

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

PRECISION CONCRETE CUTTING,
INC., a Utah corporation,

Civil Action No. 6:09-cv-996-Orl-35GJK

Plaintiff,

**COMPLAINT FOR PATENT
INFRINGEMENT**

v.

SEVERN TRENT SERVICES, INC., a
Pennsylvania corporation,

Defendant.

_____/

Plaintiff, Precision Concrete Cutting, Inc. ("Precision"), sues Defendant, Severn Trent Services, Inc. ("Defendant"), and for causes of action alleges as follows:

PARTIES

1. Plaintiff Precision is a Utah corporation having principal executive offices located at 3191 North Canyon Road, Provo, Utah 84604.
2. Defendant, upon information and belief, is a Pennsylvania corporation with its principal executive offices located at 580 Virginia Drive, Suite 300, Fort Washington, Pennsylvania 19034, organized and existing under the laws of the state of Pennsylvania, is registered to do business in the state of Florida, and is doing business in this judicial district.

JURISDICTION AND VENUE

3. This is a civil action for patent infringement brought by Plaintiff for patent infringement committed by the Defendant arising under the patent laws of the United States, and more specifically, under Title 35 U.S.C. §§ 271, 281, 283, 284 and 285. Jurisdiction of this court is founded upon 28 U.S.C. §§ 1331 and 1338(a).

4. Upon information and belief, Defendant has transacted business, contracted to supply goods or services, and caused injury within the state of Florida, and has otherwise purposely availed itself of the privileges and benefits of the laws of the state of Florida, and is therefore subject to the jurisdiction of this court pursuant to Fed.R.Civ.P. 4(k)(1)(A) and § 48.193 Florida Statutes.

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

COUNT I
(Infringement of U.S. Patent No. 7,402,095)

6. Plaintiff hereby incorporates the allegations of paragraphs 1 through 5 of this Complaint as though fully set forth herein.

7. U.S. Patent No. 7,402,095 (“the ’095 Patent”) was issued on July 22, 2008, bearing the title “Method for Removing Trip Hazards in Concrete Sidewalks” (*See* Exhibit A).

8. Plaintiff is the owner of all right, title and interest in and to the ’095 Patent, including the right to sue for and recover all past, present, and future damages for infringement of the ’095 Patent.

9. Plaintiff has not licensed or otherwise authorized Defendant to practice the ’095 Patent.

10. Defendant, directly or through its subsidiaries, divisions or groups, have infringed and continue to infringe one or more claims of the ’095 Patent by making, using, selling, and/or offering to sell, or allowing others to make, use, sell, and/or offer for sale, in the United States, Florida, and/or this judicial district, products or services, that are covered by one or more claims of the ’095 Patent. Defendant is liable for infringement of the ’095 Patent pursuant to 35 U.S.C. § 271.

11. Defendant's acts of infringement have caused damage to Plaintiff, and Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of the Defendant's wrongful acts in an amount subject to proof at trial.

12. As a consequence of the infringement complained of herein, Plaintiff has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless Defendant is enjoined by this Court from committing further acts of infringement.

13. Upon information and belief, Defendant's acts of infringement were made or will be made with knowledge of the '095 Patent. Such acts constitute willful infringement and make this case exceptional pursuant to 35 U.S.C. §§ 284 and 285 and entitle Plaintiff to enhanced damages and reasonable attorneys' fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for entry of judgment that:

- A. The Defendant has infringed the '095 Patent;
- B. The Defendant account for and pay to Plaintiff all damages caused by its infringement of the '095 Patent, and to enhance such damages by three times in light of Defendant's willful infringement, all in accordance with 35 U.S.C. § 284;
- C. Plaintiff be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining Defendant, its officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;
- D. Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendant's patent infringement;
- E. The Court declare this an exceptional case and that Plaintiff be granted its reasonable attorneys' fees in accordance with 35 U.S.C. § 285;

F. Costs be awarded to Plaintiff; and,

G. Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

COUNT II
(Infringement of U.S. Patent No. 7,143,760)

14. Plaintiff hereby incorporates the allegations of paragraphs 1 through 5 of this Complaint as though fully set forth herein.

15. U.S. Patent No. 7,143,760 ("the '760 Patent") was issued on December 5, 2006, bearing the title "Method for Removing Trip Hazards in Concrete Sidewalks" (*See* Exhibit B).

16. Plaintiff is the owner of all right, title and interest in and to the '760 Patent, including the right to sue for and recover all past, present, and future damages for infringement of the '760 Patent.

17. Plaintiff has not licensed or otherwise authorized Defendant to practice the '760 Patent.

18. Defendant, directly or through its subsidiaries, divisions or groups, have infringed and continue to infringe one or more claims of the '760 Patent by making, using, selling, and/or offering to sell, or allowing others to make, use, sell, and/or offer for sale, in the United States, Florida, and/or this judicial district, products or services, that are covered by one or more claims of the '760 Patent. Defendant is liable for infringement of the '760 Patent pursuant to 35 U.S.C. § 271.

19. Defendant's acts of infringement have caused damage to Plaintiff, and Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of the Defendant's wrongful acts in an amount subject to proof at trial.

20. As a consequence of the infringement complained of herein, Plaintiff has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless Defendant is enjoined by this Court from committing further acts of infringement.

