

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HVLPO2, LLC, a Nebraska limited
liability company,

Plaintiff,

v.

OXYGEN FROG, LLC, a Florida
limited liability company;
STILLWATER GLASS, LLC, an
inactive Florida limited liability
company; and SCOTT D.
FLEISCHMAN,

Defendants.

) Case No.: _____

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**COMPLAINT AND
JURY DEMAND**

COMES NOW the Plaintiff, HVLPO2, LLC, and for its Complaint against Defendants Oxygen Frog, LLC, Stillwater Glass, LLC, and Scott D. Fleischman, upon information and belief as to all other matters, hereby alleges as follows:

THE PARTIES

1. Plaintiff HVLPO2, LLC (“HVLPO2”, “Plaintiff”, or “Plaintiff HVLPO2”) is a limited liability company organized and existing under the laws of the State of Nebraska, with its principal place of business at 3211 E. Summit Boulevard, Lincoln, Nebraska 68502.

2. On information and belief, and according to records maintained by the Division of Corporations of the Florida Department of State, Defendant Oxygen Frog, LLC (“Oxygen Frog” or “Defendant Oxygen Frog”) is a limited liability company organized under the laws of the State of Florida with a mailing address and principal address at 3128 Hawks Landing Drive, Tallahassee, Florida 32309. On information and belief, Defendant Oxygen Frog conducts business in this judicial district and/or engages

in activities directed at this judicial district, and more specifically directed at Plaintiff giving rise to this action. On information and belief, Oxygen Frog was organized on January 2, 2015.

3. On information and belief, and according to records maintained by the Division of Corporations of the Florida Department of State, Defendant Stillwater Glass, LLC (“Stillwater Glass” or “Defendant Stillwater Glass”) is currently an inactive limited liability company that was organized under the laws of the State of Florida, which has or had a mailing address and principal address at 3128 Hawks Landing Drive, Tallahassee, Florida 32309. On information and belief, Defendant Stillwater Glass conducts business in this judicial district and/or engages in activities directed at this judicial district, and more specifically directed at Plaintiff giving rise to this action. On information and belief, Defendant Stillwater Glass was organized on October 7, 2013, and was administratively dissolved on September 26, 2014.

4. On information and belief, Defendant Scott D. Fleischman (“Fleischman” or “Defendant Fleischman”) is an individual residing in Tallahassee, Florida and is an owner, officer, agent, and/or employee of Defendant Oxygen Frog. On information and belief, Defendant Fleischman is an owner, officer, agent, and/or employee of Defendant Stillwater Glass. On information and belief, Defendant Fleischman conducts business in this judicial district and/or engages in activities directed at this judicial district, and more specifically directed at Plaintiff giving rise to this action. On information and belief, Defendant Fleischman has engaged and continues to interchangeably engage in activities in his individual capacity and as an agent, employee, or officer of Defendant Oxygen Frog and Defendant Stillwater Glass. On information and belief, Defendant

Fleischman has interchangeably used and/or continues to interchangeably use communication accounts, in interstate commerce, that are associated with Defendant Oxygen Frog, Defendant Stillwater Glass, and/or Defendant Fleischman's personal communication account(s) to engage in activities directed at this judicial district, and more specifically directed at Plaintiff giving rise to this action.

JURISDICTION AND VENUE

5. Plaintiff re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 4 above, as if fully set forth herein.

6. This is an action for, *inter alia*, patent infringement arising under 35 U.S.C. §§ 101 et seq. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a). As to Plaintiff's non-patent infringement claims that are cognizable under substantive state law, this Court has supplemental subject matter jurisdiction under 28 U.S.C. § 1367.

7. In addition, this Court has diversity Jurisdiction under 28 U.S.C. § 1332 because there is complete diversity of citizenship between Plaintiff and Defendant Oxygen Frog, Defendant Stillwater Glass, and Defendant Fleischman (herein referred to collectively as "Defendants") and because the amount in controversy exceeds the statutory minimum.

8. This Court has personal jurisdiction over Defendants because Defendants have committed acts directed at this judicial district giving rise to this action and have established minimum contacts within this judicial district such that the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice.

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

OVERVIEW

On information and belief, Plaintiff believes the following will be established:

10. Plaintiff is the assignee of Patent No. 8,702,840 (the “’840 Patent”) and United States Patent No. 8,876,941 (the “’941 Patent”).

11. The ‘840 Patent and the ‘941 Patent cover methods for managing an oxygen generating system as set forth in the patented claims of such patents.

12. Plaintiff manufactures and sells oxygen generating system products, which are protected by the ‘840 Patent and the ‘941 Patent.

13. One or more of the Defendants are competitors with Plaintiff and manufacture, offer to sell, and sell products and equipment for oxygen generating systems.

14. One or more of the Defendants have manufactured, sold, offered for sale, operated, and demonstrated the use of equipment or products that infringe Plaintiff’s ‘840 Patent and ‘941 Patent.

15. Defendants have instructed other directly infringing entities as to how to set up and operate oxygen generating systems that directly infringe Plaintiff’s ‘840 Patent and ‘941 Patent.

16. Defendants have aided other directly infringing entities with setting up and operating oxygen generating systems that directly infringe Plaintiff’s ‘840 Patent and ‘941 Patent.

17. Defendants have directly and indirectly infringed the ‘840 Patent and the ‘941 Patent.

18. Defendants' acts of infringement have benefitted one or more of the Defendants and injured Plaintiff.

19. Defendants have willfully infringed Plaintiff's '840 Patent and '941 Patent.

20. Defendant Oxygen Frog and Defendant Fleischman have made false and defamatory and/or commercially disparaging statements about Plaintiff. Such false and defamatory and/or commercially disparaging statements include the following: "They [(HVLPO2)] claim to be the original inventor of the concept of storing oxygen generated by oxygen concentrators in a storage tank and delivering that oxygen to a torch" and "There are dozens of companies that offer both larger and smaller versions of the systems that High Volume Oxygen claims as their own original technology". See ¶ 49 below.

21. The false and defamatory and/or commercially disparaging statements made by one or more of the Defendants have benefitted one or more of the Defendants and injured Plaintiff.

PLAINTIFF HVLPO2 AND THE PATENTS

22. On April 22, 2014, the '840 Patent, entitled METHOD AND APPARATUS FOR MANAGING OXYGEN GENERATING SYSTEM, was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '840 Patent is attached hereto as Exhibit 1, and is incorporated herein by reference.

23. On November 4, 2014, the '941 Patent, entitled METHOD AND APPARATUS FOR MANAGING OXYGEN GENERATING SYSTEM, was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '941 Patent is attached hereto as Exhibit 2, and is incorporated herein by reference.

24. Plaintiff is the owner and assignee of all right, title, and interest in and to the '840 Patent and the '941 Patent, including the right to assert all causes of action arising under such patents and the right to any remedies for infringement of such patents.

25. The '840 Patent includes three independent claims, as well as various dependent claims. The independent claims are as follows:

1. A method for managing an oxygen generating system, the oxygen generating system having an oxygen storage tank, an oil-less air compressor, and at least two groups of at least one oxygen generator, the at least two groups of at least one oxygen generator including a first group of at least one oxygen generator and a second group of at least one oxygen generator, the oxygen generating system configured for supplying a sustained flow of a gaseous mixture comprising mostly oxygen, the method comprising:

receiving electrical power;

sensing a first pressure to be less than or equal to a first startup threshold pressure, said first pressure associated with a gaseous pressure of the oxygen storage tank;

completing a first circuit, the first circuit for providing electrical power to a first group of at least one oxygen generator;

providing electrical power to the first circuit;

providing electrical power to an oil-less air compressor;

sensing a second pressure to be less than or equal to a second startup threshold pressure, said second pressure associated with a gaseous pressure of the oxygen storage tank, wherein the second startup threshold pressure is greater than the first startup threshold pressure;

completing a second circuit, the second circuit for providing power to a second group of at least one oxygen generator;

providing electrical power to the second circuit;

sensing a third pressure to be greater than or equal to a first shutoff threshold pressure, said third pressure associated with a gaseous pressure of the oxygen storage tank;

opening the first circuit;

cutting power to the first circuit;

sensing a fourth pressure to be greater than or equal to a second shutoff threshold pressure, said fourth pressure associated with a gaseous pressure of the oxygen storage tank, wherein the second shutoff threshold pressure is greater than the first shutoff threshold pressure;

opening the second circuit;

cutting power to the second circuit; and

cutting power to the oil-less air compressor.

* * * * *

19. A method for managing an oxygen generating system, the oxygen generating system configured for supplying a sustained flow of a gaseous mixture comprising mostly oxygen, the method comprising:

receiving a first pressure signal associated with a first pressure;

determining the first pressure to be less than or equal to a first startup threshold pressure, said first pressure associated with a gaseous pressure of an oil-less tank;

sending a signal to switch an oil-less air compressor on;

sending a signal to switch a first circuit on, said first circuit for providing electrical power to a first bank of at least one oxygen generator;

receiving a second pressure signal associated with a second pressure;

determining the second pressure to be less than or equal to a second startup threshold pressure, said second pressure associated with a gaseous pressure of the oil-less tank, wherein the second startup threshold pressure is greater than the first startup threshold pressure;

sending a signal to switch a second circuit on, said second circuit for providing power to a second bank of at least one oxygen generator;

receiving a third pressure signal associated with a third pressure;

determining the third pressure to be greater than or equal to a first shutoff threshold pressure, said third pressure associated with a gaseous pressure of the oil-less tank;

sending a signal to switch the first circuit off;

receiving a fourth pressure signal associated with a fourth pressure;

determining the fourth pressure to be greater than or equal to a second shutoff threshold pressure, said fourth pressure associated with a gaseous pressure of the oil-less tank, wherein the second shutoff threshold pressure is greater than the first shutoff threshold pressure;

sending a signal to switch the second circuit off; and

sending a signal to switch the oil-less air compressor off.

* * * * *

20. A method for managing a modularly expandable oxygen generating system, the modularly expandable oxygen generating system including a main oxygen generating system configured to communicate with at least one expansion oxygen generating system, the method comprising:

managing the main oxygen generating system, wherein the main oxygen generating system includes a controller device, a main system oxygen storage tank, a main system oil-less air compressor, and at least two main system groups of at least one oxygen generator, the at least two main system groups of at least one oxygen generator including a first main system group of at least one oxygen generator and a second main system group of at least one oxygen generator, the main oxygen generating system configured for supplying a sustained flow of a gaseous mixture comprising mostly oxygen, including:

controlling at least two main system circuits for providing power to the at least two main system groups of at least one oxygen generator, the at least two main system circuits including a first main system circuit and a second main system circuit, the first main system circuit associated with the first main system group of at least one oxygen generator and the second main system circuit associated with the second main system group of at least one oxygen generator; and

controlling the main system oil-less air compressor; and

managing a particular expansion oxygen generating system of the at least one expansion oxygen generating system, wherein the particular expansion oxygen generating system includes a particular expansion system oxygen storage tank, a particular expansion system oil-less air compressor, and at least two particular expansion system groups of at least one oxygen generator, the at least two particular expansion system groups of at least one oxygen generator including a first particular expansion system group of at least one oxygen generator and a second particular expansion system group of at least one

oxygen generator, the particular expansion oxygen generating system configured for supplying a sustained flow of a gaseous mixture comprising mostly oxygen, including:

controlling at least two particular expansion system circuits for providing power to the at least two particular expansion system groups of at least one oxygen generator, the at least two particular expansion system circuits including a first particular expansion system circuit and a second particular expansion system circuit, the first particular expansion system circuit associated with the first particular expansion system group of at least one oxygen generator and the second particular expansion system circuit associated with the second particular expansion system group of at least one oxygen generator; and

controlling the particular expansion system oil-less air compressor.

26. The '941 Patent includes three independent claims, as well as various dependent claims. The independent claims are as follows:

1. A method for managing an oxygen generating system, the oxygen generating system configured for supplying a sustained flow of a gaseous mixture comprising mostly oxygen, the method comprising:

receiving a first pressure signal associated with a first pressure;

determining the first pressure to be less than or equal to a startup threshold pressure, said first pressure associated with a gaseous pressure of an oil-less tank;

sending a signal to switch a first circuit on, said first circuit for providing electrical power to a bank of at least two oxygen generators;

sending a signal to switch a second circuit on, said second circuit for providing electrical power to an oil-less air compressor;

receiving a second pressure signal associated with a second pressure;

determining the second pressure to be greater than or equal to a shutoff threshold pressure, said second pressure associated with a gaseous pressure of the oil-less tank;

sending a signal to switch the first circuit off; and

sending a signal to switch the second circuit off.

* * * * *

7. A method for managing an oxygen generating system, wherein the oxygen generating system includes a controller device, an oxygen storage tank, an oil-less air compressor, and at least one group of at least two oxygen generators, the oxygen generating system configured for supplying a sustained flow of a gaseous mixture comprising mostly oxygen, the method comprising:

controlling at least one group circuit based at least upon a pressure of the oxygen storage tank, each of the at least one group circuit for providing power to a particular group of the at least one group of at least two oxygen generators; and

controlling a circuit for providing power to the oil-less air compressor.

