

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

SAFETY BRAKING CORPORATION, a Delaware corporation,
MAGNETAR TECHNOLOGIES CORP., a Nevada corporation,
and G&T CONVEYOR CO., a Florida corporation,

Plaintiffs,

v.

SIX FLAGS THEME PARKS INC., a Delaware corporation,
TIERCO MARYLAND, INC., a Delaware corporation,
GREAT AMERICA LLC, an Illinois company,
KKI, LLC, a Delaware company,
MAGIC MOUNTAIN LLC, a California company,
PARK MANAGEMENT CORP., a California corporation,
RIVERSIDE PARK ENTERPRISES, INC., A Mass. corp.,
SIX FLAGS OVER GEORGIA II, L.P., a Delaware
partnership,
SIX FLAGS ST. LOUIS LLC, a Missouri company,
TEXAS FLAGS, LTD., a Texas partnership,
ASTROWORLD, L.P., a Delaware partnership,
DARIEN LAKE THEME PARK AND CAMPING RESORT,
INC., a New York corporation,
ELITCH GARDENS, L.P., a Colorado partnership,
BUSCH ENTERTAINMENT CORP., a Delaware corporation,
CEDAR FAIR LP, a Delaware limited partnership,
PARAMOUNT PARKS, INC., a Delaware corporation,
KNOTT'S BERRY FARM, a California partnership,
KINGS ISLAND COMPANY, a Delaware corporation,
CEDAR FAIR, an Ohio partnership,
UNIVERSAL CITY DEVELOPMENT PARTNERS LTD., a
Florida limited partnership,
UNIVERSAL CITY STUDIOS LLLP, a Delaware partnership,

Defendants.

Civil Action No. 07-127-***

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

NOW COME the Plaintiffs, Safety Braking Corporation (“Safety Braking”), a Delaware corporation, Magnetar Technologies Corp. (“Magnetar”), a Nevada corporation, and G&T Conveyor Co. (“G&T”), a Florida corporation, by and through their attorneys, Connolly Bove Lodge & Hutz LLP, and hereby complain against the Defendants, stating as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).
2. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

THE PARTIES

Plaintiffs

3. Plaintiff Safety Braking is a Delaware corporation headquartered at 500 Newport Center Drive, 7th Floor, Newport Beach, CA 92660.
4. Plaintiff Magnetar is a Nevada corporation headquartered at 4825 Hazelnut Avenue, Seal Beach, CA 90740.
5. Plaintiff G&T is a Florida corporation with a primary address of 476 Southridge Industrial Drive, Tavares, FL 32778-9118.

Defendants

6. Defendant Six Flags Theme Parks Inc. (“Six Flags Theme Parks”) is a Delaware corporation. The Delaware registered agent for Six Flags Theme Parks is Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Six Flags Theme Parks is an amusement park owner and operator in the United States, with parks including Six Flags Great Adventure in Jackson, New Jersey.

7. Tierco Maryland, Inc. (“Tierco”) is a Delaware corporation headquartered in Mitchellville, Maryland. The Delaware registered agent for Tierco is The Prentice-Hall Corporation System, Inc., 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Tierco is a subsidiary of Six Flags Theme Parks, and owns and/or operates Six Flags America in Bowie/Mitchellville, Maryland.

8. Great America LLC (“Great America”) is a company organized under the laws of the State of Illinois, with principal office at 542 N. Route 21, Gurnee, IL 60031. Upon information and belief, Great America is a subsidiary of Six Flags Theme Parks, and owns and/or operates the theme park Six Flags Great America in Gurnee, Illinois.

9. KKI, LLC (“KKI”) is a company organized under the laws of the State of Delaware. The Delaware registered agent for KKI is Corporation Service Company, 2711 Centerville Road Suite 400, Wilmington, DE 19808. KKI is a subsidiary of Six Flags Theme Parks. Upon information and belief, KKI owns and/or operates the theme park Six Flags Kentucky Kingdom.

10. Magic Mountain LLC (“Magic Mountain”) is a company organized under the laws of the State of California. Magic Mountain is a subsidiary of Six Flags Theme Parks. Upon information and belief, Magic Mountain owns and/or operates the theme park Six Flags Magic Mountain.

