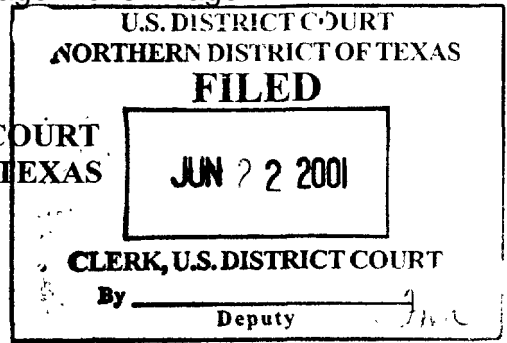


✓
ORIGINAL



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

WORLDWIDE ENVIRONMENTAL
SYSTEMS CORPORATION,

Plaintiff,

vs.

ENVIRECYCLE,
ENVIRECYCLE HOLDINGS, INC., and
ENVIRECYCLE INK RECOVERY, LTD.

Defendants.

§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO.

301 - CV 1211 - H

401 - CV - 0540 - E

COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff Worldwide Environmental Systems Corporation (“Wescorp”) and hereby complains and alleges against Defendants as follows:

PARTIES

1. Plaintiff Worldwide Environmental Systems Corporation is a Delaware corporation with its principal place of business at 112 Bedford Road, Bedford, Texas 76002.
2. Defendants Envirecycle, Envirecycle Holdings, Inc., and Envirecycle Ink Recover, Ltd. are believed to be Minnesota corporations or companies with their principal place of business at 610 Kasota Avenue, Minneapolis, Minnesota 55414.

JURISDICTION AND VENUE

3. This Court has personal jurisdiction over Defendants because the Defendants conduct business within this jurisdiction. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1338, 2201 and 2202, as a declaratory judgment action arising under the Patent Laws, Title 35 of the United States Code.

4. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b) because Plaintiff's acts of alleged infringement took place within this jurisdiction and, on information and belief, Defendants regularly conduct business within this District.

FACTS

5. A company known to Plaintiff Wescorp through correspondence as "Envirecycle" asserts that it is the owner of United States Patent No. 4,818,284 ("the '284 patent" or "the patent in suit"), issued on April 4, 1989 and entitled "Ink Reclamation System." This patent is attached to this Complaint as Exhibit 1. On information and belief, "Envirecycle" is one or more of the Defendants.

6. Defendants are in the business of ink reclamation. Wescorp is also in the business of ink reclamation. To this end, Wescorp uses certain processes, procedures and products to conduct its business of ink reclamation.

7. On or about November 10, 2000, Wescorp received a letter from Defendants which stated, *inter alia*, that Wescorp was infringing the '284 patent. Wescorp denied this allegation of infringement in a letter dated February 20, 2001.

8. On information and belief, Defendants have and continue to notify Wescorp's customers that Wescorp is infringing the patent in suit. Such notification is without merit or good cause.

REQUESTED RELIEF

Claim I – Declaratory Judgment of Non-Infringement

9. Wescorp hereby incorporates the allegations contained in paragraphs 1-8 of this Complaint and further alleges as follows:

10. None of the processes, procedures and products utilized in Wescorp's ink reclamation business are covered by any claim of the patent in suit and thus, Wescorp is not infringing the patent in suit, literally or under the doctrine of equivalents.

11. Wescorp is entitled to a judgment declaring that its ink reclamation processes, procedures and products do not infringe, either literally or by virtue of the doctrine of equivalents, the patent in suit.

Claim II – Declaratory Judgment of Invalidity

12. Wescorp hereby incorporates the allegations contained in paragraphs 1-8 of this Complaint and further alleges as follows:

13. Each of the claims of the patent in suit is invalid under 35 U.S.C. §102 because one or more of the provisions of §102 bars patentability of the inventions defined by each such claim.

14. Each of the claims of the patent in suit is invalid under 35 U.S.C. §103 because the inventions defined by each such claim would have been obvious at the time it was made to one of ordinary skill in the relevant art.

15. Each of the claims of the patent in suit is invalid under 35 U.S.C. §112 because each such claim fails to define that which the inventor considered to be his invention and/or the specification fails to provide an adequate disclosure of said invention and/or is not enabling of the claimed inventions.

16. Wescorp is entitled to a judgment declaring that each claim of the patent in suit is invalid.

Claim III – Unfair Competition

17. Wescorp hereby incorporates the allegations contained in paragraphs 1-8 of this Complaint and further alleges as follows:

18. Defendants' notification to Wescorp's customers that Wescorp is allegedly infringing the patent in suit is without merit or good cause.

19. Defendants' notification to Wescorp's customers regarding Wescorp's alleged infringement constitutes unfair competition under the Lanham Act, 15 U.S.C. §1051 *et seq.* and under the Texas Business and Commerce Code.

20. Wescorp is entitled to a judgment that Defendants' actions constitute unfair competition.

21. Wescorp requests that damages stemming from this unfair competition be determined at trial by the jury.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Wescorp demands a jury trial on all issues so triable

PRAYER FOR RELIEF

WHEREFORE, Wescorp prays that this Court enter judgment as follows:

- a. Declaring that the patent in suit is not now and has never been infringed by Wescorp, and contains no claims which read, either literally or by application of the doctrine of equivalents, upon any product or process marketed by Wescorp;
- b. Declaring that the patent in suit is invalid and that Defendants are without right or authority to enforce or threaten to enforce any claim of the patent against Wescorp or any other party;
- c. Finding that Defendants' actions constitute unfair competition under both state and federal law;
- d. Granting Wescorp all monetary relief appropriate, including damages caused by Defendants' unfair competition and Wescorp's attorneys' fees and costs incurred in this action; and
- e. Granting Wescorp such other and further relief, either in equity or at law, as the Court deems appropriate under the circumstances of this case.

DATED this 22 day of June 2001.

Respectfully submitted,

CARR & STORM



Gregory W. Carr

Paul V. Storm

Robin L. Barnes

900 Jackson Street

670 Founders Square

Dallas, Texas 75202

Telephone No. (214) 760-3000

Facsimile No : (214) 760-3003

ATTORNEYS FOR PLAINTIFF