* * * * *

12. A method for managing a modularly expandable oxygen generating system, the modularly expandable oxygen generating system including a main oxygen generating system configured to communicate with at least one expansion oxygen generating system, the method comprising:

managing the main oxygen generating system, wherein the main oxygen generating system includes a controller device, a main system oxygen storage tank, a main system oil-less air compressor, and at

least one main system group of at least two oxygen generators, the main oxygen generating system configured for supplying a sustained flow of a gaseous mixture comprising mostly oxygen, including:

controlling at least one main system circuit, each of the at least one main system circuit for providing power to a particular group of the at least one main system group of at least two oxygen generators; and

controlling a first circuit for providing power to the main system oil-less air compressor; and

managing a particular expansion oxygen generating system of the at least one expansion oxygen generating system, wherein the particular expansion oxygen generating system includes a particular expansion system oxygen storage tank, a particular expansion system oil-less air compressor, and at least one particular expansion system group of at least two oxygen generators, the particular expansion oxygen generating system configured for supplying a sustained flow of a gaseous mixture comprising mostly oxygen, including:

controlling at least one expansion system circuit, each of the at least one expansion system circuit for providing power to a particular group of the at least one expansion system group of at least two oxygen generators; and

controlling a second circuit for providing power to the particular expansion system oil-less air compressor.

27. Today, Plaintiff manufactures and sells “High Volume Oxygen” systems that are covered by the ‘840 Patent and the ‘941 Patent.

DEFENDANTS' PRODUCTS AND CONDUCT

28. On information and belief, Defendant Oxygen Frog and/or Defendant Fleischman manufacture, use, demonstrate, offer for sale, sell, advertise, provide technical support, install, and instruct others how to use and install its “OxygenFrog”,

“OxygenFrog Expansion”, and “OxygenFrog HPC [(High Performance Compressor pack)]” (collectively referred to as “Oxygen Frog’s Products”). For example, Oxygen Frog’s website demonstrates various activities related to Defendant Oxygen Frog’s and/or Defendant Fleischman’s manufacture, use, demonstration, offer for sale, selling, advertising, technical support, and instruction to others of how to use and install the Oxygen Frog Products. A printed-to-pdf reproduction of Oxygen Frog’s home page (<http://www.oxygenfrog.com/home.html>), as it existed on May 6, 2015, is attached as Exhibit 3 and incorporated herein by reference. (Plaintiff notes that the embedded “Oxygen Frog at Tobacco Leaf walkthrough” video on the <http://www.oxygenfrog.com/home.html> website does not reproduce in pdf format). A printed-to-pdf reproduction of Oxygen Frog’s Oxygen Systems web page (<http://www.oxygenfrog.com/oxygen-systems.html>), as it existed on May 6, 2015, is attached as Exhibit 4 and incorporated herein by reference. A printed-to-pdf reproduction of Oxygen Frog’s HPC Compressor Pack web page (<http://www.oxygenfrog.com/hpc-compressor-pack.html>), as it existed on May 6, 2015, is attached as Exhibit 5 and incorporated herein by reference. A printed-to-pdf reproduction of Oxygen Frog’s Pricing web page (<http://www.oxygenfrog.com/pricing.html>), as it existed on May 6, 2015, is attached as Exhibit 6 and incorporated herein by reference. A printed-to-pdf reproduction of Oxygen Frog’s Contact web page (<http://www.oxygenfrog.com/contact.html>), as it existed on May 6, 2015, is attached as Exhibit 7 and incorporated herein by reference.

29. On information and belief, Oxygen Frog’s home page (Exhibit 3), as of May 6, 2015, stated in part:

The OxygenFrog is a versatile programmable pressure controller for shop or laboratory use. It is suitable for any non-corrosive, non-flammable gas. It can handle pressures from -14.7 psi to +147psi. Control output is achieved through two independently programmable 15 amp, 115 volt circuits.

The OxygenFrog is specifically engineered to be simple and intuitive to set up and operate. Experienced engineering staff is always available for technical support.

The OxygenFrog is particularly well suited to controlling on-site, on-demand oxygen generation for welding and flameworking. Please see our page on oxygen system application.

Expanded and custom units are available. Please contact us regarding your specific application.

30. On information and belief, Oxygen Frog's Oxygen Systems web page (Exhibit 4), as of May 6, 2015, stated in part:

The OxygenFrog is here to help you build the oxygen system of your dreams. Until now, oxygen concentrator systems were finicky and underpowered. Previous attempts to overcome these shortcomings were prohibitively expensive. On-demand oxygen systems are now within the reach of studios with only a modest budget. The game has been officially changed.

Ribbit, Ribbit, Rage it!!

The OxygenFrog will automatically control your oxygen concentrators and compressors to provide you with unlimited, on-demand oxygen. It is suitable for small single torch studios and full production shops. It is infinitely expandable.

The OxygenFrog is the vital piece of the puzzle that transforms oxygen concentrator systems from being a marginal compromise to becoming the glassblowers dream.

OxygenFrog Specs:

- Two 115v, 15 amp circuits
- Enough power to run 50 LPM of oxygen Concentrators
- Enough oxygen to run two GTT Mirages.

OxygenFrog expansion box:

- Three 115v, 15 amp circuits
- Enough power to run an additional 80 LPM of oxygen concentrators
- An infinite number of expansion boxes can be operated from a single OxygenFrog.

With the OxygenFrog in control, you will never have to think about oxygen again.

Start Raging Froggy-Style!

Choosing the proper amount of oxygen concentrators

This is difficult question to answer, because operator usage habits vary greatly. An operator doing small work will use much less oxygen than one who is doing larger work on the same torch. It is common for experienced glassblowers turn the oxygen pressure way up, and then exceed the manufacturer's oxygen consumption rating by as much as 180%.

The main purpose of the storage tank is to smooth out operation of the concentrators and compressor. At 100 psi, a 120 gallon storage tank will contain only about 60 cubic feet (1680 liters) of usable oxygen. This is about 25% of a K tank. When the concentrators are running, and the torch is on, the torch consumption can exceed the output of the concentrators until this 60 cubic feet of "slack" is exhausted. When oxygen usage goes back below the concentrator output, the tank will begin to fill back up. The use of a foot pedal can greatly increase the oxygen use efficiency.

If you find that you are running short on oxygen, just add another concentrator.

Here are some manufacturer's oxygen consumption ratings to use as guide.

Torch Oxygen Consumption Chart*

Torch	LPM
GTT Mirage	30
GTT Delta Mag	40
Carlisle CC	40
Barracuda	20
Red Max	25
Champion	42
Bravo	31
Alpha	12

*Estimates based on the best available manufacturers data.

Another way to estimate your oxygen usage:

Assume you are consuming one K tank per 8 hour day.

300 cubic feet=8400 liters in 8 hours=17.5 liters per minute
(8 hour average).

Once you have estimated your oxygen consumption, determining the remaining required components is straightforward.

	Up to 50 lpm	50 to 130 lpm
OxygenFrog	1	1
Compressor	1	1-2
Storage tank	120 gal.	120-240 gal
Frog expansion		1

The OxygenFrog has two 115v, 15 amp circuits.

Recommended compressor, Gast 81R.

The OxygenFrog expansion has three 115v, 15 amp circuits.

An unlimited number of expansion boxes can be used with a single OxygenFrog.

31. On information and belief, Oxygen Frog's Pricing web page (Exhibit 6), as of May 6, 2015, stated in part:

Pricing information

OxygenFrog	\$1200
Oxygen Frog Expansion	\$750
OxygenFrog with HPC	\$2975

32. On information and belief, Defendant Oxygen Frog and Defendant Fleischman use an email address (“stillwaterglass8@__[REDACTED]__”, which has been redacted), which is associated with, owned by, and/or operated by Defendant Stillwater Glass, as the primary business email address for business operations and correspondence by Defendant Oxygen Frog. On information and belief, the email address (“stillwaterglass8@__[REDACTED]__”, which has been redacted), which is associated with, owned by, and/or operated by Defendant Stillwater Glass, is used for, *inter alia*, technical support of Oxygen Frog products. On information and belief, Oxygen Frog’s Contact web page (Exhibit 7), as of May 6, 2015, stated in part:

OxygenFrog LLC

Technical or sales question, please contact us at:

+1.850__[REDACTED]__
stillwaterglass8@__[REDACTED]__

33. On information and belief, Defendant Oxygen Frog and/or Defendant Fleischman offered for sale and/or sold Oxygen Frog Products throughout the United States in interstate commerce, including offers for sale and/or sales directed at this jurisdictional district, through a website and/or catalog owned or operated by ABR Images, Inc. (d/b/a ABR Imagery) (herein after referred to as “ABR”). On information and belief, ABR is an Indiana corporation that purports to be “AMERICA’S #1 GLASS SUPPLY RESOURCE”. A printed-to-pdf reproduction of one of ABR’s web pages, as it

existed on or about March 30, 2015, is attached as Exhibit 8 and incorporated herein by reference. On or about March 30, 2015, ABR's webpage (Exhibit 8) stated in part:

Using the OxygenFrog for oxygen system management is a simple and straightforward process. The oxygen is extracted from the air using one or more oxygen concentrators. The oxygen is collected from the concentrators using an oilless compressor and stored in a tank for on-demand use. The OxygenFrog controls and provides power to the concentrators and compressor according to user programmed pressure setpoints.

34. On information and belief, Defendant Oxygen Frog Defendant and/or Defendant Fleischman have provided and/or installed Oxygen Frog products at Tobacco Leaf Smokeshop & Glass Gallery located at 2256 W. Pensacola Street, Tallahassee, Florida 32304. On information and belief, as of May 6, 2015, Oxygen Frog's Home web page (Exhibit 3) included an embedded YouTube video, which purports to show a walkthrough of an Oxygen Frog system installed at the "Tobacco Leaf studios" at the Tobacco Leaf Smokeshop & Glass Gallery. On information and belief the video is narrated by Fleischman. On information and belief, in the video, Fleischman states:

"Hi, this is Scott Fleischman, owner of OxygenFrog.com, and I am here at the Tobacco Leaf studios in Tallahassee, Florida, and I just want take you through what I think is a fine example of an Oxygen Frog system. Let me show you the process diagram. It's real simple, here. Basically, what we have is, you've got the oxygen concentrator bank that is fed to a compressor, and that collects the oxygen, sends it through a check valve—that's an important component is that check valve—into a storage tank and then out to the studio manifold. And, it's all controlled, here, by the OxygenFrog. So let me take you through this real quick. As you can see, here, we've got, in this case, we've got five eight-liter concentrators, and these are being fed into a Gast

81R. I really like this compressor. It's reasonably priced. It's very powerful. It can handle a lot more concentrators than this. And let's see, that comes up. And you can see the check valve is located right, there. And then we come up to the real brains of the system. This is the actual pressure transmitter. You can see right now the set point is at 100. That is our high set point. And we have the low set point set at 80. So what is going to happen here, when we pull the system down—right now we are at 84 psi—when we pull this down to about 80 psi, everything's going to come on. The compressor is going to come on, all the concentrators. You'll start collecting that oxygen, and then we are going to send it up—send it up through, here. And this goes out to—actually—a 120 gallon propane tank which has been cleaned out and repurposed to store the oxygen in it. The power is supplied to the units through the power box, here—to the OxygenFrog power box. And that's pretty much it. It's real simple to put one of these together. It's real reasonably priced. And if you have any questions, you can always contact me. I'm Scott Fleischman, the owner of Oxygen Frog. Thank you very much.”

35. On information and belief, Defendant Oxygen Frog's Facebook website demonstrates various activities related to Defendant Oxygen Frog's manufacture, use, demonstration, offer for sale, selling, advertising, technical support, installation, and/or instruction to others of how to use and install the Oxygen Frog products. A printed-to-pdf reproduction of Defendant Oxygen Frog's Facebook home page (<https://www.facebook.com/pages/OxygenFrog/781861315226489>), as it existed on May 6, 2015, is attached as Exhibit 9 and incorporated herein by reference. A printed-to-pdf reproduction of Defendant Oxygen Frog's January 30, 2015 Facebook post (<https://www.facebook.com/781861315226489/photos/a.781863835226237.1073741827.781861315226489/781863615226259/?type=1&theater>), as it existed on May 7, 2015, is attached as Exhibit 10 and incorporated herein by reference. A printed-to-pdf

reproduction of Defendant Oxygen Frog's February 19, 2015 Facebook post (https://www.facebook.com/permalink.php?story_fbid=792404560838831&id=781861315226489), as it existed on May 6, 2015, is attached as Exhibit 11 and incorporated herein by reference. A printed-to-pdf reproduction of Defendant Oxygen Frog's April 7, 2015 Facebook post (https://www.facebook.com/permalink.php?story_fbid=817738134972140&id=781861315226489), as it existed on May 6, 2015, is attached as Exhibit 12 and incorporated herein by reference. A printed-to-pdf reproduction of Defendant Oxygen Frog's April 20, 2015 Facebook post (<https://www.facebook.com/781861315226489/photos/a.824497367629550.1073741828.781861315226489/824497260962894/?type=1&theater>), as it existed on May 6, 2015, is attached as Exhibit 13 and incorporated herein by reference. A printed-to-pdf reproduction of Defendant Oxygen Frog's May 2, 2015 Facebook post (<https://www.facebook.com/781861315226489/photos/a.824497367629550.1073741828.781861315226489/830635793682374/?type=1&theater>), as it existed on May 6, 2015, is attached as Exhibit 14 and incorporated herein by reference.

