bearing model nos. 375DMF, 500DMF, 750DMF, 1000DMF, and/or 1250DMF which are covered by one or more claims of the '749 patent, and will continue to do so unless enjoined therefrom by this Court.

17. The Defendant has also infringed the '749 patent by contributing to the infringement of the patent by others and/or by inducing others to infringe the '749 patent.

18. Upon information and belief, Defendant's continued infringement of the '749 patent, whether direct, contributory, and/or by inducement, has been and continues to be knowing and willful.

19. Plaintiff has been irreparably harmed to an extent not yet determined by Defendant's infringement, and will continue to be irreparably harmed in the future unless Defendant is enjoined from its activities by this Court.

THIRD COUNT
(Infringement of U.S. Patent No. 6,428,052 B1 Patent)

20. Plaintiff restates and incorporate herein by reference Paragraphs 1 through 19 as though fully set forth herein.

21. The Defendant has infringed and continues to infringe the '052 patent by making, using, offering for sale and/or selling products, including but not limited to its Diamondback® fittings, further including but not limited to at least Diamondback® fittings bearing model nos. 375DMF, 500DMF, 750DMF, 1000DMF, and/or 1250DMF which are covered by one or more claims of the '052 patent, and will continue to do so unless enjoined therefrom by this Court.

22. The Defendant has also infringed the '052 patent by contributing to the infringement of the patent by others and/or by inducing others to infringe the '052 patent.

23. Upon information and belief, Defendant's continued infringement of the '052 patent, whether direct, contributory, and/or by inducement, has been and continues to be knowing and willful.

24. Plaintiff has been irreparably harmed to an extent not yet determined by Defendant's infringement, and will continue to be irreparably harmed in the future unless Defendant is enjoined from its activities by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment and seeks relief against Defendant as follows:

A. That this Court enter judgment that the '989, '749, and '052 patents have been and continue to be infringed by Defendant.

B. That this Court preliminarily and permanently enjoin the Defendant, its officers, agents, servants, employees, subsidiaries and those persons acting in concert with it, including related individuals and entities, customers, representatives, dealers and distributors, from infringing the '989, '749, and '052 patents as provided in 35 U.S.C. § 283.

C. That this Court award Plaintiff damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the inventions of the '989, '749, and '052 patents as provided in 35 U.S.C. § 284.

D. That this Court award Plaintiff treble damages as provided in 35 U.S.C. § 284 for infringement of the '989, '749, and '052 patents.

E. That this Court find Defendant's infringement of the '989, '749, and '052 patents is willful.

F. That this Court declare this to be an exceptional case within the meaning of 35 U.S.C. § 285.

G. That this Court award Plaintiff reasonable attorneys' fees in this action as provided in 35 U.S.C. § 285.

H. That this Court award Plaintiff interest and costs in this action pursuant to 35 U.S.C. § 284.

I. That this Court grant such other and further relief as it shall deem just and proper.

JURY DEMAND

Plaintiffs demand a trial by jury on all issues so triable.

Respectfully submitted,

Date: November 22, 2010

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