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10 Attorneys for Plaintiff
Aqua-Aerobic Systems, Inc.

11
12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF ARIZONA**

14 AQUA-AEROBIC SYSTEMS, INC.,

15 Plaintiff,

16 v.

17 FIVE STAR FILTRATION, LLC and
JOHNSON UTILITIES, LLC,

18 Defendants.

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

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1 Plaintiff, Aqua-Aerobic Systems, Inc. ("Aqua-Aerobic"), complains of
2 defendants, Five Star Filtration, LLC ("Five Star") and Johnson Utilities, LLC
3 ("Johnson"), as follows:

4 **Jurisdiction**

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

8 **Parties and Patents In Suit**

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

13 3. Aqua-Aerobic is the exclusive licensee of United States Patent No.
14 6,103,132 (the "'132 patent"), entitled "Filter Cloth, Filtering Process, and Filtering
15 Device for Liquid Filtration," which issued on August 15, 2000 (Exhibit A). Aqua-
16 Aerobic has the exclusive right to enforce the '132 patent and has standing to sue for
17 infringement of the '132 patent.

18 4. Five Star is a domestic limited liability company organized under the laws
19 of Texas and has a business address at 35 Wellington Lane, Conroe, Texas 77304. Five
20 Star competes with Aqua-Aerobic in the industry of manufacturing and selling products
21 and systems that are used to treat and filter waste water.

1 others. Five Star also manufactures, offers to sell and/or sells Five Star Disk Filter
2 Systems to others.

3 11. Johnson uses, or has used, at Pecan Creek in this judicial district the Five
4 Star Disk Filter System manufactured by Five Star to filter liquid.

5 12. The Five Star Disk Filter System includes a filter cloth located in the path
6 of flow of a liquid to be filtered.

7 13. The filter cloth of the Five Star Disk Filter System has a support fabric and
8 a pile facing made of pile threads on the side of the filter cloth exposed to the flow.

9 14. The length, stiffness and density of the pile threads of the Five Star Disk
10 Filter System are controlled so that they are flattened by the flow of the liquid being
11 filtered.

12 15. When flattened, the pile threads of the Five Star Disk Filter System form a
13 deep filter with angled and multiple curved flow channels.

14 16. The Five Star Disk Filter System includes a suction bar located on the pile
15 thread side of the filter cloth.

16 17. The suction bar of the Five Star Disk Filter System has a suction slit for
17 sucking a back washing flow through the filter cloth at a flow rate such that in the back
18 washing mode the pile threads straighten out into a position directed away from the filter
19 cloth.

20 18. The Five Star Disk Filter System includes one or more structures that
21 create relative motion between the suction bar and the filter cloth in a direction of
22 motion that is parallel to the plane of the filter cloth.

1 19. The suction bar of the Five Star Disk Filter System has a surface turned
2 toward the filter cloth on the side of the suction slit lying upstream with respect to the
3 relative motion.

4 20. The suction bar surface of the Five Star Disk Filter System is spaced from
5 the filter cloth by such a short distance that it acts mechanically on the pile threads
6 before the pile threads enter the suction slit to retain the pile threads in their flattened
7 position against the support fabric.

8 21. The suction bar surface of the Five Star Disk Filter System abruptly
9 releases the pile threads from their flattened position upon their entry into the suction
10 slit.

11 22. The suction bar surface of the Five Star Disk Filter System forms a sharp
12 edge on the edge of the suction slit.

13 23. The suction slit of the Five Star Disk Filter System has a width that is
14 greater than the length of the pile threads.

15 24. The suction slit of the Five Star Disk Filter System has a width that is a
16 multiple of the length of the pile threads.

17 25. The pile threads of the Five Star Disk Filter System consist of
18 multifilaments with free ends separated into individual filaments.

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

21 27. Five Star has infringed apparatus claims 4 through 8 of the '132 patent by,
22 among other things, making, selling, and/or offering to sell the Five Star Disk Filter

1 System and by, among other things, actively inducing Johnson to use the Five Star Disk
2 Filter System.

3 28. Johnson has infringed apparatus claims 4 through 8 of the '132 patent by
4 using the Five Star Disk Filter System.

5 29. The Five Star Disk Filter System is used in the process of filtering liquid.