36. On information and belief, Defendant Oxygen Frog's February 19, 2015 Facebook post (Exhibit 11), as of May 6, 2015, stated in part: "The OxygenFrog is a process controller that can be used to set up an on-demand unlimited oxygen system."

37. On information and belief, Defendant Oxygen Frog's April 20, 2015 Facebook post (Exhibit 13), as of May 6, 2015, stated in part:

We are pleased to introduce the most technologically advanced compressor package on the market. Supercharge your OxygenFrog with:

The OxygenFrog HPC, High Performance Compressor pack.

Higher purity oxygen, less headaches, hotter flames and more brilliant colors!

38. On information and belief, Defendant Oxygen Frog's May 2, 2015 Facebook post (Exhibit 14), as of May 6, 2015, stated in part:

OxygenFrog is now offering complete oxygen systems. Everything you need in one package, one price. Concentrators, OxygenFrog controller, OxygenFrog HPC compressor pack, storage tank, and all fittings, delivered to your door.

30 LPM / 60 Gallon \$5625 + \$300 S&H

50 LPM / 60 Gallon \$6825 + \$350 S&H

39. On information and belief, one or more of the Defendants have converted propane tanks into oxygen storage tanks.

40. On information and belief, one or more of the Defendants have instructed customers and other infringers to convert propane tanks into oxygen storage tanks.

41. On information and belief, using oxygen storage tanks converted from propane tanks is unsafe, is dangerous, and/or fails to comply with industry standards.

42. On information and belief, one or more of the Defendants' use of oxygen storage tanks that have been converted from propane tanks and/or one or more of the Defendants' instruction to customers and others has imputed or will impute a belief by customers and potential customers of HVLPO2's products that Plaintiff HVLPO2's products are dangerous, unsafe, and/or fail to comply with industry standards.

43. On information and belief, Defendant Stillwater Glass manufactures, uses, demonstrates, offers for sale, sells, advertises, provides technical support, installs, and/or instructs others how to use and install Oxygen Frog's Products. For example,

Defendant Stillwater Glass's Facebook website demonstrates various activities related to Stillwater Glass' manufacture, use, demonstration, offers for sale, selling, advertising, technical support, installation, and/or instruction to others of how to use and install the Oxygen Frog Products. A printed-to-pdf reproduction of Stillwater Glass' Facebook home page (<https://www.facebook.com/stillwater.glass>), as it existed on May 6, 2015, is attached as Exhibit 15 and incorporated herein by reference. A printed-to-pdf reproduction of Stillwater Glass' December 10, 2014 Facebook post (<https://www.facebook.com/stillwater.glass/photos/a.632769046835145.1073741826.632768940168489/632769510168432/?type=1&theater>), as it existed on May 6, 2015, is attached as Exhibit 16 and incorporated herein by reference. A printed-to-pdf reproduction of Stillwater Glass' December 23, 2014 Facebook post (<https://www.facebook.com/stillwater.glass/videos/vb.632768940168489/633492683429448/?type=2&theater>), as it existed on May 6, 2015, is attached as Exhibit 17 and incorporated herein by reference.

44. On information and belief, Defendant Stillwater Glass' December 10, 2014 Facebook post (Exhibit 16), as of May 6, 2015, stated in part:

Stillwater Glass
I helped a friend install an Oxygen Frog process controller to
run his oxygen system at the studio. Ribbet, Ribbet, Rage it!

45. On information and belief, Defendant Stillwater Glass' December 23, 2014 Facebook post (Exhibit 17), as of May 6, 2015, stated in part:

Stillwater Glass
Green Flash is now operating on the OxygenFrog. Ribbet,
Ribbet Rage it! — in Tallahassee, Florida.

NOTICE TO OXYGEN FROG'S NATIONAL DISTRIBUTOR

46. On or about March 31, 2015, counsel for Plaintiff HVLPO2, sent Ross L. Thackery ("Thackery"), President and Registered Agent of ABR, a cease and desist letter regarding "Intellectual Property of HVLPO2, LLC" by certified U.S. mail and electronic mail. A true and correct copy of the cease and desist letter, sent to ABR on or about March 31, 2015, is attached hereto as Exhibit 18, and is incorporated herein by reference. The cease and desist letter to ABR (Exhibit 18) informed ABR that certain products (e.g., "Oxygen Frog Oxygen Management System") sold and/or offered for sale on ABR's web page (see, e.g., Exhibit 8) were infringing the '840 Patent and/or the '941 Patent. The letter demanded that ABR cease and desist "from the manufacturing, offering for sale, and selling of the "Oxygen Frog Oxygen Management System" and any other infringing products".

RESPONSE BY OXYGEN FROG'S NATIONAL DISTRIBUTOR

47. On or about March 31, 2015, Thackery responded by email to the cease and desist letter sent to ABR. A true and correct copy of the email from Thackery (with redactions) is attached hereto as Exhibit 19, and is incorporated herein by reference. The email (Exhibit 19) stated in part:

"We have removed this product as directed.

We feel sorry that someone has copied your products, we will remove ourselves from this matter.

Thanks for your advanced notice."

NOTICE TO DEFENDANTS

48. On or about March 31, 2015, counsel for Plaintiff HVLPO2 sent Defendant Oxygen Frog and Defendant Fleischman, purported manager and Registered Agent of

Defendant Oxygen Frog, a cease and desist letter regarding “Intellectual Property of HVLPO2, LLC” by certified U.S. mail to Defendant Oxygen Frog and Defendant Fleischman and by electronic mail to an email address (“stillwaterglass8@__[REDACTED]__”, which has been redacted) associated with, owned by, and/or operated by Stillwater Glass. A true and correct copy of the cease and desist letter sent to Defendants on or about March 31, 2015, is attached hereto as Exhibit 20, and is incorporated herein by reference. The cease and desist letter to Defendants (Exhibit 20) informed Defendants that Defendant Oxygen Frog’s manufacture, demonstrations, offer for sale, and/or sales of certain products (e.g., “Oxygen Frog Oxygen Management System”) were infringing the ‘840 Patent and/or the ‘941 Patent. The letter to Defendants demanded that Defendant Oxygen Frog cease and desist “from the manufacturing, offering for sale, and selling of the “Oxygen Frog Oxygen Management System” and any other infringing products”.

RESPONSE BY DEFENDANTS

49. On information and belief, on or about April 7, 2015, Defendant Fleischman and/or Defendant Oxygen Frog posted a “HIGH VOLUME OXYGEN LEGAL THREAT” web page on Defendant Oxygen Frog’s web site. A printed-to-pdf reproduction of Oxygen Frog’s “HIGH VOLUME OXYGEN LEGAL THREAT” page (<http://www.oxygenfrog.com/high-volume-oxygen-legal-threat.html>), as it existed on April 7, 2015, is attached as Exhibit 21 and incorporated herein by reference. A printed-to-pdf reproduction of Oxygen Frog’s “HIGH VOLUME OXYGEN LEGAL THREAT” page (<http://www.oxygenfrog.com/high-volume-oxygen-legal-threat.html>), as it existed on May 6, 2015, is attached as Exhibit 22 and incorporated herein by reference. As of

May 6, 2015, Oxygen Frog's "HIGH VOLUME OXYGEN LEGAL THREAT" page (see, e.g., Exhibits 21-22) stated in part:

A word about the legal threat from High Volume Oxygen.

Recently, OxygenFrog LLC was threatened with legal action by HVLPO2 LLC (High Volume Oxygen). They claim to be the original inventor of the concept of storing oxygen generated by oxygen concentrators in a storage tank and delivering that oxygen to a torch. High Volume Oxygen holds several patents regarding this technology, and has demanded that OxygenFrog shut down all business operations related to oxygen. High Volume's attorney also threatened our national distributor, and forced them to discontinue any association with OxygenFrog.

A copy of the 'Cease and Desist' demand letter from High Volume Oxygen's attorney may be found [HERE](#) [(a hyperlink to a copy of the letter provided in Exhibit 20; the hyperlink has been omitted)].

The concept of on-site, on-demand, oxygen generation has been around for decades, long before High Volume Oxygen filed its patents. There are dozens of companies that offer both larger and smaller versions of the systems that High Volume Oxygen claims as their own original technology.

We at OxygenFrog are confident that will prevail in the upcoming legal battle. We will continue to operate our business at full capacity as we walk through this process.

Nothing regarding this matter will affect our current or future customers.

The OxygenFrog team remains committed to continue to provide the finest quality oxygen systems and components in the industry.

Damn the torpedos.

Ribbet, Ribbet, Rage it!

Regards,

Scott Fleischman
OxygenFrog LLC

50. On information and belief, Defendant Fleischman's and/or Defendant Oxygen Frog's false and defamatory and/or disparaging statements on Defendant Oxygen Frog's website have driven potential customers to Defendant Oxygen Frog and have resulted in actual sales of infringing products by Defendant Oxygen Frog.

51. On information and belief, Plaintiff HVLPO2 has lost actual sales and customers and will continue to lose sales and customers as a result of Defendant Fleischman's and/or Defendant Oxygen Frog's false and defamatory and/or disparaging statements published on Defendant Oxygen Frog's website.

52. On information and belief, Plaintiff HVLPO2's reputation and goodwill have been damaged and will continue to be damaged as a result of Defendant Fleischman's and/or Defendant Oxygen Frog's false and defamatory and/or disparaging statements published on Defendant Oxygen Frog's Facebook page.

53. On information and belief, on or about April 7, 2015, Defendant Fleischman and/or Defendant Oxygen Frog posted a statement (Exhibit 12) on Defendant Oxygen Frog's Facebook page in response to Plaintiff's cease and desist letter (Exhibit 20), which was sent to Defendants. On information and belief, Defendant Oxygen Frog's Facebook page contains various false and defamatory and/or disparaging statements about Plaintiff HVLPO2 and/or HVLPO2's property.

54. On information and belief, Defendant Fleischman's and/or Defendant Oxygen Frog's false and defamatory and/or disparaging statements on Defendant Oxygen Frog's Facebook page have driven potential customers to Defendant Oxygen Frog and have resulted in actual sales of infringing products by Defendant Oxygen Frog.

55. On information and belief, Plaintiff HVLPO2 has lost actual sales and customers and will continue to lose sales and customers as a result of Defendant Fleischman's and/or Defendant Oxygen Frog's false and defamatory and/or disparaging statements published on Defendant Oxygen Frog's Facebook page.

56. On information and belief, Plaintiff HVLPO2's reputation and goodwill have been damaged and will continue to be damaged as a result of Defendant Fleischman's and/or Defendant Oxygen Frog's false and defamatory and/or disparaging statements published on Defendant Oxygen Frog's Facebook page.

57. On information and belief, on or about May 4, 2015, Defendant Fleischman, Defendant Stillwater Glass, and/or Defendant Oxygen Frog responded by email to the cease and desist letter sent to Defendants. On information and belief, the email was sent from an email address ("stillwaterglass8@[REDACTED]__", which has been redacted) associated with, owned by, and/or operated by Defendant Stillwater Glass.

58. On information and belief, Defendant Fleischman has made various false and defamatory and/or disparaging statements regarding Plaintiff HVLPO2 and HVLPO2's intellectual property, and the false and defamatory and/or disparaging statements were distributed, in a written medium, to third parties linked to his personal Facebook account. On information and belief, Defendant Fleischman made multiple statements on his personal Facebook page, apparently in response to Plaintiff's cease and desist letter (Exhibit 20), which was sent to Defendants.

59. On information and belief, and apparently in response to Defendant Fleischman's false and defamatory statements toward Plaintiff HVLPO2 on Defendant

Fleischman's personal Facebook page, multiple third-party Facebook users indicated that they would purchase Oxygen Frog products; for example, one Facebook user stated, "I am def gonna buy frog now!", to which a different Facebook user stated, "Yeah, me too".

60. On information and belief, Defendant Fleischman's false and defamatory and/or disparaging statements on Defendant Fleischman's Facebook page have driven potential customers to Defendant Oxygen Frog and have resulted in actual sales of infringing products by Defendant Oxygen Frog.

61. On information and belief, Plaintiff HVLPO2 has lost actual sales and customers and will continue to lose sales and customers as a result of Defendant Fleischman's false and defamatory and/or disparaging statements published on Defendant Fleischman's Facebook page.

62. On information and belief, Plaintiff HVLPO2's reputation and goodwill have been damaged and will continue to be damaged as a result of Defendant Fleischman's false and defamatory and/or disparaging statements published on Defendant Fleischman's Facebook page.

COUNT I

DIRECT LITERAL INFRINGEMENT OF U.S. PATENT NO. 8,702,840 AGAINST DEFENDANT OXYGEN FROG

63. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 62, above, as if fully set forth herein.

