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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

GOODMAN BALL, INC.)

Plaintiff,)

vs.)

CLEAR WATER USA, INC.;)
DENOUEMENT STRATEGIES, INC.;)
MACH II AVIATION, INC.;)
ESCAPE VELOCITY OF TAMPA BAY,)
INC; SOLARDIESEL CORP.)

Defendants.)

Case No.: 3:07-CV-01148-BZ

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

Judge: The Honorable Bernard
Zimmerman

FIRST AMENDED COMPLAINT

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3 Plaintiff Goodman Ball, Inc. (“GBI”) files this amended complaint against defendants
4 Clearwater Water USA, Inc. (“Clearwater”), Denouement Strategies, Inc. (“Denouement”),
5 Mach II Aviation, Inc. (“Mach II”), Escape Velocity of Tampa Bay, Inc. (“Escape Velocity”),
6 and SolarDiesel Corporation (“SolarDiesel”) (Collectively, “DEFENDANTS”). Following GBI’s
7 jurisdictional discovery pursuant to the Jurisdictional Discovery Order (Docket No. 35) entered
8 by the Court on June 21, 2007, GBI hereby amends its original complaint against Clearwater
9 and Denouement to include the aforementioned additional defendants.

10 1. Pleading further, GBI for its First Amended Complaint against defendants
11 Clearwater, Denouement, Mach II, Escape Velocity, and SolarDiesel, alleges as follows:

12 2. This is a patent infringement action to stop DEFENDANTS’ unauthorized and
13 infringing sale, offer to sell, use, and importation of products incorporating GBI’s patented
14 inventions. GBI seeks injunctive relief to stop the DEFENDANTS from continuing to infringe
15 GBI valuable patent rights, as well as monetary damages.
16

17 3. Plaintiff GBI is a corporation existing and organized under the laws of the state of
18 California and has its principal place of business at 3639 Haven Avenue, Menlo Park, California
19 94025.

20 4. Upon information and belief, defendant Clearwater is a corporation existing and
21 organized under the laws of the State of Florida and has its principal place of business at Clear
22 Water USA, Inc., 3110 Falkenburg Road, Tampa, FL 33619.
23

24 5. Upon information and belief, defendant Denouement is a corporation existing and
25 organized under the laws of the State of Florida and has its principal place of business at
26 Denouement Strategies, Inc., 2515 E. Hanna Avenue, Tampa, FL 33610.
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1 6. Upon information and belief, defendant Mach II is a corporation existing and
2 organized under the laws of the State of Florida and has its principal place of business at Mach II
3 Aviation, Inc., 3110 Falkenburg Road, Tampa, FL 33619.

4 7. Upon information and belief, defendant Escape Velocity is a corporation existing
5 and organized under the laws of the State of Florida and has its principal place of business at
6 Escape Velocity of Tampa Bay, Inc., 6324 S.R. 579, Tampa FL 33623.

7
8 8. Upon information and belief, defendant SolarDiesel is a corporation existing and
9 organized under the laws of the State of Florida and has its principal place of business at
10 SolarDiesel Corporation, 2515 E. Hanna Avenue, Tampa, FL 33610.

11 9. This action for patent infringement arises under the Patent Laws of the United
12 States, in particular 35 U.S.C. §§ 271, 281, 283, 284 and 285. This court has jurisdiction over
13 the subject matter of this action under 28 U.S.C. §1338(a).

14
15 10. This Court has personal jurisdiction over the DEFENDANTS, and venue is proper
16 in this Court pursuant to 28 U.S.C. §§ 1391 and 1400. Upon information and belief, each
17 defendant has conducted and does conduct business in the State of California, directly or through
18 intermediaries, ships, distributes, offers for sale, sells, and advertises its products in the United
19 States, including in the State of California, and in the Northern District of California, and has
20 caused injury in this judicial district by acts both within and outside of this district.

21 11. GBI is the assignee of United States Patent No. 5,399,260, entitled Field Portable
22 Water Purification System, which was duly and legally issued on August 5, 1992 (“the ‘260
23 patent”). Ron C. Ball, the former chief executive officer, and William A. Eldredge, the director
24 of engineering of GBI, are named inventors on the ‘260 patent. A true and correct copy of the
25 ‘260 patent is attached as Exhibit A.
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1 12. Plaintiff GBI advertises, manufactures, and sells a product called the “GBI 3000
2 Diesel Water Purification Unit” (hereinafter “DWPU”) which incorporates the technology
3 described in the ‘260 patented.

4 13. Upon information and belief, defendant Clearwater manufactures, uses, offers to
5 sell, sells, and imports a product called the “CW 1500/3000 Portable Water Purification Unit”
6 (“PWPU-1”).

