

**UNITED STATE DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

FILED

*SW*

2004 JUN 22 11:30 AM

ATLANTIC CONSTRUCTION FABRICS,  
INC., d/b/a ACF ENVIRONMENTAL, a  
Corporation, and ULTRATECH  
INTERNATIONAL, INC. , a corporation,

Plaintiffs,

vs.

CASE NO.: *3:04-cv-508-J-16MCR*

ALPINE CONSTRUCTION SUPPLY, INC.,  
a corporation,

Defendant.

---

**COMPLAINT**

Plaintiffs, Atlantic Construction Fabrics, Inc. d/b/a ACF Environmental, ("ACF") and Ultratech International, Inc., ("Ultratech"), sue Defendant, Alpine Construction, ("Alpine"), and allege:

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.
2. This Court has jurisdiction over the claims asserted in this Complaint pursuant to 28 USC §1338 (Patents) and 28 USC §1331 (Federal Question).
3. Venue is proper in this judicial district under 28 USC §1391(b) and (c) and §1400(b).
4. Plaintiff ACF is a Virginia corporation organized and existing under the laws of the State of Virginia and having its principal place of business in Richmond, Virginia.

5. Plaintiff Ultratech is Florida corporation organized and existing under the laws of the State of Florida and having its principal place of business in Jacksonville, Florida.

6. Defendant Alpine is a corporation organized and existing under the laws of the State of Washington and having its principal place of business in Redmond, Washington. Alpine is doing business in this judicial district and elsewhere by selling directly to customers in this judicial district or by selling its products in this judicial district through distributors, agents or representatives.

7. On November 19, 1966, U.S. Patent number 5,575,925 ("the 925 Patent"), concerning a storm sewer catch basin filter was duly and legally issued to George E. Logue, Jr. A copy of the 925 Patent is attached to this Complaint as Exhibit "A".

8. ACF and George E. Logue, Jr. entered into an exclusive Patent License Agreement pursuant to which ACF has the right to sell products covered by the 925 Patent and to institute and prosecute lawsuits for infringement of the 925 Patent. In addition, ACF has the right to enter into sub-license agreements pursuant to which ACF can authorize others to sell products covered by the 925 Patent and to institute and prosecute lawsuits for infringement of the 925 Patent.

9. ACF and Ultratech did enter into a sub-license agreement pursuant to which Ultratech has the right to sell products covered by the 925 Patent and to institute and prosecute lawsuits for infringement of the 925 Patent.

10. On or about December 28, 1999, a company called Metrochem, Inc. (not a party to this action) filed with the United States Patent & Trademark Office ("USPTO") a Request for Reexamination of the Patent in response to a patent infringement case

which ACF had filed against Metrochem in the United States District Court for the Western District of Virginia.

11. At the conclusion of the reexamination, after considering the alleged “prior art” submitted by Metrochem, the USPTO issued its Notice of Intent to issue a Reexamination Certificate affirming all claims of the Patent as valid over the additional references of Metrochem submitted in support of its Request for Reexamination. No claims of the Patent have been declared by the USPTO to be unpatentable or by a Court of competent jurisdiction to be invalid or unenforceable.

12. Alpine has been and is now infringing on the 925 Patent by manufacturing, using or selling, and has actively induced others to manufacture, use, or sell, in this judicial district and elsewhere, products designated “Catch Basins Filters” or “Catch Basin Filter Sock” which are covered by one or more claims of the 925 Patent.

13. Alpine’s infringement and active inducement of infringement has been willful and deliberate, rendering this case “exceptional” within the meaning of 35 USC §285.

14. Ultratech and ACF have been damaged and will be irreparably injured by Alpine’s continuing infringement and active inducement of infringement, for which Ultratech and ACF have no adequate remedy at law. Alpine’s infringement activities will continue unless enjoined by this Court.

