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Attorneys for Plaintiffs  
PureLine Treatment Systems, LLC  
Sterling Bridge, LLC, and Sipka, Inc.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

PureLine Treatment Systems, LLC,  
Sterling Bridge, LLC, and Sipka,  
Inc.

Plaintiffs,  
vs.

SMM Distributors, LLC d/b/a  
Biocide Systems, SMM  
Manufacturing Inc. d/b/a Biocide  
Systems and Does 1-10.

Defendants.

CASE NO.: 2:20-cv-04440 PSG-PJW

Honorable Philip S. Gutierrez

**SECOND AMENDED COMPLAINT  
FOR PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

**THE PARTIES**

1  
2 1. Plaintiff PureLine Treatment Systems, LLC (“PureLine Treatment”) is  
3 a Delaware limited liability company, having its principal place of business located  
4 at 1241 N Ellis Street, Bensenville, IL 60106.

5 2. Plaintiff Sterling Bridge, LLC (“Sterling Bridge”) is an Illinois limited  
6 liability company, having its principal place of business at 1241 N Ellis Street,  
7 Bensenville, IL 60106.

8 3. Plaintiff Sipka, Inc. (“Sipka”) is a New Jersey corporation, having its  
9 principal place of business located at 201 Blackford Ave, Middlesex, New Jersey  
10 08846.

11 4. Collectively, Plaintiffs PureLine Treatment, Sterling Bridge, and  
12 Sipka are referred to as “Plaintiffs” or “PureLine.”

13 5. On information and belief, Defendant SMM Distributors, LLC d/b/a  
14 Biocide Systems (“SMM Distributors”) is a California limited liability company,  
15 having its principal place of business at 388 Omar Street, Los Angeles, CA 90013.

16 6. On information and belief, Defendant SMM Manufacturing Inc. d/b/a  
17 Biocide Systems (“SMM Manufacturing”) is a California corporation, having its  
18 principal place of business at 459 East Fourth Street, Los Angeles, CA 90013.

19 7. PureLine is ignorant to the true names and capacities of the  
20 Defendants sued as Does 1–10, inclusive, and therefore PureLine has sued them by  
21 their fictitious names. Upon information and belief, Does 1–10 were and are a  
22 moving, active, conscious force behind the infringement of PureLine’s rights. As  
23 such, Does 1-10 are liable to PureLine.

24 8. SMM Distributors, SMM Manufacturing and Does 1-10 are  
25 collectively referred to as Defendants.

**JURISDICTION AND VENUE**

26  
27 9. This is an action for patent infringement arising under the patent laws  
28 of the Unites States, 35 U.S.C. §§ 101 et seq.

1 10. Subject matter jurisdiction is conferred upon this Court pursuant to 28  
2 U.S.C. §§ 1331 and 1338(a).

3 11. This Court has personal jurisdiction over Defendants because, on  
4 information and belief, Defendants are residents of the State of California and this  
5 Judicial District, Defendants regularly engage in business in the State of California  
6 and in this Judicial District and have committed acts of patent infringement in in  
7 the State of California and in this Judicial District.

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

### 10 **FACTUAL ALLEGATIONS**

11 13. PureLine Treatment is a leader in the field of the manufacture,  
12 generation, and application of chlorine dioxide. Chlorine dioxide can be used for a  
13 variety of antimicrobial uses, including disinfecting drinking water and clearing  
14 airborne odors.

15 14. PureLine Treatment's proven products and business is used  
16 worldwide to enhance the safety, reliability, efficiently, and cost-effectiveness of  
17 the water treatment process. Because of PureLine Treatment's proven products  
18 and business, vital water supplies across the globe are cleaner.

19 15. PureLine Treatment's products can be found in industries such as food  
20 safety, water treatment, and oil and gas, among others.

21 16. On July 6, 2011, provisional application 13/177,275 was filed  
22 claiming a composition for generating chlorine dioxide.

23 17. On September 24, 2013, the aforementioned provisional application  
24 matured into United States Patent No. 8,540,895 (the '895 Patent) and was duly  
25 and legally issued by the United States Patent and Trademark Office for an  
26 invention entitled "Solid Compositions And Methods For Generating Chlorine  
27 Dioxide." A true and correct copy of the '895 patent is attached hereto as Exhibit  
28 1, and incorporated herein by reference.

1           18. On September 23, 2013, provisional application 14/033,833 was filed  
2 claiming a composition for generating chlorine dioxide. This application was  
3 identified as a continuation of the '895 Patent.

4           19. On December 5, 2017, the aforementioned provisional application  
5 matured into United States Patent No. 9,834,443 (the '443 Patent) and was duly  
6 and legally issued by the United States Patent and Trademark Office for an  
7 invention entitled "Solid Compositions And Methods For Generating Chlorine  
8 Dioxide." A true and correct copy of the '443 patent is attached hereto as Exhibit  
9 2, and incorporated herein by reference.

