

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

ECOSERVICES, LLC,

Plaintiff,

Case No: 1:16-cv-21454

v.

JURY TRIAL REQUESTED

CERTIFIED AVIATION SERVICES, LLC,

Defendant.

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, EcoServices, LLC (“EcoServices” or “Plaintiff”), makes this Complaint for Patent Infringement (“Complaint”) against Defendant Certified Aviation Services, LLC (“CAS” or “Defendant”), wherein, pursuant to 35 U.S.C. §§ 271 and 281, EcoServices seeks a judgment of infringement by Defendant of U.S. Patent Nos. 9,162,262 (“the ’262 Patent”); 8,197,609 (“the ’609 Patent”); and 5,868,860 (“the ’860”) (collectively, “the Asserted Patents”) and damages resulting therefrom pursuant to 35 U.S.C. §§ 284, 285, and such other relief as the Court deems just and proper. In support, EcoServices alleges the following:

INTRODUCTION

1. EcoServices, is a limited liability company that provides engine wash services for business, commercial, and military aircrafts worldwide. EcoServices provides an on-wing aircraft engine washing system under the brand and registered trademark EcoPower® Engine Wash System (“EcoPower”).

2. EcoPower provides a revolutionary system and method for cleaning aircraft engines that gives EcoServices the competitive edge over other systems and methods for cleaning aircraft

engines. As proof of EcoServices' innovative engineering, the EcoPower system and methods are protected by numerous patents worldwide, including the Asserted Patents.

3. To date, EcoServices has performed more than 64,000 washes for over 190 customers, such as JetBlue, American Airlines, Inc., United States Air Force, Southwest Airlines Co. Hawaiian Airlines, KLM, Cathay Pacific, Omni, and United Parcel Services.

4. Defendant is infringing upon the Asserted Patents by using a wash method and system, including a system called Cyclean® Engine Wash ("Cyclean"), to clean aircraft engines.

THE PLAINTIFF - ECOSERVICES

5. EcoServices is a limited liability company organized and existing under the laws of the State of Delaware and is headquartered at 100 Great Meadow Road, Suite 202, Wethersfield, Connecticut 06109.

6. EcoServices operates service centers within the State of Florida and within this District, such as its Fort Lauderdale and Miami service center locations through a franchisee.

THE DEFENDANT – CAS

7. On information and belief, Defendant is a limited liability company organized and existing under the laws of State of Delaware, with its principal place of business at 1150 South Vineyard Avenue, Ontario, California 91761. *See* Exhibit 1 (Florida Department of State Division of Corporations – Certified Aviation Services, LLC).

8. Defendant's registered agent for service of process is Corporation Service Company, 1201 Hays Street, Tallahassee, Florida 32301. *See id.*

9. Upon information and belief, Defendant transacts business in Florida and within this Judicial District. *See* Exhibit 2 (Application by Defendant for Authorization to Transact Business in Florida).

10. Upon information and belief, Defendant uses Cyclean to clean aircraft engines at airport locations in Florida including Orlando International Airport in Orlando, Florida (“MCO”), Orlando Sanford International Airport in Sanford, Florida (“SFB”), and within this District including Fort Lauderdale-Hollywood International Airport (“FLL”), and Miami International Airport (“MIA”). *See* Exhibit 3 (June 18, 2010 Press Release – “Certified Aviation Services named as sole United States service provider for CYCLEAN™ Engine Washing.”).

JURISDICTION AND VENUE

11. This action arises under the Patent Laws of the United States, namely, 35 U.S.C. §§ 1 *et seq.* This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332(a) and 1338(a).

12. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 (b) and 1400(b) because a substantial part of the events giving rise to the claims alleged herein occurred in this District.

13. This Court has personal jurisdiction over Defendant pursuant to, *inter alia*, Florida Long-Arm Statute, § 48.193, because Defendant: (a) operates, conducts, engages in, and/or carries on a business or business venture(s) in Florida, and/or has an office or agency in Florida; (b) has committed one or more tortious acts within Florida; (c) was and/or is engaged in substantial and not isolated activity within Florida; and/or (d) has purposely availed itself of the laws, services, and/or other benefits of the State of Florida and therefore should reasonably anticipate being haled into one or more of the courts within the State of Florida.

THE ASSERTED PATENTS

U.S. Patent No. 9,162,262

14. On October 20, 2015, the United States Patent and Trademark Office (“USPTO”) duly and legally issued the ’262 Patent entitled “Automated Detection and Control System and

Method for High Pressure Water Wash Application and Collection Applied to Aero Compressor Washing.”

15. The '262 Patent is valid and enforceable. A true and correct copy of the '262 Patent is attached hereto as Exhibit 4.

16. EcoServices is sole owner by assignment of all right, title, and interest in the '262 Patent, including the right to recover for past infringement.

