

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**HYDRO SYSTEMS COMPANY,**  
3798 ROUND BOTTOM ROAD  
CINCINNATI, OH 45244,

**PLAINTIFF,**

v.

**DEMA ENGINEERING COMPANY,**  
10020 BIG BEND BLVD  
SAINT LOUIS, MO 63122,

**DEFENDANT.**

CASE NO. \_\_\_\_\_

[JUDGE \_\_\_\_\_]

SPIEGEL, J.

---

**COMPLAINT WITH JURY DEMAND**

---

Plaintiff Hydro Systems Company ("Hydro Systems") states the following for its complaint against Defendant, DEMA Engineering Company ("DEMA"):

**The Parties**

1. Plaintiff Hydro Systems is a Delaware corporation having its principal place of business at 3798 Round Bottom Road, Cincinnati, Ohio 45244.
2. On information and belief, Defendant DEMA is a Missouri corporation having its principal place of business at 10020 Big Bend Blvd., Saint Louis, MO 63122.

**Jurisdiction and Venue**

3. This is an action for patent infringement in violation of 35 U.S.C. § 271.
4. The Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

1:14-cv-00009

FILED  
JURY DEMAND  
MAR 10 PM 3:16  
COURT OF COMMON PLEAS  
SOUTHERN DISTRICT OF OHIO

5. Venue is appropriate in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

6. On information and belief, Defendant has sold, offered for sale, and/or distributed infringing dispensers in this forum, directly or through intermediaries, and has caused Hydro Systems harm and tortuous injury in this judicial district.

### **The Asserted Patent**

7. Hydro Systems is the owner of United States Patent No. 6,655,401 B2 (“the ‘401 Patent”) entitled “Multiple Chemical Product Educative Dispenser” which was duly and legally issued by the United States Patent and Trademark Office on December 2, 2003. A copy of the ‘401 Patent is attached as Exhibit A.

### **Infringement**

8. Upon information and belief, Defendant DEMA has and continues to directly, contributorily and/or by inducement, infringe one or more claims of the ‘401 Patent under 35 U.S.C. § 271 by making, using, selling, importing, and/or providing and causing dispenser products to be used, such as the DEMA SafeLink One dispensers, without leave or license of Hydro Systems and in violation of Hydro Systems’ rights, and DEMA will continue to do so unless enjoined by this Court.

9. On or about August 14, 2013, Hydro Systems contacted Defendant DEMA providing notice of the ‘401 Patent and Defendant’s infringement thereof. Defendant acknowledged receipt of such notice on or about September 10, 2013.

10. Upon information and belief, Defendant DEMA continued to directly, contributorily and/or by inducement, infringe one or more claims of the ‘401 Patent after receiving notice thereof.

11. Upon information and belief, Defendant DEMA profited and will continue to profit by its infringing activities.

12. Defendant DEMA's infringement of the '401 Patent caused and will continue to cause Hydro Systems substantial and irreparable injury for which Hydro Systems is entitled to receive injunctive relief and damages adequate to compensate for the infringement.

13. On information and belief, Defendant's infringement has been and continues to be willful.

### **Demand for Relief**

WHEREFORE, Plaintiff Hydro Systems Company respectfully requests the Court enter judgment against Defendant DEMA Engineering Company as follows:

- A. Enter judgment that Defendant DEMA infringed the '401 Patent;
- B. Permanently enjoin Defendant DEMA, its employees and agents, and any others acting in concert with DEMA, from infringing the '401 Patent;
- C. Award Hydro Systems its damages resulting from Defendant DEMA's infringement of the '401 Patent, including interest, costs, expenses and an accounting of all infringing acts;
- D. Award Hydro Systems treble damages pursuant to 35 U.S.C. § 284 as a result of DEMA's willful infringement of the '401 Patent;
- E. Declare that Defendant DEMA's infringement is exceptional under 35 U.S.C. § 285 and award Hydro Systems its attorney fees; and
- F. Grant Hydro Systems such other relief as the Court deems just and proper.

**Jury Demand**

Plaintiff Hydro Systems Company demands a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: February 10, 2014

Respectfully submitted,

/s/ Charles H. Brown, III  
Charles H. Brown, III (0038884)  
cbrown@whe-law.com  
Trial Attorney

WOOD HERRON & EVANS, LLP  
2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202  
Telephone: (513) 241-2324  
Fax: (513) 421-7269

Attorneys for Plaintiff Hydro Systems  
Company