21. Upon information and belief, Defendant's acts of infringement were made or will be made with knowledge of the '760 Patent. Such acts constitute willful infringement and make this case exceptional pursuant to 35 U.S.C. §§ 284 and 285 and entitle Plaintiff to enhanced damages and reasonable attorneys' fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for entry of judgment that:

- A. The Defendant has infringed the '760 Patent;
- B. The Defendant account for and pay to Plaintiff all damages caused by its infringement of the '760 Patent, and to enhance such damages by three times in light of Defendant's willful infringement, all in accordance with 35 U.S.C. § 284;
- C. Plaintiff be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining Defendant, its officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;
- D. Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendant's patent infringement;
- E. The Court declare this an exceptional case and that Plaintiff be granted its reasonable attorneys' fees in accordance with 35 U.S.C. § 285;
- F. Costs be awarded to Plaintiff; and,
- G. Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

COUNT III
(Infringement of U.S. Patent No. 7,201,644)

22. Plaintiff hereby incorporates the allegations of paragraphs 1 through 5 of this Complaint as though fully set forth herein.

23. U.S. Patent No. 7,201,644 (“the ’644 Patent”) issued on April 10, 2007, bearing the title “Apparatus for Removing Trip Hazards in Concrete Sidewalks” (*See* Exhibit C).

24. Plaintiff is the owner of all right, title and interest in and to the ’644 Patent, including the right to sue for and recover all past, present and future damages for infringement of the ’644 Patent.

25. Plaintiff has not licensed or otherwise authorized Defendant to practice the ’644 Patent.

26. Upon information and belief, Defendant, directly or through its subsidiaries, divisions or groups, have infringed and continue to infringe one or more claims of the ’644 Patent by making, using, selling and/or offering to sell, or allowing others to make, use, sell and/or offer for sale, in the United States, Florida and/or this judicial district, products or services, that are covered by one or more of the claims of the ’644 Patent. Defendant is liable for infringement of the ’644 Patent pursuant to 35 U.S.C. § 271.

27. Defendant’s acts of infringement have caused damage to Plaintiff, and Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of the Defendant’s wrongful acts in an amount subject to proof at trial.

28. As a consequence of the infringement complained of herein, Plaintiff has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless Defendant is enjoined by this Court from committing further acts of infringement.

29. Upon information and belief, Defendant's acts of infringement were made or will be made with knowledge of the '644 Patent. Such acts constitute willful infringement and make this case exceptional pursuant to 35 U.S.C. §§ 284 and 285 and entitle Plaintiff to enhanced damages and reasonable attorneys' fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for entry of judgment that:

- A. The Defendant has infringed the '644 Patent;
- B. The Defendant account for and pay to Plaintiff all damages caused by its infringement of the '644 Patent, and to enhance such damages by three times in light of Defendant's willful infringement, all in accordance with 35 U.S.C. § 284;
- C. Plaintiff be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining Defendant, its officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;
- D. Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendant's patent infringement;
- E. The Court declare this an exceptional case and that Plaintiff be granted its reasonable attorneys' fees in accordance with 35 U.S.C. § 285;
- F. Costs be awarded to Plaintiff; and,
- G. Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

COUNT IV
(Infringement of U.S. Patent No. 6,827,074)

30. Plaintiff hereby incorporates the allegations of paragraphs 1 through 5 of this Complaint as though fully set forth herein.

31. U.S. Patent No. 6,827,074 (“the ‘074 Patent”) issued on December 7, 2004, bearing the title “Method and Apparatus for Removing Trip Hazards in Concrete Sidewalks” (*See Exhibit D*).

32. Plaintiff is the owner of all right, title and interest in and to the ‘074 Patent, including the right to sue for and recover all past, present and future damages for infringement of the ‘074 Patent.

33. Plaintiff has not licensed or otherwise authorized Defendant to practice the ‘074 Patent.

34. Upon information and belief, Defendant, directly or through its subsidiaries, divisions or groups, have infringed and continue to infringe one or more claims of the ‘074 Patent by making, using, selling and/or offering to sell, or allowing others to make, use, sell and/or offer for sale, in the United States, Florida and/or this judicial district, products or services, that are covered by one or more of the claims of the ‘074 Patent. Defendant is liable for infringement of the ‘074 Patent pursuant to 35 U.S.C. § 271.

35. Defendant’s acts of infringement have caused damage to Plaintiff, and Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of the Defendant’s wrongful acts in an amount subject to proof at trial.

36. As a consequence of the infringement complained of herein, Plaintiff has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless Defendant is enjoined by this Court from committing further acts of infringement.

37. Upon information and belief, Defendant’s acts of infringement were made or will be made with knowledge of the ‘074 Patent. Such acts constitute willful infringement and make

this case exceptional pursuant to 35 U.S.C. §§ 284 and 285 and entitle Plaintiff to enhanced damages and reasonable attorneys' fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for entry of judgment that:

- A. The Defendant has infringed the '074 Patent;
- B. The Defendant account for and pay to Plaintiff all damages caused by its infringement of the '074 Patent, and to enhance such damages by three times in light of Defendant's willful infringement, all in accordance with 35 U.S.C. § 284;
- C. Plaintiff be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining Defendant, its officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;
- D. Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendant's patent infringement;
- E. The Court declare this an exceptional case and that Plaintiff be granted its reasonable attorneys' fees in accordance with 35 U.S.C. § 285;
- F. Costs be awarded to Plaintiff; and,
- G. Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury on all claims and issues so triable.

DATED: June 15, 2009.



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