

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

<b>E.F. PRODUCTS, INC.,</b>	§	
	§	
<b>Plaintiff,</b>	§	<b>Civil Action No. 2:06cv533</b>
	§	
<b>v.</b>	§	
	§	
<b>BRIGHT SOLUTIONS CORPORATION,</b>	§	<b>JURY TRIAL DEMANDED</b>
	§	
<b>Defendant.</b>	§	

**COMPLAINT**

**The Parties**

1. Plaintiff EF Products, Inc. (hereinafter “EF Products”) is a Texas corporation with its principal place of business at 1860 Crown Drive, Ste. 1400, Dallas, Texas 75234.
2. Defendant Bright Solutions Corporation (“Defendant”) is a corporation with its principal place of business at 1738 Maplelawn Drive, Troy, Michigan 48045.

**Jurisdiction and Venue**

3. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1338 because this action is for patent infringement and arises under the Patent Laws of the United States, Title 35 of the United States Code.
4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400.

**GENERAL AVERMENTS**

**Plaintiff’s Patent Rights**

5. EF Products makes and sells certain products, including automotive air conditioning products.

6. United States Patent Nos. 6,481,221 (“the ‘221 Patent”) and 6,722,141 B2 (“the ‘141 Patent”) were all duly and legally issued (collectively, the “Patents”).
7. EF Products is the owner of all rights in and to the Patents.
8. A true and correct copy of each of the Patents is attached hereto as **Exhibit A**.
9. EF Products has marked its products pursuant to 35 U.S.C. § 287(a).

**Defendant and their Infringing Activity**

10. Defendant has made, sold, imported, and/or used certain automotive air conditioning products, including but not limited to Defendant’s Clean-Shot Universal Dye Injection product (*e.g.*, with a parts number of 264028) (the “Products”). *See, e.g.*, **Exhibit B**. Defendant also teaches a method whereby the Products are used in automotive air conditioning systems.

11. Upon information and belief, Defendant sells the Products and teaches a method for using the Products in a wide range of locations, including through Defendant’s Internet web site at [www.brightsol.com](http://www.brightsol.com), the relevant pages of which are attached hereto as composite **Exhibit C**.

12. Defendant seeks to directly and/or indirectly sell the Products, and teach a method to use the Products, to the general public, companies, distributors, and/or facilities in the state of Texas and this district.

13. Upon information and belief, Defendant has sold the Products and/or taught a method to use the Products in the state of Texas and this district.

14. The activities of Defendant with regard to their sales, importation, manufacture and/or use of the Products, and teaching of methods for use of the Products, are and have been without authorization from EF Products.

**COUNT I - PATENT INFRINGEMENT**

15. This cause of action arises under the Patent Laws of the United States, Title 35, United States Code.

16. EF Products repeats and realleges each and every allegation contained in Paragraphs 1 through 15 of this Complaint as if fully set forth herein.

17. Defendant has infringed and continues to infringe the Patents under 35 U.S.C. § 271 *et seq.* This infringement was and is willful and intentional.

18. Defendant has, without authority, consent, right or license, and in direct infringement of the Patents, imported, made, used, and/or sold products (*e.g.*, the Products) in this country, and used and/or disseminated/taught methods to use products (*e.g.*, the Products) in this country, and, upon information and belief, such products have been sold and used in the state of Texas, and such methods have been used and/or disseminated/taught in the state of Texas.

19. Defendant's infringing conduct is willful, intentional, and unlawful and, upon information and belief, will continue unless enjoined by this Court.

**COUNT II - INDUCEMENT OF PATENT INFRINGEMENT**

20. This cause of action arises under the Patent Laws of the United States, Title 35, United States Code, in particular under 35 U.S.C. § 271(b).

21. EF Products repeats and realleges each and every allegation contained in Paragraphs 1 through 20 of this Complaint as if fully set forth herein.

22. Defendant has, in this country, actively and/or intentionally induced others to (a) make, import, use and/or sell products (*e.g.*, the Products) that infringe the Patents, and/or (b) use methods that infringe the Patents.