U.S. Patent No. 8,197,609

17. On June 12, 2015, the USPTO duly and legally issued the '609 Patent entitled “Automated Detection and Control System and Method for High Pressure Water Wash Application and Collection Applied to Aero Compressor Washing.”

18. The '609 Patent is valid and enforceable. A true and correct copy of the '609 Patent is attached hereto as Exhibit 5.

19. EcoServices is sole owner by assignment of all right, title, and interest in the '609 Patent, including the right to recover for past infringement.

U.S. Patent No. 5,868,860

20. On February 9, 1999, the USPTO duly and legally issued the '860 Patent entitled “Method of Washing Objects, Such As Turbine Compressors.”

21. The '860 Patent is valid and enforceable. A true and correct copy of the '860 patent is attached hereto as Exhibit 6.

22. EcoServices is sole owner by assignment of all right, title, and interest in the '860 Patent, including the right to recover for past infringement.

DEFENDANT'S INFRINGING ACTIVITIES

23. Upon information and belief, Defendant has been engaged in activities, and currently is engaging in activities, such as having used and continuing to use methods and systems for cleaning aircraft engines, including at least Cyclean, which infringe upon at least one or more claims of each of the Asserted Patents.

24. Upon information and belief, Defendant's Cyclean system infringes at least one or more claims of each of the Asserted Patents. *See*

<http://www.certifiedaviation.com/services/aircraft/cyclean/>.

COUNT I
(DIRECT INFRINGEMENT OF THE '262 PATENT)

25. EcoServices refers to and incorporates herein the allegations of paragraphs 1-24.

26. Upon information and belief, Defendant, through itself and/or one or more of its entities, subsidiaries, affiliates, business divisions, or business units, has directly infringed and continues to directly infringe at least one or more claims of the '262 Patent by the activities referred to in this Complaint in violation of 35 U.S.C. § 271(a).

27. Upon information and belief, Defendant's Cyclean system uses a washing unit for providing a washing liquid to the turbine engines; an information detector; and a control unit. *See* <http://www.certifiedaviation.com/services/aircraft/cyclean/>.

28. Defendant's activities alleged in this Count have been without license, permission or authorization from EcoServices.

29. As a result of Defendant's infringement of the '262 Patent, EcoServices has suffered damage. EcoServices is entitled to recover from Defendant damages adequate to compensate for such infringement, which have yet to be determined. The amount of damages will continue to

accrue until Defendant is enjoined from its infringing activity. Unless enjoined by the Court, Defendant will continue to infringe the '262 Patent.

COUNT II
(DIRECT INFRINGEMENT OF THE '609 PATENT)

30. EcoServices refers to and incorporates herein the allegations of paragraphs 1-24.

31. On information and belief, Defendant, through itself and/or one or more of its entities, subsidiaries, affiliates, business divisions, or business units, has directly infringed and continues to directly infringe at least one or more claims of the '609 Patent by the activities referred to in this Complaint in violation of 35 U.S.C. § 271(a).

32. Defendant's infringing actions have been, and continue to be, willful, intentional, and in conscious disregard of EcoServices' rights in the '609 Patent.

33. Upon information and belief, Defendant's Cycleclean system uses a washing unit for providing a washing liquid into an engine; a collector unit; a control unit; and a device for analyzing the used washing liquid. *See*

<http://www.certifiedaviation.com/services/aircraft/cycleclean/>.

34. Upon information and belief, Defendant's Cycleclean system uses a device for analyzing the used washing liquid to determine the characteristics of the used washing liquid. For example, upon information and belief, Defendant's Cycleclean system uses ECM data analysis of the washing results.

35. Defendant's activities alleged in this Count have been without license permission or authorization from EcoServices.

36. As a result of Defendant's infringement of the '609 Patent, EcoServices has suffered damage. EcoServices is entitled to recover from Defendant damages adequate to compensate for such infringement, which have yet to be determined. The amount of damages will continue to

accrue until the Defendant is enjoined from its infringing activity. Unless enjoined by the Court, Defendant will continue to infringe the '609 Patent.

37. By letter to Defendant dated September 13, 2013, EcoServices notified Defendant of certain patents owned by EcoServices, which included the '609 Patent, available for licensing.

38. By follow up letter to Defendant dated December 5, 2013, EcoServices again notified Defendant of certain patents owned by EcoServices, which included the '609 Patent, available for licensing.

39. To date, Defendant has not responded to either the September 13, 2013 or December 5, 2013 letter (collectively, "the EcoServices' Letters"). Notwithstanding the EcoServices' Letters, and with full knowledge of EcoService's patented technology, Defendant has been and is continuing to infringe upon the '609 Patent by using its infringing Cycleclean system.

40. As a result, Defendant's infringement of the '609 Patent is willful, and EcoServices is entitled to treble damages and attorneys' fees and costs incurred in this action, along with prejudgment interest under 35 U.S.C. §§ 284, 285.

