

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SPECIALTY SURFACES
INTERNATIONAL, INC.

Plaintiff,

v.

ATHLETIC SURFACESPLUS LLC

Defendant.

Civil Action No.
1:12-cv-1901-CAP

FIRST AMENDED COMPLAINT

Plaintiff Specialty Surfaces International, Inc. (“Plaintiff”) hereby states its First Amended Complaint against Defendant Athletic SurfacesPlus LLC (“Defendant”) as follows:

NATURE OF THE ACTION

1.

This is an action for patent infringement, arising out of Defendant’s infringement of United States Patent No. 5,976,645, titled “Vertically Draining, Rubber-Filled Synthetic Turf and Method of Manufacture,” which was originally issued on November 2, 1999 and subject to a re-examination certificate issued on December 8, 2009 (hereinafter “the ‘645 Patent”). A true and correct copy of the ‘645 Patent, including the re-examination certificate, is attached as Exhibit A.

THE PARTIES

2.

Plaintiff Specialty Surfaces International, Inc. is a corporation, organized and existing under the laws of the State of Pennsylvania. Plaintiff Specialty Surfaces International, Inc.'s principal place of business is located within this District.

3.

Upon information and belief, Defendant is a limited liability company organized and existing under the laws of the State of Tennessee. Upon information and belief, Defendant's principal place of business is located in Memphis, Tennessee. Defendant's registered agent for service of process in the State of Tennessee is Timothy Cowan, 485 River Ridge CV, Memphis, Tennessee 38120-2537.

JURISDICTION AND VENUE

4.

This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and/or 1338.

5.

Upon information and belief, this Court has personal jurisdiction over the Defendant pursuant to O.C.G.A. § 9-10-91.

6.

Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and/or 1400.

OPERATIVE FACTS

THE PATENT-IN-SUIT

7.

Plaintiff is the owner by assignment of all right, title, and interest in the '645 Patent.

THE INFRINGING PRODUCTS

8.

Upon information and belief, Defendant uses, offers for sale and/or sells a type of synthetic turf that meets the limitations of one or more claims of the '645 Patent within the United States.

9.

Upon information and belief, Defendant contributes to and/or induces the manufacture, use, sale, offer for sale, and/or importation of a type of synthetic turf that meets the limitations of one or more claims of the '645 Patent within the United States.

10.

Defendant does not have a license or other authorization to practice the claims set forth in the '645 Patent.

DEFENDANT'S KNOWLEDGE OF THE '645 PATENT

11.

In March, 2011, Plaintiff sent correspondence to twenty-two companies in the synthetic turf industry to notify those companies of the '645 Patent and to investigate whether those companies were infringing the '645 Patent.

12.

As a result of these efforts, the '645 Patent became well-known within the synthetic turf industry.

13.

Upon information and belief, after March, 2011, Defendant, through its principal Timothy Cowan, developed specifications for numerous synthetic turf projects that met the limitations of one or more claims of the '645 Patent. Examples of these specifications are attached as Exhibit B.

14.

Upon information and belief, after March, 2011, Defendant used, offered for sale and/or sold synthetic turf that met the limitations of one or more claims of the '645 Patent.

15.

Upon information and belief, Defendant has contributed to and/or induced and/or continues to contribute to and/or induce others' use, sale and/or offer for sale of synthetic turf that meets the limitations of one or more claims of the '645 Patent.

16.

Defendant, through its principal Timothy Cowan, recently stated to a representative of Plaintiff that Mr. Cowan had read the '645 Patent and further stated that he had developed "over fifty" specifications similar to those attached as Exhibit B.

17.

All conditions precedent to the assertion of the claims set forth in this Complaint have been satisfied or waived.

COUNT ONE

DEFENDANT'S INFRINGEMENT OF THE '645 PATENT

18.

Plaintiff incorporates by reference as if fully set forth herein the averments contained within Paragraphs 1-17.

19.

By reason of some or all of the foregoing, Defendant has infringed, either directly and/or indirectly, at least one claim of the '645 Patent.

20.

By reason of some or all of the foregoing, Defendant's infringement of at least one claim of the '645 Patent has been willful.

21.

Plaintiff has suffered damages as the direct and proximate result of Defendant's infringement of the '645 Patent.

WHEREFORE, Plaintiff prays that:

(1) This Court enter judgment in favor of Plaintiff and against Defendant for infringement of the '645 Patent;

(2) This Court award damages to Plaintiff and against Defendant in an amount to be proven at trial for infringement of the '645 Patent, pursuant to 35 U.S.C. § 284;

(3) This Court award enhanced damages to Plaintiff and against Defendant in an amount equal to three times Plaintiff's damages for infringement of the '645 Patent based upon Defendant's willful infringement and/or bad faith, pursuant to 35 U.S.C. § 284;

(4) This Court declare this to be an exceptional case pursuant to 35 U.S.C. § 285, as appropriate, and award Plaintiff its attorney's fees in this action; and

(5) Plaintiff have such other and further relief as the Court deems just, equitable and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands a trial by jury of all issues triable of right by a jury.

This 23rd day of July, 2012.

/s/ N. Andrew Crain

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