

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

2001 MAY 18 AM 11:43  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS, FLORIDA

FUTURE CONTROLS, INC.,  
a Florida corporation,

Plaintiff,

v.

CIVIL ACTION NO. \_\_\_\_\_

PARKER HANNIFIN CORPORATION,  
an Ohio corporation,

Defendant.

01-cv-255-FTM-29DNF

COMPLAINT

INJUNCTIVE RELIEF SOUGHT

Plaintiff, **FUTURE CONTROLS, INC.**, (hereinafter  
"Plaintiff"), by and through its undersigned counsel, hereby  
files this Complaint against Defendant **PARKER HANNIFIN**  
**CORPORATION** (hereinafter "Defendant") for Patent  
Infringement, and alleges the following:

JURISDICTION

1. This is a Complaint for Patent Infringement arising  
under the Patent Act, 35 U.S.C. §1 et seq.

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2. This Court has original jurisdiction over this action under 28 U.S.C. §§1331 and 1338(a), and Title 35, United States Code.
3. The matter in controversy exceeds, exclusive of interest and costs, the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00).
4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b) in that Plaintiff's claim arises in this district.

**PARTIES**

5. Plaintiff, **FUTURE CONTROLS, INC.**, is a corporation organized and existing under the laws of the State of Florida, having its principal place of business at Fort Myers, Florida.
6. Upon information and belief, Defendant, **PARKER HANNIFIN CORPORATION**, is a corporation organized and existing under the laws of the State of Ohio having its principal place of business at Cleveland, Ohio.
7. Upon information and belief, Defendant has committed the acts complained of herein in this District and throughout the United States.

COUNT I

PATENT INFRINGEMENT

8. Plaintiff restates the allegations contained in Paragraphs 1-7 above as if fully set forth herein.
9. Plaintiff is the assignee of United States Letters Patent No. 5,341,649 for an invention entitled "Heat Transfer System Method and Apparatus", which issued on August 30, 1994 (hereinafter referred to as the "'649 Patent") and attached hereto as **Exhibit 1**.
10. Defendant has infringed and continues to infringe, has induced and continues to induce others to infringe, and/or has committed or continues to commit acts of contributory infringement of, one of more claims of the '649 Patent.
11. Unless an injunction is issued enjoining Defendant and its agents, servants, employees, attorneys, representatives, and all others acting on their behalf from infringing the '649 Patent, Plaintiff will be greatly and irreparably harmed.
12. Upon information and belief, Defendant's acts of infringement include its making, using, importing, selling, and offering to sell certain moisture sensors, including, but not limited to, its Wet-Tec Electronic

Moisture Sensor.

13. Plaintiff alleges on information and belief that the foregoing acts of infringement were and continue to be willful.
14. As a result of Defendant's infringement, Plaintiff has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

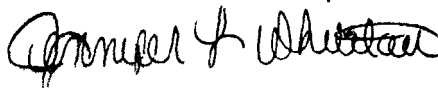
**WHEREFORE**, Plaintiff, **FUTURE CONTROLS, INC.**, demands

judgment against Defendant as follows:

- a. that Defendant has infringed, induced others to infringe, and/or committed acts of contributory infringement with respect to the '649 Patent;
- b. that Defendant's infringement of the '649 Patent has been, and continues to be, willful and deliberate;
- c. that a preliminary and permanent injunction be entered enjoining and restraining Defendant and its officers, directors, principals, agents, servants, employees, successors, assigns, attorneys, and all those persons in active concert or participation therewith who received actual notice of this Court's orders from:
  - i. further infringement, inducement of infringement, or contributory infringement of the '649 Patent; and

- ii. to immediately institute full compliance with any order entered by this Court and, within thirty days following the date of entry of any preliminary or permanent injunctive relief issued by this Court, propound and file a statement under oath and penalty of perjury, that each and every injunctive provision has been fully and completely complied with;
- d. that Defendant be ordered to pay Plaintiff's costs, expenses and reasonable attorney's fees pursuant to 35 U.S.C. §§284 and 285;
- e. that Defendant be ordered to account for and pay to Plaintiff all damages caused to Plaintiff by reason of Defendant's infringement pursuant to 35 U.S.C. §284, including enhanced damages under 35 U.S.C. §284;
- f. that Plaintiff be awarded pre-judgment and post-judgment interest on the damages caused by Defendant's infringement; and
- g. that the Court grant such other and further relief as this Court may deem just.

Respectfully submitted,



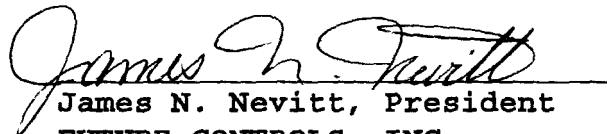
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VERIFICATION

I DECLARE, under penalty of perjury that I have read the foregoing Complaint and that the same is true and correct.

Executed this 7<sup>th</sup> day of May, 2001.

  
James N. Nevitt, President  
FUTURE CONTROLS, INC.