64. On information and belief, Defendant Oxygen Frog owns, operates, controls, and demonstrates the use of Oxygen Frog products, including the "OxygenFrog", and related systems.

65. On information and belief, Defendant Oxygen Frog operates, controls, and/or demonstrates the use of expanded Oxygen Frog products. For example, on information and belief, Defendant Oxygen Frog's website stated, as of May 6, 2015, in part: "The OxygenFrog expansion has three 115v, 15 amp circuits. An unlimited number of expansion boxes can be used with a single OxygenFrog." (See, e.g., Exhibit 4).

66. On information and belief, Defendant Oxygen Frog's expanded Oxygen Frog Products operate in the same manner as at least one of the method claims patented in the '840 Patent.

67. On information and belief, Defendant Oxygen Frog acted despite an objectively high likelihood that its actions constituted infringement of a valid patent.

68. On information and belief, Defendant Oxygen Frog knew or it was so obvious that Defendant Oxygen Frog should have known of this objectively defined risk.

69. On information and belief, Defendant Oxygen Frog willfully infringed the '840 Patent.

70. On information and belief, one or more of the Defendants have benefitted from the infringement of the '840 Patent through:

- a. lost sales by Plaintiff HVLPO2;
- b. lost customers by Plaintiff HVLPO2;
- c. lost profits by Plaintiff HVLPO2
- d. lost sales made by Plaintiff HVLPO2
- e. lost profits made by Plaintiff HVLPO2;
- f. lost sales of unpatented items by Plaintiff HVLPO2;
- g. lost sales of collateral unpatented items by Plaintiff HVLPO2;

- h. future lost profits by Plaintiff HVLPO2;
- i. damage to Plaintiff HVLPO2's reputation and good will;
- j. continuing and future damage to Plaintiff HVLPO2's reputation and goodwill;
- k. gained sales by Defendant Oxygen Frog;
- l. gained customers by Defendant Oxygen Frog;
- m. gained profits by Defendant Oxygen Frog;
- n. gained sales of unpatented items by Defendant Oxygen Frog;
- o. gained sales of collateral unpatented items by Defendant Oxygen Frog;
- p. future gained profits by Defendant Oxygen Frog;
- q. improvement to one or more of the Defendants' reputation and good will;
- r. continuing and future improvement to one or more of the Defendants' reputation and goodwill; and
- s. increased value of one or more of the Defendants' business.

(The above-listed benefits shall hereinafter be referred to as "Benefits".)

71. On information and belief, Plaintiff has sustained Injuries as a result of the infringement of the '840 Patent in the form of, including but not limited to:

- a. lost sales;
- b. lost customers;
- c. lost profits;
- d. sales made by Defendant Oxygen Frog;

- e. profits made by Defendant Oxygen Frog;
- f. price erosion;
- g. lost sales of unpatented items;
- h. lost sales of collateral unpatented items;
- i. future lost profits;
- j. damage to Plaintiff HVLPO2's reputation and good will;
- k. continuing and future damage to Plaintiff HVLPO2's reputation and goodwill; and
- l. miscellaneous business losses in the form of increased value of Defendant Oxygen Frog's business, Defendant Stillwater Glass' business, and/or Defendant Fleischman's business.

(The items listed immediately above in subparts a through l shall hereinafter be referred to as "Injuries".)

72. Plaintiff HVLPO2 has sustained Injuries by Defendant Oxygen Frog's infringing activities, and is entitled to recover money damages from Defendant Oxygen Frog adequate to compensate it for Defendant Oxygen Frog's infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Oxygen Frog's infringing activities are enjoined by this Court.

73. Plaintiff HVLPO2 has sustained Injuries by Defendant Oxygen Frog's willful infringement and is entitled to recover treble damages from Defendant Oxygen Frog.

74. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Oxygen Frog and its respective agents, owners, officers, servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '840 Patent.

COUNT II

DIRECT INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS OF U.S. PATENT NO. 8,702,840 AGAINST OXYGEN FROG

75. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 74, above, as if fully set forth herein.

76. On information and belief, Defendant Oxygen Frog owns, operates, controls, and demonstrates the use of Oxygen Frog products, including the "OxygenFrog", and related systems.

77. On information and belief, Defendant Oxygen Frog operates, controls, and/or demonstrates the use of expanded Oxygen Frog products. For example, on information and belief, Defendant Oxygen Frog's website stated, as of May 6, 2015, in part: "The OxygenFrog expansion has three 115v, 15 amp circuits. An unlimited number of expansion boxes can be used with a single OxygenFrog." (See, e.g., Exhibit 4)

78. On information and belief, in addition to or in the alternative to Plaintiff's allegation of paragraph 66 that "Defendant Oxygen Frog's expanded Oxygen Frog Products operate in the same manner as at least one of the method claims patented in the '840 Patent", Defendant Oxygen Frog's expanded Oxygen Frog Products operate in the same manner as at least one of the method claims patented in the '840 Patent, except that any difference between an action of Defendant Oxygen Frog's expanded Oxygen Frog Products and an action of any method claim of the '840 Patent are (a)

insubstantial or (b) the action of the Defendant Oxygen Frog's expanded Oxygen Frog Products and the action of any method claim of the '840 Patent (1) perform substantially the same function and (2) work in substantially the same way (3) to achieve substantially the same result as a requirement of any method claim of the '840 Patent.

79. On information and belief, Defendant Oxygen Frog acted despite an objectively high likelihood that its actions constituted infringement of a valid patent.

80. On information and belief, Defendant Oxygen Frog knew or it was so obvious that Defendant Oxygen Frog should have known of this objectively defined risk.

81. On information and belief, Defendant Oxygen Frog willfully infringed the '840 Patent.

82. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '840 Patent.

83. Plaintiff has sustained Injuries as a result of the infringement of the '840 Patent.

84. Plaintiff HVLPO2 has sustained Injuries by Defendant Oxygen Frog's infringing activities, and is entitled to recover money damages from Defendant Oxygen Frog adequate to compensate it for Defendant Oxygen Frog's infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Oxygen Frog's infringing activities are enjoined by this Court.

85. Plaintiff HVLPO2 has sustained Injuries by Defendant Oxygen Frog's willful infringement and is entitled to recover treble damages from Defendant Oxygen Frog.

86. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Oxygen Frog and its respective agents, owners, officers, servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '840 Patent.

COUNT III

INDIRECT CONTRIBUTORY INFRINGEMENT OF '840 PATENT BY DEFENDANT OXYGEN FROG

87. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 86, above, as if fully set forth herein.

88. On information and belief, someone other than Defendant Oxygen Frog has directly infringed the '840 Patent.

89. On information and belief, Defendant Oxygen Frog has sold, offered for sale, or imported within the United States an apparatus for use in the infringing process.

90. On information and belief, the apparatus sold, offered for sale, or imported within the United States for use in the infringing process is not a staple article or commodity of commerce capable of substantial non-infringing use.

91. On information and belief, the apparatus constitutes a material part of at least one method claim of the '840 Patent.

92. On information and belief, Defendant Oxygen Frog knew that the component was especially made or adapted for use in an infringing method.

93. On information and belief, Defendant Oxygen Frog acted despite an objectively high likelihood that its actions constituted infringement of a valid patent.

94. On information and belief, Defendant Oxygen Frog knew or it was so obvious that Defendant Oxygen Frog should have known of this objectively defined risk.

95. On information and belief, Defendant Oxygen Frog willfully infringed the '840 Patent.

96. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '840 Patent.

97. Plaintiff has sustained Injuries as a result of the infringement of the '840 Patent.

98. Plaintiff HVLPO2 has sustained Injuries by Defendant Oxygen Frog's infringing activities, and is entitled to recover money damages from Defendant Oxygen Frog adequate to compensate it for Defendant Oxygen Frog's infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Oxygen Frog's infringing activities are enjoined by this Court.

99. Plaintiff HVLPO2 has sustained Injuries by Defendant Oxygen Frog's willful infringement and is entitled to recover treble damages from Defendant Oxygen Frog.

100. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Oxygen Frog and its respective

agents, owners, officers, servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '840 Patent.

COUNT IV

INDIRECT INDUCEMENT OF INFRINGEMENT OF '840 PATENT BY DEFENDANT OXYGEN FROG

101. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 100, above, as if fully set forth herein.

102. On information and belief, Defendant Oxygen Frog aided, instructed, or otherwise acted with the intent to cause acts by direct infringers that would constitute direct infringement, either literally or under the doctrine of equivalents, of the '840 Patent.

103. On information and belief, Defendant Oxygen Frog knew of the '840 Patent, or showed willful blindness to the existence of the '840 Patent, at that time.

104. On information and belief, Defendant Oxygen Frog knew, or should have known, that its actions would result in infringement of at least one claim of the '840 Patent.

105. On information and belief, direct infringers have infringed at least one patented method claim of the '840 Patent.

106. On information and belief, Defendant Oxygen Frog acted despite an objectively high likelihood that its actions constituted infringement of a valid patent.

107. On information and belief, Defendant Oxygen Frog knew or it was so obvious that Defendant Oxygen Frog should have known of this objectively defined risk.

108. On information and belief, Defendant Oxygen Frog willfully infringed the '840 Patent.

109. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '840 Patent.

110. Plaintiff has sustained Injuries as a result of the infringement of the '840 Patent.

111. Plaintiff HVLPO2 has sustained Injuries by Defendant Oxygen Frog's infringing activities, and is entitled to recover money damages from Defendant Oxygen Frog adequate to compensate it for Defendant Oxygen Frog's infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Oxygen Frog's infringing activities are enjoined by this Court.

112. Plaintiff HVLPO2 has sustained Injuries by Defendant Oxygen Frog's willful infringement and is entitled to recover treble damages from Defendant Oxygen Frog.

113. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Oxygen Frog and its respective agents, owners, officers, servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '840 Patent.

COUNT V

DIRECT LITERAL INFRINGEMENT OF '941 PATENT BY DEFENDANT OXYGEN FROG

114. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 113, above, as if fully set forth herein.

115. On information and belief, Defendant Oxygen Frog owns, operates, controls, and demonstrates the use of Oxygen Frog Products, including the “OxygenFrog”, and related systems.

116. On information and belief, Defendant Oxygen Frog’s Oxygen Frog Products operate in the same manner as at least one of the method claims patented in the ‘941 Patent.

117. On information and belief, Defendant Oxygen Frog acted despite an objectively high likelihood that its actions constituted infringement of a valid patent.

118. On information and belief, Defendant Oxygen Frog knew or it was so obvious that Defendant Oxygen Frog should have known of this objectively defined risk.

119. On information and belief, Defendant Oxygen Frog willfully infringed the ‘941 Patent.

120. On information and belief, one or more of the Defendants have received Benefits from the infringement of the ‘941 Patent.

121. Plaintiff has sustained Injuries as a result of the infringement of the ‘941 Patent.

122. Plaintiff HVLPO2 has sustained Injuries by Defendant Oxygen Frog’s infringing activities, and is entitled to recover money damages from Defendant Oxygen Frog adequate to compensate it for Defendant Oxygen Frog’s infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Oxygen Frog’s infringing activities are enjoined by this Court.

123. Plaintiff HVLPO2 has sustained Injuries by Defendant Oxygen Frog's willful infringement and is entitled to recover treble damages from Defendant Oxygen Frog.

124. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Oxygen Frog and its respective agents, owners, officers, servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '941 Patent.

COUNT VI

DIRECT INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS OF THE '941 PATENT BY DEFENDANT OXYGEN FROG

125. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 124, above, as if fully set forth herein.

126. On information and belief, Defendant Oxygen Frog owns, operates, controls, and demonstrates the use of Oxygen Frog Products, including the "OxygenFrog", and related systems.

127. On information and belief, in addition to or in the alternative to Plaintiff's allegation of paragraph 116 that "Defendant Oxygen Frog's Oxygen Frog Products operate in the same manner as at least one of the method claims patented in the '941 Patent", Defendant Oxygen Frog's Oxygen Frog Products operate in the same manner as at least one of the method claims patented in the '941 Patent, except that any difference between an action of Defendant Oxygen Frog's Oxygen Frog Products and an action of any method claim of the '941 Patent are (a) insubstantial or (b) the action of the Defendant Oxygen Frog's Oxygen Frog Products and the action of any method claim of the '941 Patent (1) perform substantially the same function and (2) work in

substantially the same way (3) to achieve substantially the same result as a requirement of any method claim of the '941 Patent.

128. On information and belief, Defendant Oxygen Frog acted despite an objectively high likelihood that its actions constituted infringement of a valid patent.

129. On information and belief, Defendant Oxygen Frog knew or it was so obvious that Defendant Oxygen Frog should have known of this objectively defined risk.

130. On information and belief, Defendant Oxygen Frog willfully infringed the '941 Patent.

131. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '941 Patent.

132. Plaintiff has sustained Injuries as a result of the infringement of the '941 Patent.

133. Plaintiff HVLPO2 has sustained Injuries by Defendant Oxygen Frog's infringing activities, and is entitled to recover money damages from Defendant Oxygen Frog adequate to compensate it for Defendant Oxygen Frog's infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Oxygen Frog's infringing activities are enjoined by this Court.

