

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AQUA-AEROBIC SYSTEMS, INC.	)	
	)	
Plaintiff,	)	Civil Action No.
	)	
v.	)	
	)	
WASTEWATER TECHNOLOGY, INC.,	)	
STOLTZFUS ENTERPRISES, LTD.,	)	
and EASTERN ENVIRONMENTAL	)	
SYSTEMS, INC.,	)	
	)	<b>JURY TRIAL DEMANDED</b>
Defendants.	)	

**COMPLAINT**

Plaintiff, Aqua-Aerobic Systems, Inc. ("Aqua-Aerobic"), complains of defendants, Wastewater Technology, Inc. ("Wastewater Technology"), Stoltzfus Enterprises, Ltd. ("Stoltzfus"), and Eastern Environmental Systems, Inc. ("Eastern Environmental") (collectively referred to as "defendants") as follows:

**Jurisdiction**

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter of this case under 28 U.S.C. § 1338(a).

**Parties and Patents In Suit**

2. Aqua-Aerobic is an Illinois corporation having its primary place of business at 6306 North Alpine Road, Rockford, Illinois 61130. Aqua-Aerobic is in the business of, among other things, manufacturing and selling products and systems that are used to treat and filter waste water.

3. Aqua-Aerobic owns and has standing to sue for the infringement of United States Patent No. 6,090,298 (the "298 patent"), entitled "Method and Apparatus for Cleaning Filter

Material in a Filter Apparatus Utilizing a Suction Generating Assembly," which issued on July 18, 2000 (Exhibit A).

4. Aqua-Aerobic is the exclusive licensee of United States Patent No. 6,103,132 (the "132 patent"), entitled "Filter Cloth, Filtering Process, and Filtering Device for Liquid Filtration," which issued on August 15, 2000. Aqua-Aerobic has the exclusive right to enforce the 132 patent and has standing to sue for infringement of the 132 patent (Exhibit B).

5. Wastewater Technology is incorporated under the laws of Virginia and has a business address at P.O. Box 737 Monterey, Virginia 24465. Wastewater Technology directly competes with Aqua-Aerobic in the industry of manufacturing and selling products and systems that are used to treat and filter waste water.

6. Stoltzfus is a Pennsylvania limited partnership and has its primary place of business at 26 East Main Street, Elverson, Pennsylvania 19520. Stoltzfus is a commercial and residential developer and is the owner and developer of a golf course and residential development in Chester County, Pennsylvania known as "French Creek."

7. Eastern Environmental is incorporated under the laws of Pennsylvania and has its primary place of business at 1450 East Boot Road, West Chester, Pennsylvania 19380. Eastern Environmental is a regional sales representative for Wastewater Technology in Eastern Pennsylvania.

#### **Venue and Personal Jurisdiction**

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).

9. The Court has personal jurisdiction over Stoltzfus and Eastern Environmental because they are Pennsylvania business entities that have their primary places of business in this district and because they have committed acts of infringement in this district. The Court has

personal jurisdiction over Wastewater Technology because, among other things, it has committed acts of infringement in this judicial district.

**Patent Infringement**

10. As a part of the construction of the French Creek golf course and residential development, Stoltzfus bought, installed, tested and, on information and belief, used a waste water filtration system called the "Filter Wheel" that it purchased from Wastewater Technology (the "Wastewater Technology filtration system").

11. Wastewater Technology has manufactured, sold and offered for sale the Wastewater Technology filtration system.

12. Eastern Environmental facilitated the sale of the Wastewater Technology filtration system to Stoltzfus by, among other things, making representations about the quality and performance characteristics of the Wastewater Technology filtration system and persuading Stoltzfus to buy the Wastewater Technology filtration system.

13. Claims 1, 2, 10 and 11 of the 298 patent claim an apparatus for filtering or removing solids through the use of a positive displacement pump.

14. Claims 5 and 6 of the 298 patent claim a method of cleaning filter material of a filter apparatus through the use of a positive displacement pump.

