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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, NORTHERN DIVISION

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HARRIS RESEARCH, INC.,  
Plaintiff,

vs.

KEN HARRIS dba TURBOTECK,  
Defendant.

**AMENDED COMPLAINT and JURY  
DEMAND**

Civil No. 1:06-CV-98 DAK

Judge: Dale A. Kimball

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Harris Research, Inc. ("Plaintiff"), hereby complains against Defendant Ken Harris dba Turboteck as follows:

**PARTIES**

1. Plaintiff is a Utah corporation having its principal place of business in Logan, Utah.
2. Upon information and belief, defendant Ken Harris is an individual doing business as TurboTeck and/or TurboTeck Supplies with a principal place of business in Alberta, Canada.

3. Upon information and belief, defendant Ken Harris does business in this judicial district and has committed the acts of infringement complained of herein in this judicial district.

4. Plaintiff and Defendants are competitors in the market for carpet cleaning equipment.

#### **JURISDICTION AND VENUE**

5. This is a civil action for patent infringement brought by Plaintiff pursuant to 35 U.S.C. §§ 271, 281, 283, 284 and 285.

6. This action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.*, and subject matter jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

7. Upon information and belief, Defendant has transacted business, contracted to supply goods or services and has otherwise purposely availed himself of the privileges and benefits of the laws of the State of Utah and therefore is subject to the jurisdiction of this Court pursuant to § 78-27-24, Utah Code Ann.

8. Venue is proper in this district pursuant to 28 U.S.C. §§ 1400(b) and 1391.

#### **BACKGROUND**

9. Plaintiff manufactures and distributes carpet cleaning equipment to customers in the United States.

10. As the successor-in-interest through merger of Concept Cleaning Systems, Inc., Plaintiff is the holder of U.S. Patent Nos. 6,298,577 (the "'577 Patent") and 6,266,892 (the "'892 Patent" and, collectively with the '577 Patent, the "Patents") with respect to a carpet cleaning device and has standing to sue Defendant for unlawful use of the Patents. A copy of the '577 Patent is attached hereto as Exhibit A, and a copy of the '892 Patent is attached hereto as Exhibit B.

**CLAIM FOR RELIEF**  
**(Patent Infringement)**

11. Plaintiff re-alleges and incorporates herein, as if set forth in full, the allegations of the foregoing paragraphs 1 through 10.

12. The Patents are directed to devices for enhancing the removal of liquid from fabric.

13. The Patents were duly and validly issued by the United States Patent and Trademark Office after having been examined according to law.

14. Defendant has distributed and/or imported into the United States and/or has made and/or sold and/or offered to sell products falling within the scope of the claims of the Patent without license in violation of 35 U.S.C. § 271(a), (b) and/or (c).

15. Upon information and belief, Defendant has had and continues to have notice of the existence of the Patents and despite such notice continue to willfully, wantonly and deliberately engage in acts of infringement as that term is defined in 35 U.S.C. § 271, without regard to the Patents, and will continue to do so unless otherwise enjoined by this Court.

16. Plaintiff has been and will continue to be damaged by the infringing conduct of Defendant.

17. Unless and until Defendant is enjoined from future infringement, Plaintiff will suffer irreparable harm.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff seeks judgment against Defendant as follows:

1. For a judgment holding Defendant liable for infringement of the Patents;

2. For an award of damages adequate to compensate Plaintiff for the infringement of the Patents by Defendant, including treble damages and all other categories of damages allowed by 35 U.S.C. § 284;

3. For injunctive relief enjoining Defendant, their officers, agents, servants, employees and attorneys and all other persons in active concert or participation with them as follows:

- a. from manufacturing any products falling within the scope of the claims of the Patents;
- b. from using any product or method falling within the scope of any of the claims of the Patents;
- c. from selling or offering to sell any product or method falling within the scope of any of the claims of the Patents;
- d. from importing any product into the United States which falls within the scope of the Patents;
- e. from actively inducing others to infringe any of the claims of the Patents;
- f. from engaging in acts constituting contributory infringement of any of the claims of the Patents; and
- g. from all other acts of infringement of any of the claims of the Patents;

4. That the Defendant be ordered to deliver up for destruction all infringing products in his possession;

5. That the claims against Defendant with respect to the Patents be declared an exceptional case and that Plaintiff be awarded its attorneys fees against Defendant pursuant to 35 U.S.C. § 285; and

6. For such further relief as the Court deems appropriate.

**JURY DEMAND**

Pursuant to Rule 38(b), Federal Rules of Civil Procedure, Plaintiff hereby demands trial by jury of all claims and issues raised in this Complaint and in any responsive pleading or counterclaim filed by Defendant.

DATED: October 4 2006.

BEARNSON & PECK, L.C.



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