

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION**

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TIMOTHY HEADY and CHARLES HEADY	)	
	)	
Plaintiffs,	)	Civil Action No. 09-517
	)	
v.	)	
	)	<b>JURY TRIAL DEMANDED</b>
BETTER BASEMENT TECHNOLOGIES	)	
	)	
Defendant.	)	
	)	

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**COMPLAINT**

Timothy and Charles Heady ("Headys") for their Complaint against Defendant, Better Basement Technologies ("Better Basement"), allege and state as follows:

**THE PARTIES**

1. Plaintiff Timothy Heady is a citizen of the State of Iowa residing at 505 N.W. Chapel Dr., Ankeny, IA 50021.
2. Plaintiff Charles Heady is a citizen of the State of Iowa residing at 1642 J Ave., Perry, IA 50220.
3. Upon information and belief, Defendant Better Basement, is a limited liability company, organized and existing under the laws of the State of Iowa, and having its principal place of business at 6082 NW Beaver Dr. Unit #102, Johnston, Iowa 50131.

**JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because it arises under the patent statutes of the United States, Title 35 United States Patent Code.

5. Upon information and belief, Defendant Better Basement performed at least some of the alleged infringing acts in this District and has derived substantial revenue from goods and services used in the District, and the Court therefore has jurisdiction over Defendant Better Basement.

6. Venue is proper under 28 U.S. C. § 1391 and 28 U.S.C. § 1400(b) by virtue of Better Basement doing business in this district and since acts of which the Headys complain occur at least in part in this district as well as elsewhere in the United States.

**COUNT I**  
**(PATENT INFRINGEMENT - U.S. PATENT 6,662,505 B2)**

7. On December 16, 2003, the United States Patent and Trademark Office duly and legally issued United States Letters Patent 6,662,505 B2 (“the ‘505 patent’) to Timothy P. and Charles W. Heady. A copy of the ‘505 patent is attached hereto as Exhibit 1.

8. Better Basement has directly infringed certain claims of the ‘505 patent and has induced others to infringe this patent by one or more acts of making, selling, distributing and/or using within this judicial district and elsewhere throughout the United States products that infringe the Headys' patent. The Headys have been damaged by Defendant Better Basement's infringement of the ‘505 patent and will continue to be damaged in the future unless Defendant Better Basement is permanently enjoined from infringing, either directly or indirectly, said patent.

9. Upon information and belief, Better Basement had actual notice of the ‘505 patent, and in particular that said patent was duly and legally issued, and Better Basement is aware or should have been aware that its activities directly infringe the ‘505 patent.

10. On information and belief, Better Basement will continue to infringe unless enjoined by this Court from each of its infringing acts.

11. Defendant Better Basement's acts of infringement are in willful and wanton disregard of the Headys' patent rights accorded by U.S. Patent 6,662,505, and this case is exceptional within the meaning of 35 U.S.C. § 285, entitling the Headys to treble damages and attorney's fees.

WHEREFORE, the Headys pray for the following relief:

1. A judgment against Defendant Better Basement as to Count I in the Complaint;
2. A judgment that Defendant Better Basement has infringed the '505 patent;
3. An injunction enjoining and restraining Better Basement, its officers, directors, agents, servants, employees, attorneys and all others acting under or through them, directly or indirectly, from infringing the '505 patent;
4. A judgment that Defendant's infringement of the '505 patent has been willful;
5. An award of damages for patent infringement and a trebling of damages due to the knowing willful and wanton nature of Better Basement's conduct;
6. An award to Plaintiff of attorneys' fees and costs in this action under any and all applicable statutes;
7. An award of prejudgment interest from the date of first patent infringement to entry of judgment;
8. Such other and further relief as the Court deems equitable under the circumstances including, where appropriate, punitive damages for Defendant's conduct.

**DEMAND FOR JURY TRIAL**

Plaintiff demands trial by jury as to all issues triable by jury in this case as a matter of right.

Respectfully submitted,

/s/R. Scott Johnson

R. Scott Johnson

Jon B. Sievers

MCKEE, VOORHEES & SEASE, P.L.C.

801 Grand Avenue, Suite 3200

Des Moines, IA 50309-2721

Phone: 515-288-3667

Fax: 515-288-1338

Email: johnson@ipmvs.com

Email: jon.sievers@ipmvs.com

Email: mvslit@ipmvs.com

ATTORNEYS FOR PLAINTIFFS,  
TIMOTHY P. HEADY and CHARLES W.  
HEADY