6 30. The Five Star Disk Filter System guides a flow of liquid to be filtered
7 through a filter cloth having a supporting fabric and a pile made of pile threads on the
8 side against which the liquid flows.

9 31. The flow of liquid in the Five Star Disk Filter System causes the pile
10 threads to be flattened toward the supporting fabric and to form a spacial filter having
11 angled and multiple curved flow channels.

12 32. The Five Star Disk Filter System is used for back washing the filter cloth
13 at time intervals by moving a suction bar having a suction slit over the filter cloth on the
14 pile thread side of the filter cloth.

15 33. The suction bar of the Five Star Disk Filter System exerts a suction force
16 to create a back washing flow by sucking the liquid through the filter cloth.

17 34. The back washing flow of the Five Star Disk Filter System causes the pile
18 threads in the area of the suction slit to be straightened up to a position directed away
19 from the supporting fabric.

20 35. The Five Star Disk Filter System subjects the pile threads, prior to entering
21 the suction slit, to a mechanical retaining action which retains the pile threads in their
22 flattened position against the fabric and prevents them from straightening up.

1 36. The Five Star Disk Filter System abruptly releases the pile threads from
2 the mechanical retaining action upon their entry into the suction slit.

3 37. Upon entry into the suction slit, the Five Star Disk Filter System causes the
4 pile threads to straighten abruptly within the suction slit.

5 38. The Five Star Disk Filter System subjects the pile threads leaving the
6 suction slit to a mechanical flattening action that returns the pile threads to a flattened
7 position.

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

10 40. Five Star has infringed method claims 1 through 3 of the '132 patent by,
11 among other things, actively inducing Johnson and others to use the infringing Five Star
12 Disk Filter System to filter wastewater in a manner that practices the claimed methods.

13 41. Johnson has infringed method claims 1 through 3 of the '132 patent by
14 using the infringing Five Star Disk Filter System to filter wastewater in a manner that
15 practices the claimed methods.

16 42. The defendants' infringement, contributory infringement and/or knowing
17 and intentional inducement to infringe has injured Aqua-Aerobic and Aqua-Aerobic is
18 entitled to recover damages adequate to compensate it for such infringement, but in no
19 event less than a reasonable royalty.

20 43. Aqua-Aerobic has provided notice to the public pursuant to 35 U.S.C. §
21 287 by marking its products with the '132 patent number. In addition, Five Star was
22 advised of its infringement in writing at least as early as December 2006. Therefore, the

1 defendants had actual and/or constructive notice of the '132 patent and despite that
2 notice committed acts of infringement, including but not limited to those described
3 herein. As a consequence, the defendants' infringement and/or active inducement of
4 infringement is and has been willful, intentional and deliberate and has injured and will
5 continue to injure Aqua-Aerobic.

6 44. The defendants' infringement of the '132 patent has caused irreparable
7 harm to Aqua-Aerobic, which has no adequate remedy at law, and will continue to injure
8 Aqua-Aerobic unless and until this Court enters an injunction prohibiting further
9 infringement and, specifically, enjoining further importation, manufacture, use, offer for
10 sale and/or sale of the Five Star Disk Filter System, and enjoining the defendants from
11 contributing to and/or inducing infringement of the '132 patent.

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

17 a. The entry of judgment in favor of Aqua-Aerobic and against the
18 defendants;

19 b. An award of damages adequate to compensate Aqua-Aerobic for
20 the infringement that has occurred, together with prejudgment interest from the
21 date the infringement began, but in no event less than a reasonable royalty as
22 permitted by 35 U.S.C. § 284;

1 c. Increased damages as permitted under 35 U.S.C. § 284;

2 d. A finding that this case is exceptional and an award to Aqua-
3 Aerobic of its reasonable attorneys' fees and costs as provided by 35 U.S.C. §
4 285;

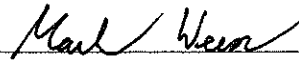
5 e. A permanent injunction prohibiting further infringement,
6 inducement and/or contributory infringement of the '132 patent; and,

7 f. Such other relief that Aqua-Aerobic is entitled to under law, and
8 any other and further relief that this Court or a jury may deem just and proper.

9 **Jury Demand**

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

11 AQUA-AEROBIC SYSTEMS, INC.

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