

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CONTECH STORMWATER SOLUTIONS *
INC. *
9025 Centre Pointe Drive, Suite 400 *
West Chester, Ohio 45069 *

Plaintiff, *

CIVIL ACTION NO. 1:07-cv-00358

vs. *

BAYSAVER TECHNOLOGIES, INC. *
1010 Deer Hollow Drive *
Mount Airy, Maryland 21771 *

and *

ACCUBID EXCAVATION, INC. *
1010 Deer Hollow Drive *
Mount Airy, Maryland 21771 *

Defendants. *

AMENDED COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND

For its First Amended Complaint, CONTECH STORMWATER SOLUTIONS INC.

(“CONTECH”) hereby alleges:

PARTIES

1. CONTECH is a corporation organized and existing under the laws of the State of Delaware and has a principal place of business at 9025 Centre Pointe Drive, suite 400, West Chester, Ohio, 45069.

2. BAYSAVER TECHNOLOGIES, INC. (“BAYSAVER”) is a corporation organized and existing under the laws of Maryland and has its corporate offices located at 1010 Deer Hollow Drive, Mount Airy, Maryland 21771.

3. ACCUBID EXCAVATION, INC. (“ACCUBID”) is a corporation organized and existing under the laws of Maryland and has its corporate offices located at 1010 Deer Hollow Drive, Mount Airy, Maryland 21771.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States. The Court has original and exclusive jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a). Venue is proper in this District, where BAYSAVER and ACCUBID are subject to personal jurisdiction, pursuant to 28 U.S.C. §§ 1391(c) and 1400(b).

BACKGROUND FACTS

5. CONTECH is in the business of designing and selling a variety of storm water retention and treatment devices to reduce or intercept pollution in storm water runoff.

6. BAYSAVER and ACCUBID compete with CONTECH for the sale of storm water treatment devices.

7. CONTECH is the owner, by assignment (reel 018375, frame 0689), of United States Patent No. 5,707,527, entitled “APPARATUS AND METHOD FOR TREATING STORM WATER RUNOFF,” (“the ‘527 patent”) and United States Patent No. 6,027,639, entitled “SELF-CLEANING SIPHON-ACTUATED RADIAL FLOW FILTER BASKET” (“the ‘639 patent”). True copies of the ‘527 and ‘639 patents are attached as Exhibits A and B, respectively.

8. The ‘527 and ‘639 patents are presumed valid pursuant to 35 U.S.C. §282.

9. CONTECH manufactures and sells, under the trademark the Stormwater Management StormFilter ®, storm water filtration units that are covered by one or more claims of the '527 and '639 patents.

CLAIM I: PATENT INFRINGEMENT (35 U.S.C. §271)

10. CONTECH repeats and reasserts the allegations of paragraphs 1 through 9 as if set forth at length herein.

11. BAYSAVER and ACCUBID market, manufacture, sell and/or install storm water filter units under the trademark BayFilter that infringe one or more claims of the '527 and '639 patents under 35 U.S.C. §271. A true copy of a BayFilter Technical & Design Manual is attached as Exhibit C.

12. BAYSAVER and ACCUBID directly infringe claims of the '527 and '639 patents under 35 U.S.C. §271(a) by making, using, selling and offering to sell the BayFilter units, without authority, in the United States.

13. Customers of BAYSAVER and ACCUBID who use the installed BayFilter units also directly infringe claims of the '527 and '639 patents under 35 U.S.C. §271(a).

14. The BayFilter unit is specially made to perform the patented process claimed in the '527 patent, is not a staple article of commerce and is not suitable for a substantial noninfringing use.

15. BAYSAVER and ACCUBID, with full knowledge of the '527 and '639 patents, knowingly and intentionally induce and contribute to their customers' direct infringement of the '527 and '639 patents in violation of 35 U.S.C. §271(b) and (c).

16. The infringement by BAYSAVER and ACCUBID is ongoing and is willful and wanton.

17. The infringement of the '527 and '639 patents by BAYSAVER and ACCUBID is causing CONTECH to suffer economic damages.

18. The infringement of the '527 and '639 patents by BAYSAVER and ACCUBID, as described above, is causing irreparable damage to CONTECH and will continue to cause irreparable damage to CONTECH unless BAYSAVER and ACCUBID are enjoined by this Court.

WHEREFORE, PLAINTIFF prays for judgment against BAYSAVER and ACCUBID as follows:

- (1) Issuance of preliminary and permanent injunctions pursuant to 35 U.S.C. §283 enjoining further acts of infringement of the '527 and '639 patents.
- (2) An award of treble damages and costs pursuant to 35 U.S.C. §284 for willful infringement of the '527 and '639 patents.
- (3) An award of attorney fees pursuant to 35 U.S.C. §285.
- (4) An award of such other and further relief as the Court may deem just and proper.

Respectfully submitted,

By: /s/ Stephen J. Butler

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Counsel For Plaintiff, Contech Stormwater Solutions, Inc.

Dated: March 27, 2007

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial of all issues raised by the Amended Complaint which are triable of right by a jury.

Respectfully submitted,

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