10           20. The '895 and '443 patents were assigned to Sipka, with all rights,  
11 title and interest vesting with Sipka.

12           21. In January, 2010, Sipka granted an exclusive license to Sterling  
13 Bridge of the entire right, title, and interest in and to the '895 patent and the '443  
14 patent (collectively, the "Patents"), including the right to exclude others and to  
15 enforce, sue, and recover damages for past and future infringement.

16           22. Sterling Bridge is a wholly-owned subsidiary of PureLine Treatment  
17 and effectively operates as an internal division of PureLine Treatment. PureLine  
18 Treatment has the right, as the corporate parent, to control all assets of Sterling  
19 Bridge, including its licenses and patent rights.

20           23. Sterling Bridge granted to PureLine Treatment an implied, exclusive  
21 license to all of its rights under its agreement with Sipka.

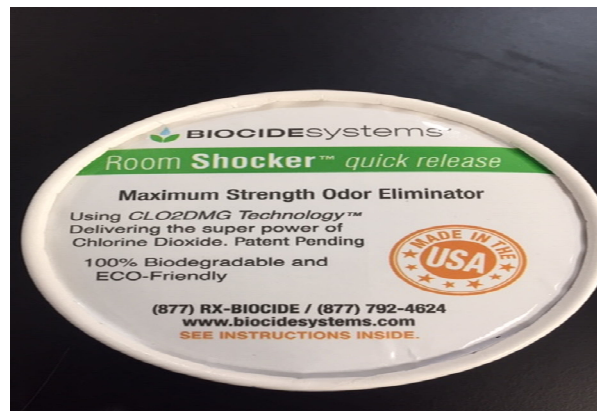
22           24. In one embodiment, the Patents claim a dry blended composition that  
23 generates chlorine dioxide, comprising of: (1) an alkali metal chlorite salt in an  
24 amount between 2 and 70 weight percent; (2) an acid source in an amount between  
25 2 and 80 weight percent; (3) a hydrophobic compound that is so sufficiently  
26 hydrophobic as to repel a solvent for at least 30 seconds, in an amount between 2  
27 and 60 weight percent; and (4) a superabsorbent compound.

28

1           25. PureLine discovered that Defendants are making, using, importing,  
2 offering to sell, and/or selling, and continuing to make, use, import, offer to sell  
3 and/or sell products that infringe the Patents (the “Infringing Biocide Products”).  
4 On October 9, 2019, PureLine Treatment sent a cease and desist letter to  
5 Defendants notifying them of their acts of patent infringement.

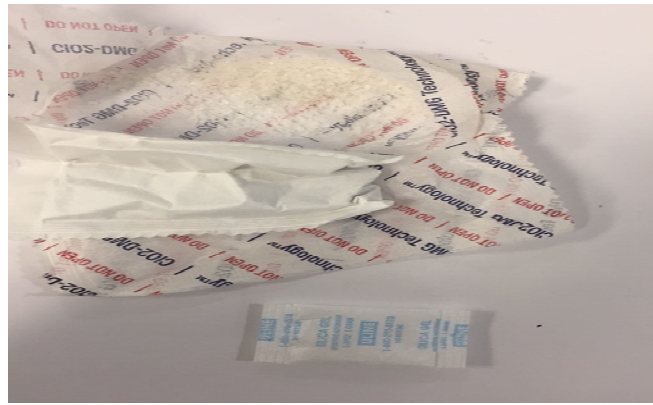
6           26. On information and belief, these Infringing Biocide Products utilize a  
7 dry blended composition that generates chlorine dioxide, comprising of: (1) an  
8 alkali metal chlorite salt in an amount between about 2 and about 70 weight  
9 percent; (2) an acid source in an amount between about 2 and about 80 weight  
10 percent; (3) a hydrophobic compound that is so sufficiently hydrophobic as to repel  
11 a solvent for at least 30 seconds, in an amount between about 2 and about 60  
12 weight percent; and (4) a super absorbent compound.

13           27. An example of an Infringing Biocide Products is the Room Shocker,  
14 pictured below:



22           28. The Room Shocker utilizes a dry blended composition containing an  
23 alkali metal chlorite salt, an acid source, and a hydrophobic compound as  
24 described above:

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29. The Room Shocker also uses a super absorbent as claimed in the Patents.



30. On information and belief, Defendants have actual or constructive knowledge of PureLine’s rights and of the Patents.

31. On information and belief, despite such knowledge Defendants have willfully infringed and continue to infringe PureLine’s rights and the Patents by

1 making, providing, selling, offering for sale, using, and/or distributing infringing  
2 systems, articles, products, and methods.

3 **COUNT I**

4 **(Direct Infringement of The '895 Patent)**

5 32. The allegations of paragraphs 1-28 are repeated and re-alleged as if  
6 fully set forth herein.