11. Park Management Corp. (“Park Management”) is a corporation organized under the laws of the State of California. Park Management is a subsidiary of Six Flags Theme Parks. Upon information and belief, Park Management owns and/or operates the theme park Six Flags Discovery Kingdom.

12. Riverside Park Enterprises, Inc. (“Riverside”) is a corporation organized under the laws of the Commonwealth of Massachusetts, with principal address at 1623 Main Street, PO Box 307, Agawam, MA 01001. Riverside is a subsidiary of Six Flags Theme Parks. Upon information and belief, Riverside owns and/or operates the theme park Six Flags New England.

13. Six Flags Over Georgia II, L.P. (“SFOG”) is a limited partnership organized under the laws of the State of Delaware. Upon information and belief, SFOG owns and/or operates the theme park Six Flags Over Georgia.

14. Six Flags St. Louis LLC (“SFSL”) is a company organized under the laws of the State of Missouri. SFSL is a subsidiary of Six Flags Theme Parks, and upon information and belief owns and/or operates the theme park Six Flags St. Louis.

15. Texas Flags, Ltd. (“Texas Flags”) is a limited partnership organized under the laws of the State of Texas. Upon information and belief, Texas Flags owns and/or operates the theme park Six Flags Over Texas.

16. Astroworld, L.P. (“Astroworld”) is a partnership organized under the laws of the State of Delaware. Upon information and belief, Astroworld owned and/or operated the theme park Astroworld.

17. Darien Lake Theme Park and Camping Resort, Inc. (“Darien Lake”) is a corporation organized under the laws of the State of New York. Upon information and belief, Darien Lake owned and/or operated the theme park Six Flags Darien Lake.

18. Elitch Gardens, L.P. (“Elitch Gardens”) is a partnership organized under the laws of the State of Colorado. Upon information and belief, Elitch Gardens owned and/or operated the theme park Six Flags Elitch Gardens.

19. Defendant Busch Entertainment Corp. (“Busch”) is a Delaware corporation headquartered in Saint Louis, Missouri. The Delaware registered agent for Busch is The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801. Busch is an amusement park owner and operator in the United States, with parks including Busch Gardens Africa in Tampa Bay, Florida; Busch Gardens Europe in Williamsburg, Virginia; and Sesame Place in Langhorne, Pennsylvania.

20. Defendant Cedar Fair L.P. (“Cedar Fair”) is a Delaware limited partnership headquartered at One Cedar Point Drive, Sandusky, Ohio 44870-5259. The Delaware registered agent for Cedar Fair is The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801. Cedar Fair is a publicly traded partnership, and is an amusement park owner and operator in the United States, with parks including Cedar Point in Sandusky, Ohio; Valley Fair in Shakopee, Minnesota; Geauga Lake in Aurora, Ohio; and Worlds of Fun in Kansas City, Missouri. In 2006, Cedar Fair announced that it signed an agreement to acquire Paramount Parks, Inc.

21. Defendant Paramount Parks, Inc. (“Paramount”) is a Delaware corporation. The Delaware registered agent for Paramount is The Prentice-Hall Corporation System, Inc., 2711 Centerville Rd., Suite 400, Wilmington, Delaware 19808. Paramount is an amusement park owner and operator in the United States, with parks including Paramount’s King’s Dominion in Doswell, Virginia; Great America in Santa Clara, California; and Carowinds in Charlotte, North Carolina.

22. Knott’s Berry Farm (“Knott’s”) is a general partnership organized under the laws of the State of California. Upon information and belief, Knott’s owns and/or operates the theme park Knott’s Berry Farm and/or amusement rides.

23. Kings Island Company (“Kings Island”) is a corporation organized under the laws of the State of Delaware. The Delaware registered agent for Kings Island is The Prentice-Hall Corporation System, Inc., 2711 Centerville Rd., Suite 400, Wilmington, Delaware 19808. Upon information and belief, Kings Island owns and/or operates the theme park King’s Island and/or amusement rides.