WHEREFORE, Plaintiffs, ACF and Ultratech respectfully request that the Court enter judgment:

A. That the 925 Patent is valid and enforceable;

B. That ACF and Ultratech, as licensee and sub-licensee, own all right, title and interest in and to U.S. Patent No. 5,275,925, including the right to recover for past infringement of the patent;

C. That Defendant Alpine Construction Supply, Inc. has infringed and actively induced others to infringe on the 925 Patent, and that such infringement and active inducement of infringement has been willful and deliberate;

D. That Alpine, its officers, agents, servants, employees, attorneys, all parent, subsidiary and affiliate corporations or other business entities, and all others persons acting in concert, participation, or in privity with them, and their successors and assigns be preliminarily and permanently enjoined and restrained from further infringing or inducing the infringement of the 925 Patent;

E. That Alpine, its officers, agents, servants, employees, attorneys, all parent, subsidiary and affiliate corporations or other business entities, and all other persons acting in concert, participation, or in privity with them, and their successors and assigns be preliminarily and permanently enjoined and restrained to remove and discontinue all literature, advertisements, trade show displays, etc. which show, depict or describe the infringing product;

F. That Alpine, its officers, agents, servants, employees, attorneys, all parent, subsidiary and affiliate corporations or other business entities, and all other persons acting in concert, participation, or in privity with them, and their successors and assigns be preliminarily and permanently enjoined to recall all literature, advertisements, trade show displays, etc. which show, describe or depict the infringing product which it has delivered to any distributors, retailers or others;

G. That Alpine, its officers, agents, servants, employees, attorneys, all parent, subsidiary and affiliate corporations or other business entities, and all other persons acting in concert, participation, or in privity with them, and their successors and assigns be preliminarily and permanently enjoined to take back or recall all infringing products which it has delivered to its distributors and retailers and to notify all of its distributors, retailers and customers that these are infringing products and should not be sold or displayed;

H. That ACF and Ultratech be awarded their damages, together with pre-judgment interest and costs, and that said damages be trebled as provided by 35 USC §284;

I. That ACF. and Ultratech be awarded their attorney's fees pursuant to 35 USC §285 on the grounds that this is an "exceptional case", and

J. That ACF and Ultratech have such other and further relief as the Court may deem just and proper.

DATED June 22, 2004.

**LIPPES & BRYAN, P.A.**



Harold S. Lippes, Esquire  
Florida Bar No. 356591  
One Enterprise Center  
225 Water Street, Suite 2100  
Jacksonville, FL 32202  
(904) 633-8781 - Telephone  
(904) 633-7570 - Facsimile  
Attorneys for Plaintiff

**USPTO PATENT FULL-TEXT AND IMAGE DATABASE**

( 1 of 1 )

**United States Patent**  
**Logue, Jr.**

**5,575,925**  
**November 19, 1996**

**Storm sewer catch basin and filter**

**Abstract**

The invention relates to a removable filter for buried catch basins. The filter includes a bag located below grade level in the catch basin and looped flaps which extend above grade level and aid in removal of the filter from the catch basin. The filter is held in place in the basin by a heavy grate which rests on the flaps. The flaps extend at grade level away from the grate. The filter is removed from the catch basin for dumping by inserting a lift rod in each flap loop and hooking lift chains to the rods at openings in the loops.

**Inventors:** Logue, Jr.; George E. (HC 64, Box 298A, Trout Run, PA 17771)

**Appl. No.:** 353786

**Filed:** December 12, 1994

**Current U.S. Class:** 210/747; 210/164; 210/232; 210/237; 210/445; 210/474;  
404/4; 404/5

**Intern'l Class:** E03F 005/14

**Field of Search:** 210/162,163,164,165,232,445,473,474,237,484,485,747  
404/2,3,4,5

**References Cited [Referenced By]**

**U.S. Patent Documents**

<u>806920</u>	Dec., 1905	Rossi.	
<u>809201</u>	Jan., 1906	Lutz.	
<u>970398</u>	Sep., 1910	Sapp	210/485.
<u>1111249</u>	Sep., 1914	Courtwright	210/485.
<u>1310055</u>	Jul., 1919	Caldwell.	
<u>1654247</u>	Dec., 1927	Egan.	