23. Defendant's infringing conduct is willful, intentional, and unlawful and, upon information and belief, will continue unless enjoined by this Court.

**COUNT III - CONTRIBUTORY PATENT INFRINGEMENT**

24. This cause of action arises under the Patent Laws of the United States, Title 35, United States Code.

25. EF Products repeats and realleges each and every allegation contained in Paragraphs 1 through 24 of this Complaint as if fully set forth herein.

26. Defendant is furthermore liable for contributory infringement, pursuant to 35 U.S.C. § 271(c), in that Defendant has made, imported and/or sold within the United States a component of a patented machine, manufacture, composition, combination, or system, and/or a material or apparatus for use in practicing a patented method or process, including a material part of the invention, knowing the same to be especially made or adapted for use in the infringement of the Patents and not a staple article or commodity of commerce suitable for substantial non-infringing use.

27. Defendant's infringing conduct is willful, intentional, and unlawful and, upon information and belief, will continue unless enjoined by this Court.

**DAMAGES**

28. EF Products repeats and realleges each and every allegation contained in Paragraphs 1 through 27 of this Complaint as if fully set forth herein. EF Products has suffered, is suffering, and will continue to suffer irreparable harm and injury as a result of Defendant's aforesaid activities. Defendant will, unless restrained and enjoined, continue to act in the unlawful manner complained of herein, all to EF Products' irreparable damage. EF Products' remedy at law is not adequate to compensate it for the injuries suffered and threatened. By reason of Defendant's acts complained of herein, EF Products has suffered monetary damages in an amount that has not yet been determined.

**REQUEST FOR JURY TRIAL**

29. EF Products hereby demands that this cause be tried by a jury.

**PRAYER**

30. WHEREFORE, EF Products demands:

A. That Defendant, its agents, officers, directors, employees, servants, representatives, privies, successors and assigns, and all holding by, through or under Defendant, and all those acting for or on the behalf of Defendant, or in active concert, participation, or combination with Defendant, be enjoined and restrained, immediately and preliminarily, during the pendency of this action and permanently thereafter from:

(1) making, using, selling and/or importing the Products, or any colorable imitation thereof, or teaching methods to use such Products,

(2) inducing others from infringing the Patents, and/or contributing to the infringement of the Patents by others; and

(3) otherwise infringing upon the Patents.

B. That this Court order Defendant, and its agents, officers, directors, employees, servants, representatives, privies, successors and assigns, and all holding by, through or under Defendant, and all those acting for or on the behalf of Defendant, or in active concert, participation, or combination with Defendant, to deliver up to this Court, and to permit the seizure by Officers appointed by the Court of all articles and materials infringing upon the rights of EF Products, and particularly, without limitation, all products or other merchandise which embodies or includes the Products or teaches any methods to use the Products, and to be delivered up for destruction on the issuance of a final Order in this action, including all Products, and all equipment and other matter for reproducing such Products, and Defendant submit in writing, under oath, a description of all actions taken to comply with this portion of the Order.

C. That Defendant be required to pay to EF Products such damages as EF Products has sustained in consequence of Defendant's infringement of the Patents.

D. That, in the alternative, a reasonable royalty be awarded to EF Products pursuant to 35 U.S.C. § 284.

E. That Defendant be ordered to account for and pay over to EF Products all its respective gains, profits and advantages derived from the infringement of the Patents or such damages as to the Court shall appear proper within the patent laws.

F. That Defendant be ordered to pay EF Products enhanced damages (*e.g.*, treble damages).

G. That Defendant be ordered to pay to EF Products the costs of this action, prejudgment interest, and post-judgment interest.

H. That this case be found to be exceptional.

I. That Defendant be ordered to pay EF Products' reasonable attorneys' fees, experts' fees, and costs.

J. That EF Products be awarded such other and further relief as the Court may deem just and proper.

Respectfully submitted,

s/ Dwayne K. Goetzel

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