134. Plaintiff HVLPO2 has sustained Injuries by Defendant Oxygen Frog's willful infringement and is entitled to recover treble damages from Defendant Oxygen Frog.

135. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Oxygen Frog and its respective agents, owners, officers, servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '941 Patent.

COUNT VII

INDIRECT CONTRIBUTORY INFRINGEMENT OF THE '941 PATENT BY DEFENDANT OXYGEN FROG

136. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 135, above, as if fully set forth herein.

137. On information and belief, someone other than Defendant Oxygen Frog has directly infringed the '941 Patent.

138. On information and belief, Defendant Oxygen Frog has sold, offered for sale, or imported within the United States an apparatus for use in the infringing process.

139. On information and belief, the apparatus sold, offered for sale, or imported within the United States for use in the infringing process is not a staple article or commodity of commerce capable of substantial non-infringing use.

140. On information and belief, the apparatus constitutes a material part of at least one method claim of the '941 Patent.

141. On information and belief, Defendant Oxygen Frog knew that the component was especially made or adapted for use in an infringing method.

142. On information and belief, Defendant Oxygen Frog acted despite an objectively high likelihood that its actions constituted infringement of a valid patent.

143. On information and belief, Defendant Oxygen Frog knew or it was so obvious that Defendant Oxygen Frog should have known of this objectively defined risk.

144. On information and belief, Defendant Oxygen Frog willfully infringed the '941 Patent.

145. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '941 Patent.

146. Plaintiff has sustained Injuries as a result of the infringement of the '941 Patent.

147. Plaintiff HVLPO2 has sustained Injuries by Defendant Oxygen Frog's infringing activities, and is entitled to recover money damages from Defendant Oxygen Frog adequate to compensate it for Defendant Oxygen Frog's infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Oxygen Frog's infringing activities are enjoined by this Court.

148. Plaintiff HVLPO2 has sustained Injuries by Defendant Oxygen Frog's willful infringement and is entitled to recover treble damages from Defendant Oxygen Frog.

149. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Oxygen Frog and its respective agents, owners, officers, servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '941 Patent.

COUNT VIII

**INDIRECT INDUCEMENT OF INFRINGEMENT OF
THE '941 PATENT BY DEFENDANT OXYGEN FROG**

150. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 149, above, as if fully set forth herein.

151. On information and belief, Defendant Oxygen Frog aided, instructed, or otherwise acted with the intent to cause acts by direct infringers that would constitute direct infringement, either literally or under the doctrine of equivalents, of the '941 Patent.

152. On information and belief, Defendant Oxygen Frog knew of the '941 Patent, or showed willful blindness to the existence of the '941 Patent, at that time.

153. On information and belief, Defendant Oxygen Frog knew, or should have known, that its actions would result in infringement of at least one claim of the '941 Patent.

154. On information and belief, Defendant Oxygen Frog has infringed at least one patented method claim of the '941 Patent.

155. On information and belief, Defendant Oxygen Frog acted despite an objectively high likelihood that its actions constituted infringement of a valid patent.

156. On information and belief, Defendant Oxygen Frog knew or it was so obvious that Defendant Oxygen Frog should have known of this objectively defined risk.

157. On information and belief, Defendant Oxygen Frog willfully infringed the '941 Patent.

158. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '941 Patent.

159. Plaintiff has sustained Injuries as a result of the infringement of the '941 Patent.

160. Plaintiff HVLPO2 has sustained Injuries by Defendant Oxygen Frog's infringing activities, and is entitled to recover money damages from Defendant Oxygen Frog adequate to compensate it for Defendant Oxygen Frog's infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Oxygen Frog's infringing activities are enjoined by this Court.

161. Plaintiff HVLPO2 has sustained Injuries by Defendant Oxygen Frog's willful infringement and is entitled to recover treble damages from Defendant Oxygen Frog.

162. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Oxygen Frog and its respective agents, owners, officers, servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '941 Patent.

COUNT IX

DIRECT LITERAL INFRINGEMENT OF THE '840 PATENT BY DEFENDANT STILLWATER GLASS

163. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 162, above, as if fully set forth herein.

164. On information and belief, Defendant Stillwater Glass owns, operates, controls, and demonstrates the use of Oxygen Frog Products, including the "OxygenFrog", and related systems.

165. On information and belief, Defendant Stillwater Glass operates, controls, and/or demonstrates the use of expanded Oxygen Frog Products.

166. On information and belief, Defendant Stillwater Glass' expanded Oxygen Frog Products operate in the same manner as at least one of the method claims patented in the '840 Patent.

167. On information and belief, Defendant Stillwater Glass acted despite an objectively high likelihood that its actions constituted infringement of a valid patent.

168. On information and belief, Defendant Stillwater Glass knew or it was so obvious that Defendant Stillwater Glass should have known of this objectively defined risk.

169. On information and belief, Defendant Stillwater Glass willfully infringed the '840 Patent.

170. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '840 Patent.

171. Plaintiff has sustained Injuries as a result of the infringement of the '840 Patent.

172. Plaintiff HVLPO2 has sustained Injuries by Defendant Stillwater Glass' infringing activities, and is entitled to recover money damages from Defendant Stillwater Glass adequate to compensate it for Defendant Stillwater Glass' infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Stillwater Glass' infringing activities are enjoined by this Court.

173. Plaintiff HVLPO2 has sustained Injuries by Defendant Stillwater Glass' willful infringement and is entitled to recover treble damages from Defendant Stillwater Glass.

174. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Stillwater Glass and its respective agents, owners, officers, servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '840 Patent.

COUNT X

DIRECT INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS OF THE '840 PATENT BY DEFENDANT STILLWATER GLASS

175. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 174, above, as if fully set forth herein.

176. On information and belief, Defendant Stillwater Glass owns, operates, controls, and demonstrates the use of Oxygen Frog Products, including the "OxygenFrog", and related systems.

177. On information and belief, Defendant Stillwater Glass operates, controls, and/or demonstrates the use of expanded Oxygen Frog Products.

178. On information and belief, in addition to or in the alternative to Plaintiff's allegation of paragraph 166 that "Defendant Stillwater Glass' expanded Oxygen Frog Products operate in the same manner as at least one of the method claims patented in the '840 Patent", Defendant Stillwater Glass' expanded Oxygen Frog Products operate in the same manner as at least one of the method claims patented in the '840 Patent, except that any difference between an action of Defendant Stillwater Glass' expanded Oxygen Frog Products and an action of any method claim of the '840 Patent are (a)

insubstantial or (b) the action of the Defendant Stillwater Glass' expanded Oxygen Frog Products and the action of any method claim of the '840 Patent (1) perform substantially the same function and (2) work in substantially the same way (3) to achieve substantially the same result as a requirement of any method claim of the '840 Patent.

179. On information and belief, Defendant Stillwater Glass acted despite an objectively high likelihood that its actions constituted infringement of a valid patent.

180. On information and belief, Defendant Stillwater Glass knew or it was so obvious that Defendant Stillwater Glass should have known of this objectively defined risk.

181. On information and belief, Defendant Stillwater Glass willfully infringed the '840 Patent.

182. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '840 Patent.

183. Plaintiff has sustained Injuries as a result of the infringement of the '840 Patent.

184. Plaintiff HVLPO2 has sustained Injuries by Defendant Stillwater Glass' infringing activities, and is entitled to recover money damages from Defendant Stillwater Glass adequate to compensate it for Defendant Stillwater Glass' infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Stillwater Glass' infringing activities are enjoined by this Court.

185. Plaintiff HVLPO2 has sustained Injuries by Defendant Stillwater Glass' willful infringement and is entitled to recover treble damages from Defendant Stillwater Glass.

186. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Stillwater Glass and its respective agents, owners, officers, servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '840 Patent.

COUNT XI

INDIRECT INDUCEMENT OF INFRINGEMENT OF THE '840 PATENT BY DEFENDANT STILLWATER GLASS

187. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 186, above, as if fully set forth herein.

188. On information and belief, Defendant Stillwater Glass aided, instructed, or otherwise acted with the intent to cause acts by direct infringers that would constitute direct infringement, either literally or under the doctrine of equivalents, of the '840 Patent.

189. On information and belief, Defendant Stillwater Glass knew of the '840 Patent, or showed willful blindness to the existence of the '840 Patent, at that time.

190. On information and belief, Defendant Stillwater Glass knew, or should have known, that its actions would result in infringement of at least one claim of the '840 Patent.

191. On information and belief, direct infringers have infringed at least one patented method claim of the '840 Patent.

192. On information and belief, Defendant Stillwater Glass acted despite an objectively high likelihood that its actions constituted infringement of a valid patent.

193. On information and belief, Defendant Stillwater Glass knew or it was so obvious that Defendant Stillwater Glass should have known of this objectively defined risk.

194. On information and belief, Defendant Stillwater Glass willfully infringed the '840 Patent.

195. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '840 Patent.

196. Plaintiff has sustained Injuries as a result of the infringement of the '840 Patent.

197. Plaintiff HVLPO2 has sustained Injuries by Defendant Stillwater Glass' infringing activities, and is entitled to recover money damages from Defendant Stillwater Glass adequate to compensate it for Defendant Stillwater Glass' infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Stillwater Glass' infringing activities are enjoined by this Court.

198. Plaintiff HVLPO2 has sustained Injuries by Defendant Stillwater Glass' willful infringement and is entitled to recover treble damages from Defendant Stillwater Glass.

199. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Stillwater Glass and its

respective agents, owners, officers, servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '840 Patent.

COUNT XII

DIRECT LITERAL INFRINGEMENT OF THE '941 PATENT BY DEFENDANT STILLWATER GLASS

200. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 199, above, as if fully set forth herein.

201. On information and belief, Defendant Stillwater Glass owns, operates, controls, and demonstrates the use of Oxygen Frog Products, including the "OxygenFrog", and related systems.

202. On information and belief, Defendant Stillwater Glass' Oxygen Frog Products operate in the same manner as at least one of the method claims patented in the '941 Patent.

203. On information and belief, Defendant Stillwater Glass acted despite an objectively high likelihood that its actions constituted infringement of a valid patent.

204. On information and belief, Defendant Stillwater Glass knew or it was so obvious that Defendant Stillwater Glass should have known of this objectively defined risk.

205. On information and belief, Defendant Stillwater Glass willfully infringed the '941 Patent.

206. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '941 Patent.

207. Plaintiff has sustained Injuries as a result of the infringement of the '941 Patent.

208. Plaintiff HVLPO2 has sustained Injuries by Defendant Stillwater Glass' infringing activities, and is entitled to recover money damages from Defendant Stillwater Glass adequate to compensate it for Defendant Stillwater Glass' infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Stillwater Glass' infringing activities are enjoined by this Court.

209. Plaintiff HVLPO2 has sustained Injuries by Defendant Stillwater Glass' willful infringement and is entitled to recover treble damages from Defendant Stillwater Glass.

210. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Stillwater Glass and its respective agents, owners, officers, servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '941 Patent.

COUNT XIII

DIRECT INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS OF THE '941 PATENT BY DEFENDANT STILLWATER GLASS

211. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 210, above, as if fully set forth herein.

212. On information and belief, Defendant Stillwater Glass owns, operates, controls, and demonstrates the use of Oxygen Frog Products, including the "OxygenFrog", and related systems.

213. On information and belief, in addition to or in the alternative to Plaintiff's allegation of paragraph 202 that "Defendant Stillwater Glass' Oxygen Frog Products

operate in the same manner as at least one of the method claims patented in the '941 Patent", Defendant Stillwater Glass' Oxygen Frog Products operate in the same manner as at least one of the method claims patented in the '941 Patent, except that any difference between an action of Defendant Stillwater Glass' Oxygen Frog Products and an action of any method claim of the '941 Patent are (a) insubstantial or (b) the action of the Defendant Stillwater Glass' Oxygen Frog Products and the action of any method claim of the '941 Patent (1) perform substantially the same function and (2) work in substantially the same way (3) to achieve substantially the same result as a requirement of any method claim of the '941 Patent.

214. On information and belief, Defendant Stillwater Glass acted despite an objectively high likelihood that its actions constituted infringement of a valid patent.

215. On information and belief, Defendant Stillwater Glass knew or it was so obvious that Defendant Stillwater Glass should have known of this objectively defined risk.

216. On information and belief, Defendant Stillwater Glass willfully infringed the '941 Patent.

217. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '941 Patent.

218. Plaintiff has sustained Injuries as a result of the infringement of the '941 Patent.

219. Plaintiff HVLPO2 has sustained Injuries by Defendant Stillwater Glass' infringing activities, and is entitled to recover money damages from Defendant Stillwater Glass adequate to compensate it for Defendant Stillwater Glass' infringement, but in no

event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Stillwater Glass' infringing activities are enjoined by this Court.

220. Plaintiff HVLPO2 has sustained Injuries by Defendant Stillwater Glass' willful infringement and is entitled to recover treble damages from Defendant Stillwater Glass.

221. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Stillwater Glass and its respective agents, owners, officers, servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '941 Patent.

COUNT XIV

INDIRECT INDUCEMENT OF INFRINGEMENT OF THE '941 PATENT BY DEFENDANT STILLWATER GLASS

222. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 221, above, as if fully set forth herein.

223. On information and belief, Defendant Stillwater Glass aided, instructed, or otherwise acted with the intent to cause acts by direct infringers that would constitute direct infringement, either literally or under the doctrine of equivalents, of the '941 Patent.

224. On information and belief, Defendant Stillwater Glass knew of the '941 Patent, or showed willful blindness to the existence of the '941 Patent, at that time.

225. On information and belief, Defendant Stillwater Glass knew, or should have known, that its actions would result in infringement of at least one claim of the '941 Patent.

226. On information and belief, Defendant Stillwater Glass has infringed at least one patented method claim of the '941 Patent.

227. On information and belief, Defendant Stillwater Glass acted despite an objectively high likelihood that its actions constituted infringement of a valid patent.

228. On information and belief, Defendant Stillwater Glass knew or it was so obvious that Defendant Stillwater Glass should have known of this objectively defined risk.

229. On information and belief, Defendant Stillwater Glass willfully infringed the '941 Patent.

230. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '941 Patent.

231. Plaintiff has sustained Injuries as a result of the infringement of the '941 Patent.

232. Plaintiff HVLPO2 has sustained Injuries by Defendant Stillwater Glass' infringing activities, and is entitled to recover money damages from Defendant Stillwater Glass adequate to compensate it for Defendant Stillwater Glass' infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Stillwater Glass' infringing activities are enjoined by this Court.

233. Plaintiff HVLPO2 has sustained Injuries by Defendant Stillwater Glass' willful infringement and is entitled to recover treble damages from Defendant Stillwater Glass.

234. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Stillwater Glass and its respective agents, owners, officers, servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '941 Patent.

COUNT XV

DIRECT LITERAL INFRINGEMENT OF THE '840 PATENT BY DEFENDANT FLEISCHMAN

235. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 234, above, as if fully set forth herein.

236. On information and belief, Defendant Fleischman owns, operates, controls, and demonstrates the use of Oxygen Frog Products, including the "OxygenFrog", and related systems.

237. On information and belief, Defendant Fleischman operates, controls, and/or demonstrates the use of expanded Oxygen Frog Products.

238. On information and belief, Defendant Fleischman's expanded Oxygen Frog Products operate in the same manner as at least one of the method claims patented in the '840 Patent.

239. On information and belief, Defendant Fleischman acted despite an objectively high likelihood that its actions constituted infringement of a valid patent.

240. On information and belief, Defendant Fleischman knew or it was so obvious that Defendant Fleischman should have known of this objectively defined risk.

241. On information and belief, Defendant Fleischman willfully infringed the '840 Patent.

242. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '840 Patent.

243. Plaintiff has sustained Injuries as a result of the infringement of the '840 Patent.

244. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's infringing activities, and is entitled to recover money damages from Defendant Fleischman adequate to compensate it for Defendant Fleischman's infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Fleischman's infringing activities are enjoined by this Court.

245. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's willful infringement and is entitled to recover treble damages from Defendant Fleischman.

246. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Fleischman and his respective servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '840 Patent.

COUNT XVI

DIRECT INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS OF THE '840 PATENT BY DEFENDANT FLEISCHMAN

247. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 246, above, as if fully set forth herein.

248. On information and belief, Defendant Fleischman owns, operates, controls, and demonstrates the use of Oxygen Frog Products, including the “OxygenFrog”, and related systems.

249. On information and belief, Defendant Fleischman operates, controls, and/or demonstrates the use of expanded Oxygen Frog Products.

250. On information and belief, in addition to or in the alternative to Plaintiff’s allegation of paragraph 238 that “Defendant Fleischman’s expanded Oxygen Frog Products operate in the same manner as at least one of the method claims patented in the ‘840 Patent”, Defendant Fleischman’s expanded Oxygen Frog Products operate in the same manner as at least one of the method claims patented in the ‘840 Patent, except that any difference between an action of Defendant Fleischman’s expanded Oxygen Frog Products and an action of any method claim of the ‘840 Patent are (a) insubstantial or (b) the action of the Defendant Fleischman’s expanded Oxygen Frog Products and the action of any method claim of the ‘840 Patent (1) perform substantially the same function and (2) work in substantially the same way (3) to achieve substantially the same result as a requirement of any method claim of the ‘840 Patent.

251. On information and belief, Defendant Fleischman acted despite an objectively high likelihood that its actions constituted infringement of a valid patent.

252. On information and belief, Defendant Fleischman knew or it was so obvious that Defendant Fleischman should have known of this objectively defined risk.

253. On information and belief, Defendant Fleischman willfully infringed the ‘840 Patent.

254. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '840 Patent.

255. Plaintiff has sustained Injuries as a result of the infringement of the '840 Patent.

256. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's infringing activities, and is entitled to recover money damages from Defendant Fleischman adequate to compensate it for Defendant Fleischman's infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Fleischman's infringing activities are enjoined by this Court.

257. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's willful infringement and is entitled to recover treble damages from Defendant Fleischman.

258. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Fleischman and his respective servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '840 Patent.

COUNT XVII

INDIRECT CONTRIBUTORY INFRINGEMENT OF THE '840 PATENT BY DEFENDANT FLEISCHMAN

259. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 258, above, as if fully set forth herein.

260. On information and belief, someone other than Defendant Fleischman has directly infringed the '840 Patent.

261. On information and belief, Defendant Fleischman has sold, offered for sale, or imported within the United States an apparatus for use in the infringing process.

262. On information and belief, the apparatus sold, offered for sale, or imported within the United States for use in the infringing process is not a staple article or commodity of commerce capable of substantial non-infringing use.

263. On information and belief, the apparatus constitutes a material part of at least one method claim of the '840 Patent.

264. On information and belief, Defendant Fleischman knew that the component was especially made or adapted for use in an infringing method.

265. On information and belief, Defendant Fleischman acted despite an objectively high likelihood that its actions constituted infringement of a valid patent.

266. On information and belief, Defendant Fleischman knew or it was so obvious that Defendant Fleischman should have known of this objectively defined risk.

267. On information and belief, Defendant Fleischman willfully infringed the '840 Patent.

268. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '840 Patent.

269. Plaintiff has sustained Injuries as a result of the infringement of the '840 Patent.

270. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's infringing activities, and is entitled to recover money damages from Defendant Fleischman adequate to compensate it for Defendant Fleischman's infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the

Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Fleischman's infringing activities are enjoined by this Court.

271. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's willful infringement and is entitled to recover treble damages from Defendant Fleischman.

272. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Fleischman and his respective servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '840 Patent.

COUNT XVIII

INDIRECT INDUCEMENT OF INFRINGEMENT OF THE '840 PATENT BY DEFENDANT FLEISCHMAN

273. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 272, above, as if fully set forth herein.

274. On information and belief, Defendant Fleischman aided, instructed, or otherwise acted with the intent to cause acts by direct infringers that would constitute direct infringement, either literally or under the doctrine of equivalents, of the '840 Patent.

275. On information and belief, Defendant Fleischman knew of the '840 Patent, or showed willful blindness to the existence of the '840 Patent, at that time.

276. On information and belief, Defendant Fleischman knew, or should have known, that his actions would result in infringement of at least one claim of the '840 Patent.

277. On information and belief, direct infringers have infringed at least one patented method claim of the '840 Patent.

278. On information and belief, Defendant Fleischman acted despite an objectively high likelihood that his actions constituted infringement of a valid patent.

279. On information and belief, Defendant Fleischman knew or it was so obvious that Defendant Fleischman should have known of this objectively defined risk.

280. On information and belief, Defendant Fleischman willfully infringed the '840 Patent.

281. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '840 Patent.

282. Plaintiff has sustained Injuries as a result of the infringement of the '840 Patent.

283. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's infringing activities, and is entitled to recover money damages from Defendant Fleischman adequate to compensate it for Defendant Fleischman's infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Fleischman's infringing activities are enjoined by this Court.

284. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's willful infringement and is entitled to recover treble damages from Defendant Fleischman.

285. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Fleischman and his respective servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '840 Patent.

COUNT XIX

**DIRECT LITERAL INFRINGEMENT OF THE '941 PATENT
BY DEFENDANT FLEISCHMAN**

286. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 285, above, as if fully set forth herein.

287. On information and belief, Defendant Fleischman owns, operates, controls, and demonstrates the use of Oxygen Frog Products, including the "OxygenFrog", and related systems.

288. On information and belief, Defendant Fleischman's Oxygen Frog Products operate in the same manner as at least one of the method claims patented in the '941 Patent.

289. On information and belief, Defendant Fleischman acted despite an objectively high likelihood that his actions constituted infringement of a valid patent.

290. On information and belief, Defendant Fleischman knew or it was so obvious that Defendant Fleischman should have known of this objectively defined risk.

291. On information and belief, Defendant Fleischman willfully infringed the '941 Patent.

292. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '941 Patent.

293. Plaintiff has sustained Injuries as a result of the infringement of the '941 Patent.

294. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's infringing activities, and is entitled to recover money damages from Defendant Fleischman adequate to compensate it for Defendant Fleischman's infringement, but in

no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Fleischman's infringing activities are enjoined by this Court.

295. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's willful infringement and is entitled to recover treble damages from Defendant Fleischman.

296. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Fleischman and his respective servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '941 Patent.

COUNT XX

DIRECT INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS OF THE '941 PATENT BY DEFENDANT FLEISCHMAN

297. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 296, above, as if fully set forth herein.

298. On information and belief, Defendant Fleischman owns, operates, controls, and demonstrates the use of Oxygen Frog Products, including the "OxygenFrog", and related systems.

299. On information and belief, in addition to or in the alternative to Plaintiff's allegation of paragraph 288 that "Defendant Fleischman's Oxygen Frog Products operate in the same manner as at least one of the method claims patented in the '941 Patent", Defendant Fleischman's Oxygen Frog Products operate in the same manner as at least one of the method claims patented in the '941 Patent, except that any difference between an action of Defendant Fleischman's Oxygen Frog Products and an action of any method claim of the '941 Patent are (a) insubstantial or (b) the action of the

Defendant Fleischman's Oxygen Frog Products and the action of any method claim of the '941 Patent (1) perform substantially the same function and (2) work in substantially the same way (3) to achieve substantially the same result as a requirement of any method claim of the '941 Patent.

300. On information and belief, Defendant Fleischman acted despite an objectively high likelihood that his actions constituted infringement of a valid patent.

301. On information and belief, Defendant Fleischman knew or it was so obvious that Defendant Fleischman should have known of this objectively defined risk.

302. On information and belief, Defendant Fleischman willfully infringed the '941 Patent.

303. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '941 Patent.

304. Plaintiff has sustained Injuries as a result of the infringement of the '941 Patent.

305. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's infringing activities, and is entitled to recover money damages from Defendant Fleischman adequate to compensate it for Defendant Fleischman's infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Fleischman's infringing activities are enjoined by this Court.

306. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's willful infringement and is entitled to recover treble damages from Defendant Fleischman.

307. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Fleischman and his respective servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '941 Patent.

COUNT XXI

INDIRECT CONTRIBUTORY INFRINGEMENT OF THE '941 PATENT BY DEFENDANT FLEISCHMAN

308. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 307, above, as if fully set forth herein.

309. On information and belief, someone other than Defendant Fleischman has directly infringed the '941 Patent.

310. On information and belief, Defendant Fleischman has sold, offered for sale, or imported within the United States an apparatus for use in the infringing process.

311. On information and belief, the apparatus sold, offered for sale, or imported within the United States for use in the infringing process is not a staple article or commodity of commerce capable of substantial non-infringing use.

312. On information and belief, the apparatus constitutes a material part of at least one method claim of the '941 Patent.

313. On information and belief, Defendant Fleischman knew that the component was especially made or adapted for use in an infringing method.

314. On information and belief, Defendant Fleischman acted despite an objectively high likelihood that his actions constituted infringement of a valid patent.

315. On information and belief, Defendant Fleischman knew or it was so obvious that Defendant Fleischman should have known of this objectively defined risk.

316. On information and belief, Defendant Fleischman willfully infringed the '941 Patent.

317. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '941 Patent.

318. Plaintiff has sustained Injuries as a result of the infringement of the '941 Patent.

319. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's infringing activities, and is entitled to recover money damages from Defendant Fleischman adequate to compensate it for Defendant Fleischman's infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Fleischman's infringing activities are enjoined by this Court.

320. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's willful infringement and is entitled to recover treble damages from Defendant Fleischman.

321. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Fleischman and his respective servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '941 Patent.

COUNT XXII

INDIRECT INDUCEMENT OF INFRINGEMENT OF THE '941 PATENT BY DEFENDANT FLEISCHMAN

322. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 321, above, as if fully set forth herein.

323. On information and belief, Defendant Fleischman aided, instructed, or otherwise acted with the intent to cause acts by direct infringers that would constitute direct infringement, either literally or under the doctrine of equivalents, of the '941 Patent.