<u>1746121</u>	Feb., 1930	Levy.	
<u>2102310</u>	Dec., 1937	Egan.	
<u>2246012</u>	Jun., 1941	Sanders.	
<u>2263259</u>	Nov., 1941	Boosey.	
<u>2496757</u>	Feb., 1950	Sieling	210/485.
<u>2615626</u>	Oct., 1952	Lane.	
<u>3282430</u>	Nov., 1966	Kinne	210/162.
<u>3713539</u>	Jan., 1973	Thompson et al.	210/164.
<u>4388191</u>	Jun., 1983	Morgan	210/452.
<u>4419232</u>	Dec., 1983	Arntyr et al.	210/164.
<u>5032264</u>	Jul., 1991	Geiger	210/163.
<u>5066165</u>	Nov., 1991	Wofford et al.	405/119.
<u>5133619</u>	Jul., 1992	Murfue et al.	404/4.
<u>5197236</u>	Mar., 1993	Calhoun et al.	52/4.
<u>5372714</u>	Dec., 1994	Logue, Jr.	210/164.

**Other References**

Atlantic Construction Fabrics, Inc. (ACF) Brochure entitled "Complete Source for Geosynthetics", 12 pages.

*Primary Examiner:* Popovics; Robert J.

*Attorney, Agent or Firm:* Webb Ziesenheim Bruening Logsdon Orkin & Hanson P.C.

---

*Parent Case Text*

---

**CROSS REFERENCE TO RELATED APPLICATION**

This application is a continuation of application Ser. No. 08/139,098 filed Oct. 21, 1993, now U.S. Pat. No. 5,372,714.

---

*Claims*

---

What I claim as my invention is:

1. A catch basin filter for use with a catch basin and a grate, wherein the catch basin filter includes:

a) a filter bag adapted to be received in the catch basin for capturing the solids which enter the catch basin through an inlet of the catch basin, said bag having an open top adapted to be positioned at the catch basin inlet, a closed bottom and bag sidewalls;

b) a plurality of elongated lift flaps each having a first end and a second end joining the top of the bag and adapted to extend across sidewalls of the catch basin at the catch basin inlet, loops defined in the

flaps away from the bag and spaced openings intermediate either end of each flap in the loops, each of said loops adapted to receive a lift rod; and

c) a plurality of lift rods of sufficient length extended into the loops in the flaps so that portions of the rods are exposed at the openings for attachment to lift members, whereby portions of the flaps between the filter bag and the loops are adapted to extend between the grate and the catch basin inlet so that the grate sandwiches the flaps in place against the catch basin and the flaps support the bag in the catch basin.

2. The catch basin filter of claim 1, wherein the catch basin is rectangular and the filter bag includes two pairs of opposed flaps.

3. The catch basin filter of claim 1, wherein the bag and flaps are formed from plastic fabric.

4. The catch basin filter as in claim 1, wherein the bag has a pair of narrow sidewalls and a pair of wide sidewalls and a pair of narrow flaps and a pair of wide flaps.

5. The catch basin filter as in claim 2, including a single opening in each narrow flap and a pair of openings in each wide flap.

6. The catch basin filter as in claim 1, wherein a recess is defined at the top of the catch basin, the recess adapted to support the grate.

7. The catch basin filter as in claim 1, wherein a recess is defined in the top of the catch basin, and the grate being adapted to seat in the recess for securing the flaps against the recess.

8. The catch basin filter as in claim 1, wherein the filter bag is formed of a woven material.

9. The catch basin filter of claim 8, wherein the woven material is plastic.

10. A method of installing a catch basin filter in a catch basin, the catch basin comprising:

an inlet through which water and solids flow into the catch basin, an outlet through which water flows out of the catch basin, wherein the inlet is positioned above the outlet, and a plurality of basin sidewalls, each sidewall having an upper end at the inlet and a recess located at the upper end, the sidewalls defining a chamber, the grate located on the top of the basin inlet and having grate sides positioned in the recesses, and the filter comprising:

a filter bag having an open top, a closed bottom and one or more sidewalls extending between the top and the bottom of the bag; and

a flap joining the top of each sidewall, said method comprising the steps of:

placing the filter bag in the catch basin so that each of the bag sidewalls are adjacent to the catch basin sidewalls and the filter bag open top is positioned above the filter bag closed bottom;

placing each of the filter bag flaps into the recess of the upper end of the catch basin; and

sandwiching each of the filter bag flaps between the top of the basin and the grate sides, thereby holding the bag in place.