24. Cedar Fair (“CF”) is a general partnership organized under the laws of the State of Ohio. Upon information and belief, CF owns and/or operates parks and/or amusement rides.

25. Universal City Development Partners Ltd. (“UCDP”) is a limited partnership organized under the laws of the State of Florida. Upon information and belief, UCDP owns and/or operates the theme parks Universal Studios Florida, in Orlando, Florida and Universal Islands of Adventure in Orlando, Florida.

26. Universal City Studios LLLP (“Universal City Studios”) is a limited liability limited partnership organized under the laws of the State of Delaware. The Delaware registered agent for Universal City Studios is The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Universal City Studios owns and/or operates the theme park Universal Studios Hollywood in California.

FIRST CLAIM FOR RELIEF
(Infringement of U.S. Patent No. 5,277,125)

27. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 23 as if fully set forth herein.

28. On January 11, 1994, United States Letters Patent No. 5,277,125 (“the ‘125 patent”) (attached hereto as Exhibit “A”) was duly and legally issued. The ‘125 patent is assigned to G&T. Magnetar received an exclusive license under the ‘125 patent from G&T for

certain fields of use. Safety Braking is now the exclusive licensee under the '125 patent for such fields of use, and has the right to sue for past, present, and future infringement of the '125 patent, and further has the right to seek injunctive relief and monetary damages.

29. Defendants listed above, through ownership and/or operation of various theme parks and amusement rides throughout the United States, are engaged in the manufacture and/or use of amusement rides that infringe the '125 patent, either literally or under the doctrine of equivalents, making Defendants liable for direct and/or indirect infringement under 35 U.S.C. § 271. Such infringing amusement rides include, but are not limited to, roller coasters and/or drop tower rides.

SECOND CLAIM FOR RELIEF
(Infringement of U.S. Patent No. 6,659,237)

30. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 26 as if fully set forth herein. _____

31. On December 9, 2003, United States Letters Patent No. 6,659,237 ("the '237 patent") (attached hereto as Exhibit "B") was duly and legally issued. The '237 patent is assigned to Magnetar. Safety Braking is the exclusive licensee under the '237 patent, and has the right to sue for past, present, and future infringement of the '237 patent, and further has the right to seek injunctive relief and monetary damages.

32. Defendants Cedar Fair, Paramount, Kings Island, CF, UCDP, and Universal City Studios, through ownership and/or operation of various theme parks and amusement rides throughout the United States, are engaged in the manufacture and/or use of amusement rides that infringe the '237 patent, either literally or under the doctrine of equivalents, making Cedar Fair, Paramount, Kings Island, CF, UCDP, and Universal City Studios liable for direct and/or indirect

infringement under 35 U.S.C. § 271. Such infringing amusement rides include, but are not limited to, roller coasters and/or drop tower rides.

REQUEST FOR RELIEF

Wherefore, Plaintiffs pray that this Court:

A. Find that the '125 and '237 patents have been infringed by the Defendants as alleged herein;

B. Award damages adequate to compensate Plaintiffs for each Defendant's infringements, but not less than a reasonable royalty for the use made of the claimed inventions by each Defendant, together with interest, including pre-judgment interest, and costs as fixed by the Court;

C. Find that each Defendant's infringements have been willful and deliberate;

D. Award Plaintiffs increased damages and attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285 because of the nature of each Defendant's infringements;

E. Permanently enjoin each Defendant and their officers, agents, servants, employees and affiliates, as well as all others in active concert or participation with it as any of the foregoing, from inducing or contributing to the infringement of the '125 and '237 patents; and

F. Award Plaintiffs such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY

Plaintiffs request that all issues triable by a jury be so tried in this case.

/s/ Francis DiGiovanni
Francis DiGiovanni (#3189)

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Attorneys for Plaintiffs

Dated: August 9, 2007

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CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to counsel of record on the Court's CM/ECF registrants for this case.

I further certify that on August 9, 2007, I caused a copy of the foregoing document to be served upon the following in the manner indicated:

BY E-MAIL AND HAND DELIVERY

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/s/ Francis DiGiovanni _____
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