15. Claims 4 through 8 of the 132 patent claim an apparatus for filtering liquid using a pile cloth and a suction bar that acts mechanically on the pile threads.

16. Claims 1 through 3 of the 132 patent claim a method for filtering liquid using a pile cloth and a suction bar that acts mechanically on the pile threads.

17. Wastewater Technology has infringed at least apparatus claims 1, 2, 10 and 11 of the 298 patent, method claims 5 and 6 of the 298 patent, apparatus claims 4 through 8 of the 132 patent, and method claims 1 through 3 of the 132 patent by, among other activities, making, using, selling, and offering to sell the Wastewater Technology filtration system, and by knowingly and intentionally inducing Stoltzfus to use the infringing Wastewater Technology filtration system.

18. Stoltzfus has infringed at least apparatus claims 1, 2, 10 and 11 of the 298 patent, method claims 5 and 6 of the 298 patent, apparatus claims 4 through 8 of the 132 patent, and method claims 1 through 3 of the 132 patent by, among other activities, testing and/or using the infringing Wastewater Technology filtration System.

19. Eastern Environmental has infringed at least apparatus claims 1, 2, 10 and 11 of the 298 patent, method claims 5 and 6 of the 298 patent, apparatus claims 4 through 8 of the 132 patent, and method claims 1 through 3 of the 132 patent by, among other activities, knowingly and intentionally inducing Wastewater Technology to make, sell and offer for sale the infringing Wastewater Technology filtration system, and knowingly and intentionally inducing Stoltzfus to test and/or use the infringing Wastewater Technology filtration system.

20. Each of the defendants' infringement, contributory infringement and/or knowing and intentional inducement to infringe has injured Aqua-Aerobic and Aqua-Aerobic is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

21. Defendants have had either actual or constructive notice of the 298 and 132 patents and have, nonetheless, infringed those patents. And, Aqua-Aerobic has marked its products with the 298 and 132 patent numbers. As a consequence, defendants' infringement, contributory

infringement and/or active inducement of infringement has been willful, intentional and deliberate and has injured and will continue to injure Aqua-Aerobic.

22. Defendants' infringement of the 298 and 132 patents has caused irreparable harm to Aqua-Aerobic, which has no adequate remedy at law, and will continue to injure Aqua-Aerobic unless and until this Court enters a preliminary and/or permanent injunction prohibiting further infringement and, specifically, enjoining further importation, manufacture, use, offer for sale and/or sale of the Wastewater Technology filtration system within the scope of the 298 and/or 132 patents, and enjoining defendants from infringing, or contributing to and/or inducing infringement of the 298 and/or 132 patents.

WHEREFORE, plaintiff, Aqua-Aerobic, respectfully asks this Court to enter judgment against defendants, individually and jointly, and against their subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

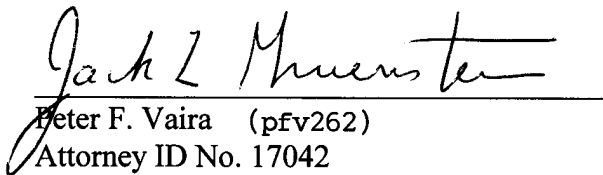
- A. The entry of judgment in favor of Aqua-Aerobic, and against Wastewater Technologies, Inc., Stoltzfus Enterprises, Ltd., and Eastern Environmental Systems, Inc.;
- B. An award of damages adequate to compensate Aqua-Aerobic for the infringement that has occurred, together with prejudgment interest from the date the infringement began, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284;
- C. Increased damages as permitted under 35 U.S.C. § 284;
- D. A finding that this case is exceptional and an award to Aqua-Aerobics of its attorneys fees and costs as provided by 35 U.S.C. § 285;

- E. A permanent injunction prohibiting further infringement, inducement and/or contributory infringement of the 298 and/or 132 patents; and,
- F. Such other relief that Aqua-Aerobic is entitled to under law, and any other and further relief that this Court or a jury may deem just and proper.

**Jury Demand**

Aqua-Aerobic demands a trial by jury on all issues presented in this Complaint.

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