11. The method as claimed in claim 10 further comprising the steps of:

removing the grate after the filter bag has accumulated with solids;

removing the filter bag from the catch basin; and

dumping of the filter bag.

12. The method as claimed in claim 11, wherein said filter bag further comprises a removal member secured to one of said filter bag sidewalls, the method further comprising removing the filter bag from the catch basin by using a lift member coacting with the removal member.

13. A catch basin filter for use with a catch basin and a grate, wherein the catch basin filter includes:

a) a filter bag adapted to be received in the catch basin filter for capturing the solids which enter the catch basin through an inlet of the catch basin, said bag having a rectangularly shaped open top adapted to be positioned at the catch basin inlet, a closed bottom and four tapered bag sidewalls, wherein upper ends of the sidewalls define the rectangularly shaped open end; and

b) four elongated lift flaps each having a first end a second end joining the top of the filter bag, wherein each of the flaps is joined to an upper end of a respective one of the bag sidewalls, the lift flaps are adapted to extend across sidewalls of the catch basin at the catch basin inlet, loops defined in a plurality of the flaps positioned away from the bag and spaced openings intermediate either end of each flap defined in the loops, whereby portions of the flaps between the filter bag and the loops are adapted to extend between the grate and the catch basin inlet so that the grate sandwiches the flaps in place against the catch basin and the flaps support the bag in the catch basin.

14. The catch basin filter of claim 13, wherein the filter bag is formed of a woven material.

15. The catch basin filter as in claim 13, wherein the bag has a pair of narrow sidewalls and a pair of wide sidewalls and a pair of narrow flaps and a pair of wide flaps.

---

*Description*

---

**FIELD OF THE INVENTION**

The invention relates to filters for storm sewer catch basins.

**DESCRIPTION OF THE PRIOR ART**

Ground water from heavy rains or melted snow is collected in a storm sewer catch basin and flows into an underground sewer line. The water flows into the basin through openings in a grate on the top of the basin.

Water entering a sewer line should be free of solids. Conventional storm sewer filters remove solids from the water before the water flows into the catch basin. These filters are made of a porous material and are located at or above grade level. The filters may be placed horizontally on the top of the grate or may be stood up vertically in a circle above grade level, surrounding the grate. Water flows freely through the filter and into the catch basin. Solids are captured by the filter. Over time, the solids build up

on the filter, impede the free flow of water through the filter and the collected water floods the area surrounding the storm sewer. Conventional ground storm sewer filters located at or above grade level are readily visible.

For the foregoing reasons there is need for a below grade catch basin filter which filters solids from water without impeding the flow of water through the catch basin and into the sewer and which is easily removed from the catch basin for dumping when filled.

## SUMMARY OF THE INVENTION

The invention is a storm sewer catch basin and a removable storm sewer filter. The filter is held in a storm sewer catch basin below grade level between the top of the basin and a grate. The filter includes a bag formed from a porous geotextile material having inwardly tapered sidewalls and flaps at the top of the bag. The grate rests on the flaps to hold the bag in place in the basin. The ends of the flaps are looped and extend at grade level away from the grate. Openings are spaced along the length of the edges of the looped flaps.

Water and solids flow through the openings in the grate and into the catch basin. The water flows into and through the filter bag and out the catch basin. Solids are captured in the bag. The solids accumulate in the bag below grade level and out of sight without impeding the flow of water through the catch basin. When it is necessary to remove the full bag from the catch basin, rods are inserted into the looped flaps, the grate is removed and hooks are secured to the exposed rods at the openings to permit lifting of the heavy, filled filter. The filter is dumped and replaced in the basin, the rods are removed and the grate is refitted in the top of the basin to hold the filter in place.