324. On information and belief, Defendant Fleischman knew of the '941 Patent, or showed willful blindness to the existence of the '941 Patent, at that time.

325. On information and belief, Defendant Fleischman knew, or should have known, that its actions would result in infringement of at least one claim of the '941 Patent.

326. On information and belief, direct infringers have infringed at least one patented method claim of the '941 Patent.

327. On information and belief, Defendant Fleischman acted despite an objectively high likelihood that his actions constituted infringement of a valid patent.

328. On information and belief, Defendant Fleischman knew or it was so obvious that Defendant Fleischman should have known of this objectively defined risk.

329. On information and belief, Defendant Fleischman willfully infringed the '941 Patent.

330. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '941 Patent.

331. Plaintiff has sustained Injuries as a result of the infringement of the '941 Patent.

332. Plaintiff has sustained Injuries by Defendant Fleischman's infringing activities, and is entitled to recover money damages from Defendant Fleischman

adequate to compensate it for Defendant Fleischman's infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Fleischman's infringing activities are enjoined by this Court.

333. Plaintiff has sustained Injuries by Defendant Fleischman's willful infringement and is entitled to recover treble damages from Defendant Fleischman.

334. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Fleischman and his respective servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '941 Patent.

COUNT XXIII

JOINT DIRECT INFRINGEMENT OF THE '840 PATENT BY DEFENDANT FLEISCHMAN

335. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 334, above, as if fully set forth herein.

336. On information and belief, at least one of or a combination of Defendant Oxygen Frog, Defendant Stillwater Glass, and Defendant Fleischman performed, in the United States, all of the steps of at least one method claim of the '840 Patent at the direction of or under the control of Defendant Fleischman.

337. On information and belief, Defendant Fleischman exercised control over or directed Defendant Oxygen Frog and/or Defendant Stillwater Glass when Defendant Oxygen Frog and/or Defendant Stillwater Glass performed at least one of the steps of the at least one method claim of the '840 Patent.

338. On information and belief, Defendant Fleischman acted despite an objectively high likelihood that his actions constituted infringement of a valid patent.

339. On information and belief, Defendant Fleischman knew or it was so obvious that Defendant Fleischman should have known of this objectively defined risk.

340. On information and belief, Defendant Fleischman willfully infringed the '840 Patent.

341. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '840 Patent.

342. Plaintiff has sustained Injuries as a result of the infringement of the '840 Patent.

343. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's infringing activities, and is entitled to recover money damages from Defendant Fleischman adequate to compensate it for Defendant Fleischman's infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Fleischman's infringing activities are enjoined by this Court.

344. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's willful infringement and is entitled to recover treble damages from Defendant Fleischman.

345. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Fleischman and his respective servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '840 Patent.

COUNT XXIV

**JOINT DIRECT INFRINGEMENT OF THE '941 PATENT
BY DEFENDANT FLEISCHMAN**

346. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 345, above, as if fully set forth herein.

347. On information and belief, at least one of or a combination of Defendant Oxygen Frog, Defendant Stillwater Glass, and Defendant Fleischman performed, in the United States, all of the steps of at least one method claim of the '941 Patent at the direction of or under the control of Defendant Fleischman.

348. On information and belief, Defendant Fleischman exercised control over or directed Defendant Oxygen Frog and/or Defendant Stillwater Glass when Defendant Oxygen Frog and/or Defendant Stillwater Glass performed at least one of the steps of the at least one method claim of the '941 Patent.

349. On information and belief, Defendant Fleischman acted despite an objectively high likelihood that his actions constituted infringement of a valid patent.

350. On information and belief, Defendant Fleischman knew or it was so obvious that Defendant Fleischman should have known of this objectively defined risk.

351. On information and belief, Defendant Fleischman willfully infringed the '941 Patent.

352. On information and belief, one or more of the Defendants have received Benefits from the infringement of the '941 Patent.

353. Plaintiff has sustained Injuries as a result of the infringement of the '941 Patent.

354. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's infringing activities, and is entitled to recover money damages from Defendant Fleischman adequate to compensate it for Defendant Fleischman's infringement, but in no event less than a reasonable royalty together with interest and costs as fixed by the Court, and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Fleischman's infringing activities are enjoined by this Court.

355. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's willful infringement and is entitled to recover treble damages from Defendant Fleischman.

356. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Fleischman and his respective servants, employees, representatives, affiliates, and all others acting in active concert therewith from infringing the '941 Patent.

COUNT XXV

DEFAMATION (LIBEL AND/OR SLANDER) AGAINST DEFENDANT OXYGEN FROG

357. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 356, above, as if fully set forth herein.

358. Defendant Oxygen Frog's statement that "They [(HVLPO2)] claim to be the original inventor of the concept of storing oxygen generated by oxygen concentrators in a storage tank and delivering that oxygen to a torch" is false and has defamed Plaintiff HVLPO2. (See, e.g., Exhibits 12 and 21-22)

359. On information and belief, Defendant Oxygen Frog's statement that "There are dozens of companies that offer both larger and smaller versions of the systems that

High Volume Oxygen claims as their own original technology” is false and has defamed Plaintiff HVLPO2.

360. By publishing the statements on Defendant Oxygen Frog’s website and Facebook page, Defendant Oxygen Frog has published defamatory statements to a wide range of persons in the public.

361. Defendant Oxygen Frog negligently published the false and defamatory statements about Plaintiff HVLPO2, injuring Plaintiff HVLPO2.

362. On information and belief, Defendant Oxygen Frog published the false and defamatory statements with the knowledge that the statements were false, or with reckless disregard as to the falsity of the statements.

363. On information and belief, one or more of the Defendants have received Benefits from the false and defamatory statements about Plaintiff.

364. Plaintiff has sustained Injuries as a result of the false and defamatory statements about Plaintiff.

365. Plaintiff HVLPO2 has sustained Injuries by Defendant Oxygen Frog’s false and defamatory statements about Plaintiff HVLPO2, and is entitled to recover money damages from Defendant Oxygen Frog and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Oxygen Frog’s false and defamatory activities are enjoined by this Court.

366. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Oxygen Frog and its respective agents, owners, officers, servants, employees, representatives, affiliates, and all others

acting in active concert therewith from making or publishing false and defamatory statements about Plaintiff HVLPO2.

COUNT XXVI

DEFAMATION (LIBEL AND/OR SLANDER) BY DEFENDANT FLEISCHMAN

367. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 366, above, as if fully set forth herein.

368. Defendant Fleischman's statement that "They [(HVLPO2)] claim to be the original inventor of the concept of storing oxygen generated by oxygen concentrators in a storage tank and delivering that oxygen to a torch" is false and has defamed Plaintiff HVLPO2. (See, e.g., Exhibits 12 and 21-22)

369. On information and belief, Defendant Fleischman's statement that "There are dozens of companies that offer both larger and smaller versions of the systems that High Volume Oxygen claims as their own original technology" is false and has defamed Plaintiff HVLPO2.

370. By publishing the statements on Defendant Oxygen Frog's website and Facebook page, Defendant Fleischman has published defamatory statements to a wide range of persons in the public.

371. Defendant Fleischman negligently published the false and defamatory statements about Plaintiff HVLPO2, injuring Plaintiff HVLPO2.

372. On information and belief, Defendant Fleischman published the false and defamatory statements with the knowledge that the statements were false, or with reckless disregard as to the falsity of the statements.

373. On information and belief, one or more of the Defendants have received Benefits from the false and defamatory statements about Plaintiff.

374. Plaintiff has sustained Injuries as a result of the false and defamatory statements about Plaintiff.

375. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's false and defamatory statements about Plaintiff HVLPO2, and is entitled to recover money damages from Defendant Fleischman and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Fleischman's false and defamatory activities are enjoined by this Court.

376. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Fleischman and his respective agents, servants, employees, representatives, affiliates, and all others acting in active concert therewith from making or publishing false and defamatory statements about Plaintiff HVLPO2.

COUNT XXVII

COMMERCIAL DISPARAGEMENT BY DEFENDANT OXYGEN FROG

377. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 376, above, as if fully set forth herein.

378. Defendant Oxygen Frog's statement that "They [(HVLPO2)] claim to be the original inventor of the concept of storing oxygen generated by oxygen concentrators in a storage tank and delivering that oxygen to a torch" is false and has disparaged Plaintiff HVLPO2. (See, e.g., Exhibits 12 and 21-22)

379. On information and belief, Defendant Oxygen Frog's statement that "There are dozens of companies that offer both larger and smaller versions of the systems that High Volume Oxygen claims as their own original technology" is false and has disparaged Plaintiff HVLPO2.

380. On information and belief, by publishing the statements on Defendant Oxygen Frog's website and Facebook page, Defendant Oxygen Frog has published false and disparaging statements to a wide range of persons in the public.

381. On information and belief, Defendant Oxygen Frog negligently published the false and disparaging statements about Plaintiff HVLPO2, causing Plaintiff HVLPO2 to suffer damages, including lost sales and injury to Plaintiff HVLPO2's and/or HVLPO2's products' goodwill and reputation, causing customers and potential customers to regard Plaintiff HVLPO2 as disreputable, and imputing deceit, dishonesty and reprehensible conduct to Plaintiff HVLPO2.

382. On information and belief, Defendant Oxygen Frog published the false and disparaging statements with the knowledge that the statements were false, or with reckless disregard as to the falsity of the statements.

383. Defendant Oxygen Frog negligently published the false and disparaging statements about Plaintiff HVLPO2, injuring Plaintiff HVLPO2.

384. On information and belief, Defendant Oxygen Frog published the false and disparaging statements with the knowledge that the statements were false, or with reckless disregard as to the falsity of the statements.

385. On information and belief, one or more of the Defendants have received Benefits from the false and disparaging statements about Plaintiff.

386. Plaintiff has sustained Injuries as a result of the false and disparaging statements about Plaintiff.

387. Plaintiff HVLPO2 has sustained Injuries by Defendant Oxygen Frog's false and disparaging statements about Plaintiff HVLPO2, and is entitled to recover money

damages from Defendant Oxygen Frog and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Oxygen Frog's false and disparaging activities are enjoined by this Court.

388. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Oxygen Frog and its respective agents, owners, officers, servants, employees, representatives, affiliates, and all others acting in active concert therewith from making or publishing false and disparaging statements about Plaintiff HVLPO2.

COUNT XXVIII

COMMERCIAL DISPARAGEMENT BY DEFENDANT FLEISCHMAN

389. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 388, above, as if fully set forth herein.

390. Defendant Fleischman's statement that "They [(HVLPO2)] claim to be the original inventor of the concept of storing oxygen generated by oxygen concentrators in a storage tank and delivering that oxygen to a torch" is false and has disparaged Plaintiff HVLPO2. (See, e.g., Exhibits 12 and 21-22)

391. On information and belief, Defendant Fleischman's statement that "There are dozens of companies that offer both larger and smaller versions of the systems that High Volume Oxygen claims as their own original technology" is false and has disparaged Plaintiff HVLPO2.

392. On information and belief, by publishing the statements on Defendant Oxygen Frog's website and Facebook page, Defendant Fleischman has published false and disparaging statements to a wide range of persons in the public.

393. On information and belief, Defendant Fleischman negligently published the false and disparaging statements about Plaintiff HVLPO2, causing Plaintiff HVLPO2 to suffer damages, including lost sales and injury to Plaintiff HVLPO2's and/or HVLPO2's products' goodwill and reputation, causing customers and potential customers to regard Plaintiff HVLPO2 as disreputable, and imputing deceit, dishonesty and reprehensible conduct to Plaintiff HVLPO2.

394. On information and belief, Defendant Fleischman published the false and disparaging statements with the knowledge that the statements were false, or with reckless disregard as to the falsity of the statements.

395. Defendant Fleischman negligently published the false and disparaging statements about Plaintiff HVLPO2, injuring Plaintiff HVLPO2.

396. On information and belief, Defendant Fleischman published the false and disparaging statements with the knowledge that the statements were false, or with reckless disregard as to the falsity of the statements.

397. On information and belief, one or more of the Defendants have received Benefits from the false and disparaging statements about Plaintiff.

398. Plaintiff has sustained Injuries as a result of the false and disparaging statements about Plaintiff.

399. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's false and disparaging statements about Plaintiff HVLPO2, and is entitled to recover money damages from Defendant Fleischman and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Fleischman's false and disparaging activities are enjoined by this Court.

400. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Fleischman and his respective agents, servants, employees, representatives, affiliates, and all others acting in active concert therewith from making or publishing false and disparaging statements about Plaintiff HVLPO2.

COUNT XXIX

ENGAGING IN DECEPTIVE TRADE PRACTICES UNDER NEBRASKA'S UNIFORM TRADE PRACTICES ACT, NEB. REV. STAT §§ 87-301 ET SEQ., AGAINST DEFENDANT OXYGEN FROG

401. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 400, above, as if fully set forth herein.

402. On information and belief, Defendant Oxygen Frog has engaged in a deceptive trade practice, in the course of Defendant Oxygen Frog's business, vocation, or occupation by disparaging the goods, services, or business of Plaintiff HVLPO2 by one or more false or misleading representations of fact.

