

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**FIVE STAR NETWORKS INC.,  
A BAHAMIAN CORPORATION**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 1:12-CV-00103 LG-JMR**

**EXTREME TECHNOLOGYS INC.,  
A GEORGIA CORPORATION, AND  
IDEAL MANUFACTURING, INC.,  
A NEW YORK CORPORATION**

**DEFENDANTS**

**FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, Five Star Networks Inc., by its attorneys Brunini, Grantham, Grower & Hewes, PLLC and Price Heneveld LLP, for its First Amended Complaint against Extreme Technologys Inc. and Ideal Manufacturing, Inc., states as follows:

**NATURE OF ACTION**

1. This is an action for patent infringement under the United States Code, Title 35, as amended, and particularly under 35 U.S.C. §§ 271, 283, 284 and 285.

**THE PARTIES**

2. Plaintiff Five Star Networks Inc. is a Bahamian Corporation, having a place of business located at 2<sup>nd</sup> Floor, Saffrey Square Bank Lane and Bay Street, Nassau, Bahamas.

3. Upon information and belief, Defendant Extreme Technologys Inc. (“ETI”) is a Georgia corporation, having a place of business located at 4501 Industrial Access Road, Douglasville, Georgia 30134.

4. Upon information and belief, Defendant Ideal Manufacturing, Inc. (“Ideal”) is a New York corporation, having a place of business located at 999 Picture Parkway, Webster, New York 14580.

JURISDICTION

5. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Upon information and belief, Defendants ETI and Ideal have each engaged in business activities in Mississippi, have substantial continuous and systematic contacts with the State of Mississippi and this Judicial District, and the acts of Defendants complained of in this Complaint have been committed within this Judicial District.

7. Venue is proper in this Judicial District under 28 U.S.C. §§ 1391 and 1400.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,264,402

8. Plaintiff restates the allegations contained in paragraphs 1-7.

9. On July 24, 2001, United States Patent No. 6,264,402 (the ‘402 Patent) entitled “Method And Apparatus For Forming Piles In Place,” was duly issued by the United States Patent and Trademark Office to Robert Alfred Vickars, Jeremiah Charles Tilney Vickars, and Gary Matheus Toebosch. A copy of the ‘402 Patent is attached as **Exhibit A**.

10. Plaintiff Vickars Development Co. Ltd. initially was the owner of the ‘402 Patent by way of assignment, which assignment included the right to bring suit and recover damages for all past, present and future infringements of any of the rights relating to the ‘402 Patent.

11. In 1998, Plaintiff Five Star Networks Inc. became the owner of the ‘402 patent, by way of assignment from Vickars Development Co. Ltd., which assignment included the right to bring suit and recover damages for all past, present and future infringements or any rights relating to the ‘402 patent.

12. Defendants ETI and Ideal each have and are now, without permission from Plaintiff, making, using, offering for sale and/or selling apparatus for forming piles in place, including, but not limited to, the renovation of Lloyd Hall at the University of Southern

Mississippi in Long Beach, Mississippi, that fall within the scope of at least claims 1, 37 and 40 of the '402 Patent, and are thereby directly and/or contributorily infringing the '402 Patent and/or inducing others to infringe the '402 Patent in violation of 35 U.S.C., § 271. Defendants were given written notice of said infringement, but have continued to infringe.

13. On information and belief, Defendants' infringing activities have been willful and deliberate.

14. Defendant ETI's and Ideal's infringing activities are directly and proximately causing immediate and irreparable injury to Plaintiff for which Plaintiff has no adequate remedy at law.

15. Defendants will continue their infringing activities unless enjoined from doing so by this Court.

16. Defendant ETI's and Ideal's infringing activities have and continue to directly and proximately cause Plaintiff irreparable damage.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Five Star Networks Inc., prays that this Court:

A. Enter judgment for Five Star Networks Inc. against ETI and Ideal declaring that they have infringed U.S. Patent No. 6,264,402;

B. Preliminarily and permanently enjoin and restrain ETI and Ideal, and their agents, servants, employees, partners, attorneys, successors, and assigns, and all those acting in concert with them, from infringing, contributorily infringing, or inducing infringement of U.S. Patent No. 6,264,402;

C. Enter an Order requiring ETI and Ideal each to file with this Court and to serve upon Five Star Networks Inc., or its counsel, a report in writing and under oath setting forth in

detail the manner and form in which each has complied with any ordered injunctive relief within thirty (30) days after the entry and service of any injunction issued;

D. Require that ETI and Ideal each post an appropriate bond and order any other appropriate relief to assure compliance with any injunctive provision or other provision ordered by the Court;

E. Enter an Order directing ETI and Ideal , and their agents, servants, employees, partners, attorneys, successors, and assigns, and all those acting in concert with them, to deliver to this Court or to Five Star Networks Inc., for destruction, or show proof of said destruction, of all infringing products;

F. Order an equitable accounting to determine the profits of and other sums derived by ETI and Ideal from the complained-of patent infringement and other wrongful acts, and that such amount be paid over to Five Star Networks Inc. as an equitable remedy;

G. Award Five Star Networks Inc. all damages it has sustained as a result of ETI's and Ideal's patent infringement, and order that said damages be trebled in accordance with 35 U.S.C. § 284;

H. Enter judgment declaring that this case is exceptional and that Five Star Networks Inc. is entitled to recover its costs and reasonable attorneys' fees incurred in this action, pursuant to 35 U.S.C. § 285; and

I. Enter judgment granting such other and further relief and damages to Five Star Networks Inc. as justice and equity may require.

JURY DEMAND

Five Star Networks Inc. hereby requests a trial by jury of all issues so triable.

Respectfully submitted this 19th day of March, 2013.

FIVE STAR NETWORKS INC.

By: /s Stephen J. Carmody  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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This the 19th day of March, 2013.

s/ Stephen J. Carmody  
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