7
8 14. Upon information and belief, defendant Denouement manufactures, uses, offers to
9 sell, sells, and imports a product called the “DSI 3000C Portable Water Purification Unit”
10 (“PWPU-2”).

11 15. Upon information and belief, defendant Mach II manufactures, uses, offers to sell,
12 sells, and imports the PWPU-1 and/or PWPU-2.

13
14 16. Upon information and belief, defendant Escape Velocity manufactures, uses,
15 offers to sell, sells, and imports the PWPU-1 and/or PWPU-2.

16
17 17. Upon information and belief, defendant SolarDiesel manufactures, uses, offers to
18 sell, sells, and imports the PWPU-1 and/or PWPU-2.

19 18. Upon information and belief, DEFENDANTS’ PWPU-1 and PWPU-2 products
20 are identical copies of plaintiff’s DWPU product.

21
22 19. By making, using, offering to sell, selling, and importing the PWPU-1 and
23 PWPU-2 products, DEFENDANTS have infringed and continue to infringe the ‘260 patent in
24 violation of 35 U.S.C. §271.

25 20. By their actions alleged above, defendants Clearwater, Denouement, Mach II,
26 Escape Velocity, and SolarDiesel have caused third parties to literally infringe in the ‘260 Patent
27 and by so doing induced these third parties to infringe the ‘260 patent or contributed to the
28

1 infringement by these third parties, and will continue to induce or contribute these third parties to
2 infringe the '260 patent.

3
4 21. DEFENDANTS have been given notice of their infringing activities. On or about
5 January 31, 2006, GBI, through its attorney, sent a letter to defendants Clearwater and
6 Denouement informing them of the fact of infringement and requesting that defendants cease and
7 desist from all further acts of infringement. GBI requested a response within (7) days of its
8 receipt but, to date, defendants have not responded.

9 22. Upon information and belief DEFENDANTS continue to manufacture, use, offer
10 to sell, sell, and import the PWPU-1 and PWPU-2 products since receiving the January 31, 2006
11 cease and desist letter.

12 23. On information and belief, DEFENDANTS' aforementioned infringement of the
13 '260 patent has been willful, knowing and deliberate.

14
15 24. As a direct and proximate result of DEFENDANTS' infringement, GBI has
16 suffered damages in an amount which cannot yet be fully ascertained, but which are believed to
17 far exceed the sum of \$75,000.

18
19 25. Unless permanently enjoined, DEFENDANTS will continue their infringing acts,
20 and GBI will be irreparably harmed by DEFENDANTS' aforementioned infringement of the
21 '260 patent as GBI has no adequate remedy at law to cause the DEFENDANTS to cease their
22 infringing acts.

23 26. Upon information and belief, DEFENDANTS had knowledge of the '260 patent
24 when they copied the plaintiff's DWPU product and this an exceptional case under 35 U.S.C.
25 §285.

26
27 27. Wherefore Plaintiff prays for judgment that:
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1 A. The claims of United States Patent No. 5,399,260 are infringed by
2 DEFENDANTS;

3 B. A preliminary injunction be entered enjoining DEFENDANTS, their
4 officers, agents, servants, employees, and attorneys, and those persons in active concert or
5 participation with them who receive actual notice thereof, from directly or indirectly infringing,
6 or inducing or contributing to the infringement of U.S. Patent No. 5,399,260, said injunction to
7 be made permanent following trial;
8

9 C. GBI be awarded damages sufficient to compensate it for DEFENDANTS'
10 infringement but in no event less than a reasonable royalty and that such damages be awarded
11 with prejudgment interest;

12 D. GBI be awarded treble damages pursuant to 35 U.S.C. § 284 and § 285
13 for willful, knowing and deliberate infringement;
14

15 E. GBI be awarded its attorney fees, costs and expenses incurred in this
16 action; and
17

18 F. GBI be awarded such other and further relief as the Court may deem just.
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21 LAW OFFICES OF
22 MICHAEL M. AHMADSHAHI

23 Respectfully Submitted,
24

25 /S/ Michael M. Ahmadshahi
26 Michael M. Ahmadshahi
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DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff GBI demands a trial by jury on all matters to which it is entitled by law.

/S/ Michael M. Ahmadshahi
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Attorneys for Plaintiff,
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CERTIFICATE OF SERVICE

I, MICHAEL M. AHMADSHAHI, certify under penalty of perjury that the foregoing was served on the interested parties listed below, via the Court's Electronic Filing Program, United States Mail, Electronic Mail, and/or any other manner permitted by the Federal Rules of Civil Procedure on August 27, 2007.

/S/ Michael M. Ahmadshahi
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