403. Defendant Oxygen Frog's statement that "They [(HVLPO2)] claim to be the original inventor of the concept of storing oxygen generated by oxygen concentrators in a storage tank and delivering that oxygen to a torch" is false and has disparaged Plaintiff HVLPO2. (See, e.g., Exhibits 12 and 21-22)

404. On information and belief, Defendant Oxygen Frog's statement that "There are dozens of companies that offer both larger and smaller versions of the systems that High Volume Oxygen claims as their own original technology" is false and has disparaged Plaintiff HVLPO2.

405. On information and belief, by publishing the statements on Defendant Oxygen Frog's website and Facebook page, Defendant Oxygen Frog has published false and disparaging statements to a wide range of persons in the public.

406. On information and belief, Defendant Oxygen Frog negligently published the false and disparaging statements about Plaintiff HVLPO2, causing Plaintiff HVLPO2 to suffer damages, including lost sales and injury to Plaintiff HVLPO2's and/or HVLPO2's products' goodwill and reputation, causing customers and potential customers to regard Plaintiff HVLPO2 as disreputable, and imputing deceit, dishonesty and reprehensible conduct to Plaintiff HVLPO2.

407. On information and belief, Defendant Oxygen Frog published the false and disparaging statements with the knowledge that the statements were false, or with reckless disregard as to the falsity of the statements.

408. On information and belief, Defendant Oxygen Frog has violated Neb. Rev. Stat. § 87-302(a)(8).

409. On information and belief, Defendant Oxygen Frog published the false and disparaging statements with the knowledge that the statements were false, or with reckless disregard as to the falsity of the statements.

410. On information and belief, one or more of the Defendants have received Benefits from the false and disparaging statements about Plaintiff HVLPO2.

411. Plaintiff has sustained Injuries as a result of the false and disparaging statements about Plaintiff.

412. Plaintiff HVLPO2 has sustained Injuries by Defendant Oxygen Frog's false and disparaging statements about Plaintiff HVLPO2, and is entitled to recover money

damages from Defendant Oxygen Frog and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Oxygen Frog's false and disparaging activities are enjoined by this Court.

413. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Oxygen Frog and its respective agents, owners, officers, servants, employees, representatives, affiliates, and all others acting in active concert therewith from making or publishing false and disparaging statements about Plaintiff HVLPO2.

COUNT XXX

ENGAGING IN DECEPTIVE TRADE PRACTICES UNDER NEBRASKA'S UNIFORM TRADE PRACTICES ACT, NEB. REV. STAT §§ 87-301 ET SEQ., BY DEFENDANT FLEISCHMAN

414. Plaintiff HVLPO2 re-alleges and incorporates by reference the allegations set forth in Paragraphs 1 through 413, above, as if fully set forth herein.

415. On information and belief, Defendant Fleischman has engaged in a deceptive trade practice, in the course of Defendant Fleischman's business, vocation, or occupation by disparaging the goods, services, or business of Plaintiff HVLPO2 by one or more false or misleading representations of fact.

416. Defendant Fleischman's statement that "They [(HVLPO2)] claim to be the original inventor of the concept of storing oxygen generated by oxygen concentrators in a storage tank and delivering that oxygen to a torch" is false and has disparaged Plaintiff HVLPO2. (See, e.g., Exhibits 12 and 21-22)

417. On information and belief, Defendant Fleischman's statement that "There are dozens of companies that offer both larger and smaller versions of the systems that

High Volume Oxygen claims as their own original technology” is false and has disparaged Plaintiff HVLPO2.

418. On information and belief, by publishing the statements on Defendant Oxygen Frog’s website and Facebook page, Defendant Fleischman has published false and disparaging statements to a wide range of persons in the public.

419. On information and belief, Defendant Fleischman negligently published the false and disparaging statements about Plaintiff HVLPO2, causing Plaintiff HVLPO2 to suffer damages, including lost sales and injury to Plaintiff HVLPO2’s and/or HVLPO2’s products’ goodwill and reputation, causing customers and potential customers to regard Plaintiff HVLPO2 as disreputable, and imputing deceit, dishonesty and reprehensible conduct to Plaintiff HVLPO2.

420. On information and belief, Defendant Fleischman published the false and disparaging statements with the knowledge that the statements were false, or with reckless disregard as to the falsity of the statements.

421. On information and belief, Defendant Fleischman has violated Neb. Rev. Stat. § 87-302(a)(8).

422. On information and belief, Defendant Fleischman published the false and disparaging statements with the knowledge that the statements were false, or with reckless disregard as to the falsity of the statements.

423. On information and belief, one or more of the Defendants have received Benefits from the false and disparaging statements about Plaintiff.

424. Plaintiff has sustained Injuries as a result of the false and disparaging statements about Plaintiff.

425. Plaintiff HVLPO2 has sustained Injuries by Defendant Fleischman's false and disparaging statements about Plaintiff HVLPO2, and is entitled to recover money damages from Defendant Fleischman and Plaintiff HVLPO2 will continue to suffer damages in the future that will not be mitigated unless Defendant Fleischman's false and disparaging activities are enjoined by this Court.

426. The great and irreparable harm to Plaintiff HVLPO2 will only be mitigated if a permanent injunction is issued enjoining Defendant Fleischman and his respective agents, officers, servants, employees, representatives, affiliates, and all others acting in active concert therewith from making or publishing false and disparaging statements about Plaintiff HVLPO2.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff HVLPO2 respectfully requests judgment in its favor and against Defendants, as follows:

- a. A judgment in favor of Plaintiff HVLPO2 that Defendant Oxygen Frog has infringed the '840 Patent;
- b. A judgment in favor of Plaintiff HVLPO2 that Defendant Oxygen Frog has infringed the '941 Patent;
- c. A judgment in favor of Plaintiff HVLPO2 that Defendant Stillwater Glass has infringed the '840 Patent;
- d. A judgment in favor of Plaintiff HVLPO2 that Defendant Stillwater Glass has infringed the '941 Patent;
- e. A judgment in favor of Plaintiff HVLPO2 that Defendant Fleischman has infringed the '840 Patent;

f. A judgment in favor of Plaintiff HVLPO2 that Defendant Fleischman has infringed the '941 Patent;

g. A permanent injunction against Defendant Oxygen Frog and its respective officers, owners, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '840 Patent;

h. A permanent injunction against Defendant Oxygen Frog and its respective officers, owners, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '941 Patent;

i. A permanent injunction against Defendant Stillwater Glass and its respective officers, owners, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '840 Patent;

j. A permanent injunction against Defendant Stillwater Glass and its respective officers, owners, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '941 Patent;

k. A permanent injunction against Defendant Fleischman and his respective agents, servants, affiliates, employees, and all others acting in active concert therewith from infringing the '840 Patent;

l. A permanent injunction against Defendant Fleischman and his respective agents, servants, affiliates, employees, and all others acting in active concert therewith from infringing the '941 Patent;

m. A judgment and order requiring Defendant Oxygen Frog to pay Plaintiff HVLPO2 its damages, costs, expenses, and pre- and post-judgment interest for its infringement of the '840 Patent as provided under 35 U.S.C. § 284, and treble damages if any of the infringement is determined to be willful;

n. A judgment and order requiring Defendant Oxygen Frog to pay Plaintiff HVLPO2 its damages, costs, expenses, and pre- and post-judgment interest for its infringement of the '941 Patent as provided under 35 U.S.C. § 284, and treble damages if any of the infringement is determined to be willful;

o. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff HVLPO2 its reasonable attorneys' fees to be paid by Defendant Oxygen Frog;

p. A judgment and order requiring Defendant Stillwater Glass to pay Plaintiff HVLPO2 its damages, costs, expenses, and pre- and post-judgment interest for its infringement of the '840 Patent as provided under 35 U.S.C. § 284, and treble damages if any of the infringement is determined to be willful;

q. A judgment and order requiring Defendant Stillwater Glass to pay Plaintiff HVLPO2 its damages, costs, expenses, and pre- and post-judgment interest for its infringement of the '941 Patent as provided under 35 U.S.C. § 284, and treble damages if any of the infringement is determined to be willful;

r. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff HVLPO2 its reasonable attorneys' fees to be paid by Defendant Stillwater Glass;

s. A judgment and order requiring Defendant Fleischman to pay Plaintiff HVLPO2 its damages, costs, expenses, and pre- and post-judgment interest for his infringement of the '840 Patent as provided under 35 U.S.C. § 284, and treble damages if any of the infringement is determined to be willful;

t. A judgment and order requiring Defendant Fleischman to pay Plaintiff HVLPO2 its damages, costs, expenses, and pre- and post-judgment interest for his infringement of the '941 Patent as provided under 35 U.S.C. § 284, and treble damages if any of the infringement is determined to be willful;

u. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff HVLPO2 its reasonable attorneys' fees to be paid by Defendant Fleischman;

v. A judgment in favor of Plaintiff HVLPO2 that Defendant Oxygen Frog has defamed Plaintiff HVLPO2;

w. A permanent injunction against Defendant Oxygen Frog and its respective officers, owners, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from defaming Plaintiff HVLPO2;

x. A judgment and order requiring Defendant Oxygen Frog to pay Plaintiff HVLPO2 its damages, costs, expenses, and pre- and post-judgment interest for its defamation of Plaintiff HVLPO2;

y. A judgment in favor of Plaintiff HVLPO2 that Defendant Fleischman has defamed Plaintiff HVLPO2;

z. A permanent injunction against Defendant Fleischman and his respective agents, servants, affiliates, employees, and all others acting in active concert therewith from defaming Plaintiff HVLPO2;

aa. A judgment and order requiring Defendant Fleischman to pay Plaintiff HVLPO2 its damages, costs, expenses, and pre- and post-judgment interest for his defamation of Plaintiff HVLPO2;

bb. A judgment in favor of Plaintiff HVLPO2 that Defendant Oxygen Frog has commercially disparaged Plaintiff HVLPO2 and/or HVLPO2's property;

cc. A permanent injunction against Defendant Oxygen Frog and its respective officers, owners, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from commercially disparaging Plaintiff HVLPO2;

dd. A judgment and order requiring Defendant Oxygen Frog to pay Plaintiff HVLPO2 its damages, costs, expenses, and pre- and post-judgment interest for its commercial disparagement of Plaintiff HVLPO2;

ee. A judgment in favor of Plaintiff HVLPO2 that Defendant Fleischman has commercially disparaged Plaintiff HVLPO2 and/ or HVLPO2's property;

ff. A permanent injunction against Defendant Fleischman and his respective agents, servants, affiliates, employees, and all others acting in active concert therewith from commercially disparaging Plaintiff HVLPO2;

gg. A judgment and order requiring Defendant Fleischman to pay Plaintiff HVLPO2 its damages, costs, expenses, and pre- and post-judgment interest for his commercial disparagement of Plaintiff HVLPO2;

hh. A judgment in favor of Plaintiff HVLPO2 that Defendant Oxygen Frog has engaged in deceptive trade practices by disparaging goods, services, or business of Plaintiff HVLPO2;

ii. A permanent injunction against Defendant Oxygen Frog and its respective officers, owners, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from engaging in deceptive trade practices of disparaging goods, services, or business of Plaintiff HVLPO2;

jj. A judgment and order requiring Defendant Oxygen Frog to pay Plaintiff HVLPO2 its damages, costs, and expenses for its deceptive trade practices as provided for by Neb. Rev. Stat. § 87-303 and pre- and post-judgment interest as provided by one or more applicable statutes;

kk. A judgment and order finding that Defendant Oxygen Frog willfully engaged in the trade practice knowing it to be deceptive and awarding to Plaintiff HVLPO2 its attorneys' fees to be paid by Defendant Oxygen Frog, as provided by Neb. Rev. Stat. § 87-303(b);

ll. A judgment in favor of Plaintiff HVLPO2 that Defendant Fleischman has engaged in deceptive trade practices by disparaging goods, services, or business of Plaintiff HVLPO2;

mm. A permanent injunction against Defendant Fleischman and his respective officers, agents, servants, affiliates, employees, and all others acting in active concert therewith from engaging in deceptive trade practices of disparaging goods, services, or business of Plaintiff HVLPO2;

nn. A judgment and order requiring Defendant Fleischman to pay Plaintiff HVLPO2 its damages, costs, and expenses for its deceptive trade practices as provided for by Neb. Rev. Stat. § 87-303 and pre- and post-judgment interest as provided by one or more applicable statutes;

oo. A judgment and order finding that Defendant Fleischman willfully engaged in the trade practice knowing it to be deceptive and awarding to Plaintiff HVLPO2 its attorneys' fees to be paid by Defendant Fleischman, as provided by Neb. Rev. Stat. § 87-303(b); and

pp. Such other relief in law and equity as this Court may deem just and proper.

DEMAND FOR A JURY TRIAL

Plaintiff HVLPO2 demands a trial by jury in Omaha of all issues triable by a jury.

DATED this 22nd day of May, 2015.

HVLPO2, LLC, a Nebraska limited liability
company, Plaintiff

By: /s/ Thomas A. Grennan

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