Other objects and features of the invention will become apparent as the description proceeds, especially when taken in conjunction with the accompanying drawings illustrating the invention, of which there are two sheets and one embodiment.

## DESCRIPTION OF THE DRAWINGS

FIG. 1 is a top view of a filter bag in a catch basin below a grate with filter bag flaps extending away from each side of the basin; and

FIG. 2 is a sectional view taken along line 2--2 of FIG. 1.

## DESCRIPTION OF THE PREFERRED EMBODIMENT

Concrete catch basin 12 has an open upper end located at grade level, in-ground sidewalls 14 and floor 16. Concrete storm sewer pipe 18 extends away from one of the sidewalls 14 a distance above floor 16. The sidewalls and floor define chamber 20. A recess or groove 22 extends around the inner edge of the top of the catch basin facing chamber 20. Rectangular grate 24 closes the top of basin 12. The sides of the grate fit in recess 22 in the top of the basin. Ground water flows through the grate and into catch basin chamber 20.

Catch basin filter 26 includes a filter bag 28 in basin chamber 20 and four flaps 30 joining the top of the bag. The flaps extend along the sides of the top of the basin 12 and are sandwiched in recess 22 between the basin and the grate. Flap ends 32 are located outside the sides of the grate. Loops 34 are sewn into the ends of the flaps and extend along the sides of the basin outside the grate. Openings 36 are cut in the ends of the flaps through the loops. As shown in FIG. 1, two openings 36 are provided in each long flap and one opening is provided in each short flap. Lift rods 40 are inserted in the loops 34 and are exposed

at openings 36. When it is necessary to lift the bag from the basin, a lift rod is inserted in each flap loop between the open ends of the flap. Lift chains are hooked to the exposed rods at the openings to lift the full filter from the basin.

Filter bag 28 includes four tapered sidewalls 38 each located adjacent one wall of basin 12. The sidewalls are sewn together to form the closed filter bag. Flaps 30 are extensions of the bag sidewalls.

Filter 26 is preferably made from a woven plastic fabric. Narrow strips of a plastic, such as polypropylene, are tightly woven together to form a porous fabric. The fabric permits liquids to flow freely through the filter bag but captures solids. A filter made from plastic fabric, commonly referred to as geotextile, can support a load of solids having a total weight of up to 4,000 pounds.

Bag 28 of filter 26 is located in chamber 20 with flaps 30 extending at grade level away from the catch basin. The tapered bag sidewalls 38 are located away from the walls of chamber 20 and outlet 18 as the bag hangs in the catch basin. As shown in FIG. 1, the upper or top portion of each bag sidewall extends along each basin sidewall. The width of the bag sidewalls decreases below the grate so that the bag hangs free of the sidewalls of the catch basin and does not obstruct filtration even when filled with solids and outwardly bowed as shown by dashed line 42. Grate 42 is fitted in the recess sandwiching the flaps between the grate and the basin. See FIG. 2. The weight of the grate maintains the bag in the chamber.

Ground water and solids flow through the grate and into the filter bag 28 in the catch basin 12. The ground water flows through the bag sidewalls and out of the catch basin through outlet pipe 18. Solids are filtered from the ground water and captured in the bag. Over time, solids accumulate in the bag. The weight of the accumulated solids causes the bag to expand. As the bag expands and becomes full, the walls of the bag do not come in contact with the sidewalls of the catch basin chamber. Thus, the expanded bag does not block the flow of water through the catch basin chamber or into the pipe 18 and can be easily removed from the chamber.

When the bag is full, lift rods 40 are inserted in the flaps 36. The grate 24 is removed, hooks are secured to the length of rod exposed in arcuate openings 36 and the bag is lifted from the catch basin. The bag is dumped and replaced in the catch basin. The grate is refitted in recess 22 to hold the empty filter in place and the rods are removed from the flaps.

While I have illustrated and described a preferred embodiment of my invention, it is understood that this is capable of modification, and I therefore do not wish to be limited to the precise details set forth, but desire to avail myself of such changes and alterations as fall within the purview of the following claims.

\* \* \* \* \*