COUNT III
(DIRECT INFRINGEMENT OF THE '860 PATENT)

41. EcoServices refers to and incorporates herein the allegations of paragraphs 1-24.

42. On information and belief, Defendant, through itself and/or one or more of its entities, subsidiaries, affiliates, business divisions, or business units, has directly infringed and continues to directly infringe at least one or more claims of the '860 Patent by the activities referred to in this Complaint in violation of 35 U.S.C. § 271(a).

43. Defendant's infringing actions have been, and continue to be, willful, intentional, and in conscious disregard of EcoServices' rights in the '860 Patent.

44. Upon information and belief, Defendant's Cycleclean system uses a Lechler Series 632 flat fan nozzle with a spray angle of 20°, or a similar nozzle. *See*

<http://www.certifiedaviation.com/services/aircraft/cycleclean/>.

45. Upon information and belief, Defendant's use of the Lechler Series 632 flat fan nozzle with a spray angle of 20°, or a similar nozzle, would permit Defendant's Cycleclean system to use an overpressure within the range of 50-70 bars.

46. Upon information and belief, Defendant's use of the Lechler Series 632 flat fan nozzle with a spray angle of 20°, or a similar nozzle, would permit a droplet size between the range of 120-250 µm.

47. Upon information and belief, Defendant's use of the Lechler Series 632 flat fan nozzle with a spray angle of 20°, or a similar nozzle, would permit a flow rate within the range of 0.5-60 l/min.

48. Upon information and belief, because Defendant's Cycleclean system uses a pressure of 50 to 70 bar, the liquid particle velocity based on a preferred pressure range of 50 to 70 bar would be 100-118 m/sec. A liquid particle velocity of 100-118 m/sec is within the recited liquid particle velocity range of 100-120 m/sec.

49. Defendant's activities alleged in this Count have been without license permission or authorization from EcoServices.

50. As a result of Defendant's infringement of the '860 Patent, EcoServices has suffered damage. EcoServices is entitled to recover from Defendant damages adequate to compensate for such infringement, which have yet to be determined. The amount of damages will continue to accrue until Defendant is enjoined from its infringing activity. Unless enjoined by the Court, Defendant will continue to infringe the '860 Patent.

51. By letter to Defendant dated September 13, 2013, EcoServices notified Defendant of certain patents owned by EcoServices, which included the '860 Patent, available for licensing.

52. By follow up letter to Defendant dated December 5, 2013, EcoServices again notified Defendant of certain patents owned by EcoServices, which included the '860 Patent, available for licensing.

53. To date, Defendant has not responded to either the September 13, 2013 or December 5, 2013 letter (collectively, "the EcoServices Letters"). Notwithstanding the EcoServices Letters, and with full knowledge of EcoService's patented technology, Defendant has been and is continuing to infringe upon the '860 Patent by using its infringing Cycleclean system.

54. As a result, Defendant's infringement of the '860 Patent is willful, and EcoServices is entitled to treble damages and attorneys' fees and costs incurred in this action, along with prejudgment interest under 35 U.S.C. §§ 284, 285.

PRAYER FOR RELIEF

55. **WHEREFORE**, EcoServices respectfully requests judgment and relief against Defendant and respectfully requests that the Court:

A. Enter an order adjudging that Defendant has directly infringed each of the Asserted Patents under 35 U.S.C. § 271(a);

B. Enter an order that each of the Asserted Patents are valid and enforceable;

C. Enter an order adjudging that Defendant's infringement of the '609 and '860 Patents was willful;

D. Enter an order adjudging that this case is "exceptional" within the meaning of 35 U.S.C. § 285;

E. Award in favor of EcoServices and against Defendant such damages as EcoServices may have suffered but in no event less than a reasonable royalty pursuant to 35 U.S.C. § 284;

F. Award in favor of EcoServices and against Defendant damages adequate to compensate it for Defendant's infringement, together with pre-judgment and post-judgment interest;

G. Award EcoServices reasonable attorneys' fees, expenses, and costs, including damages for an exceptional case pursuant to 35 U.S.C. § 285;

H. Enter an order preliminarily and permanently enjoining Defendant and its subsidiaries, parents, officers, directors, agents, employees, affiliates, attorneys, and all others in active concert or participation with any of the foregoing, from further acts of infringement of the Asserted Patents; and

I. Award in favor of EcoServices and against Defendant such other and further relief as to the Court appears just and proper.

DEMAND FOR JURY TRIAL

EcoServices demands a trial by jury of any and all issues triable of right before a jury, pursuant to Rule 38 of the Federal Rules of Civil Procedure.

CERTIFICATION AND CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this Complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if

specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the Complaint otherwise complies with the requirements of Rule 11.

Respectfully submitted,

Dated: April 22, 2016

GREENBERG TRAURIG, LLP

By: /s/ Ronald J. Pabis

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