7 33. On information and belief, Defendants have infringed and continue to  
8 infringe, literally and/or under the doctrine of equivalents, the '895 Patent as set  
9 forth by 35 U.S.C §271(a), by using the methods covered by the '895 Patent.

10 34. Defendants do not have a license or permission from PureLine to use  
11 the claimed subject matter of the '895 Patent.

12 35. On information and belief, Defendants' infringement is the result of  
13 its importing, making, using, selling, and/or offering to sell dry blended  
14 compositions that generate chlorine dioxide compositions comprising of: (1) an  
15 alkali metal chlorite salt in an amount between about 2 and about 70 weight  
16 percent; (2) an acid source in an amount between about 2 and about 80 weight  
17 percent; (3) a hydrophobic compound that is so sufficiently hydrophobic as to repel  
18 a solvent for at least 30 seconds, in an amount between about 2 and about 60  
19 weight percent; and (4) a super absorbent compound.

20 36. Defendants' aforementioned acts have caused damage to PureLine  
21 and will continue to do so unless and until enjoined.

22 37. On information and belief, Defendants have been on notice of  
23 PureLine's rights and the '895 Patent. Despite this knowledge of the '895 Patent  
24 and an objectively high likelihood that its actions constitute infringement of  
25 PureLine's valid patent rights, Defendants continued to infringe.

26 38. As this objectively-defined risk was either known or so obvious that it  
27 should have been known to Defendants, PureLine seeks enhanced damages  
28 pursuant to 35 U.S.C. §284 from Defendants.

1 39. As a result of Defendants' infringement of the '895 Patent, PureLine  
2 has suffered monetary damages. Defendants are thereby liable to PureLine in an  
3 amount that adequately compensates it for Defendants' infringement, which, by  
4 law cannot be less than a reasonable royalty, together with interest and costs fixed  
5 by this Court under 35 U.S.C. §284.

6 **COUNT II**

7 **(Direct Infringement of the '443 Patent)**

8 40. The allegations of paragraphs 1-36 are repeated and re-alleged as if  
9 fully set forth herein.

10 41. On information and belief, Defendants have infringed and continue to  
11 infringe, literally and/or under the doctrine of equivalents, the '443 Patent as set  
12 forth by 35 U.S.C §271(a), by using the methods covered by the '443 Patent.

13 42. Defendants do not have a license or permission from PureLine to use  
14 the claimed subject matter of the '443 Patent.

15 43. On information and belief, Defendants' infringement is the result of  
16 its importing, making, using, selling, and/or offering to sell dry blended  
17 compositions that generate chlorine dioxide compositions comprising of: (1) an  
18 alkali metal chlorite salt in an amount between about 2 and about 70 weight  
19 percent; (2) an acid source in an amount between about 2 and about 80 weight  
20 percent; (3) a hydrophobic compound that is so sufficiently hydrophobic as to repel  
21 a solvent for at least 30 seconds, in an amount between about 2 and about 60  
22 weight percent; and (4) a super absorbent compound.

23 44. Defendants' aforementioned acts have caused damage to PureLine  
24 and will continue to do so unless and until enjoined.

25 45. On information and belief, Defendants have been on notice of  
26 PureLine's rights and the '443 Patent. Despite this knowledge of the '443 Patent  
27 and an objectively high likelihood that their actions constitute infringement of  
28 PureLine's valid patent rights, Defendants continued to infringe.



1 46. As this objectively-defined risk was either known or so obvious that it  
2 should have been known to Defendants, PureLine seeks enhanced damages  
3 pursuant to 35 U.S.C. §284 from Defendants.

4 47. As a result of Defendants' infringement of the '443 Patent, PureLine  
5 has suffered monetary damages. Defendants are thereby liable to PureLine in an  
6 amount that adequately compensates it for Defendants' infringement, which, by  
7 law cannot be less than a reasonable royalty, together with interest and costs fixed  
8 by this Court under 35 U.S.C. §284.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, PureLine respectfully requests this Court to enter judgment:

- 11 A. Declaring that Defendants have infringed one or more claims of the  
12 Patents;
- 13 B. Declaring that Defendants' infringement has been willful;
- 14 C. Awarding to PureLine damages adequate to compensate PureLine for  
15 each instance of infringement of the Patents in an amount to be determined at trial,  
16 with interest as fixed by the Court;
- 17 C. That PureLine's damages be enhanced pursuant to 35 U.S.C. § 284 as  
18 a result of Defendants' willful infringement.
- 19 D. Declaring that this case is exceptional under 35 U.S.C. § 285 and  
20 awarding PureLine its reasonable costs and expenses of litigation, including  
21 attorneys' and experts' fees;
- 22 E. Awarding PureLine such other and further relief as this Court deems  
23 just and proper.

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**DEMAND FOR JURY TRIAL**

Plaintiffs respectfully demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 38(b) and L.R. 38-1.

DATED: May 31, 2022

STRADLING YOCCA CARLSON &  
RAUTH, P.C.

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