

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CALGON CARBON CORPORATION and
HYDE MARINE, INC.,

Plaintiffs,

v.

REMOTE LIGHT WATER, INC.,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiffs Calgon Carbon Corporation and Hyde Marine, Inc. (collectively, “Calgon”), by way of its Complaint allege the following against Defendant Remote Light Water, Inc. (“RLW”):

NATURE OF THE ACTION

1. This is a declaratory judgment action seeking a declaration of non-infringement and invalidity of United States Patent Nos. 6,447,721 (“the ‘721 patent”), attached hereto as Exhibit A, and 6,403,030 (“the ‘030 patent”), attached hereto as Exhibit B.

THE PARTIES

2. Plaintiff Calgon Carbon Corporation is a Delaware corporation with its principal place of business at 500 Calgon Carbon Drive, Pittsburgh, Pennsylvania, 15205.

3. Plaintiff Hyde Marine, Inc., is a Delaware corporation with its principal place of business at 2000 McClaren Woods Drive, Pittsburgh, Pennsylvania, 15205. Hyde Marine, Inc., is a wholly-owned subsidiary of Calgon Carbon Corporation.

4. Upon information and belief, Defendant RLW is a Delaware corporation with its principal place of business at 8824 Stage Ford Road, Raleigh, North Carolina 27615.

JURISDICTION AND VENUE

5. These claims arise under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, and the Patent Laws of the United States, 35 U.S.C. § 1 et seq.

6. This Court has subject matter jurisdiction based upon 28 U.S.C. §§ 1331, 1338(a), 2201 and 2202.

7. This Court has personal jurisdiction over Defendant RLW at least for the reason that RLW has consented to the jurisdiction in this district by initiating an action for patent infringement in this district styled *Remote Light Water, Inc., v. Galliker Dairy Company and United Dairy, Inc.*, 3:10-cv-00321 (KRG), alleging infringement of the '721 patent, among others, which is a patent at issue in the present action.

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

THE PRESENCE OF A CASE OR CONTROVERSY

9. Calgon is a publicly traded company and a world leader in the production, supply and design of technologies, products and services for the purification, separation, and treatment of drinking water and ballast water, among others.

10. More than 25 years ago, Calgon introduced an advanced ultraviolet light oxidation process (UV) to remediate contaminated ground water. Calgon is the leader of UV disinfection technology, with the Sentinel® system for the disinfection of drinking water and Guardian® system for the treatment of ballast water.

11. RLW does not practice either the '721 or the '030 patents.

12. RLW is an operating licensing company, whose parent company, Remote Light Inc. (“RLI”) “owns or controls more than 120 U.S. and international granted patents, applications, and exclusive patent licenses combining optics with fiber optics and UV light for a broad range of purification and disinfection applications.” See <http://www.remotelight.com/content/view/33/33/> and http://www.remotelight.com/images/downloads/rlwater_summary.pdf

13. RLI has stated that it “is using its vast intellectual property to enter major markets via licensing agreements with global partners. These markets have a cumulative annual value of more than \$500 billion.” See <http://www.remotelight.com/content/view/33/33/>

14. RLW purports to own the ‘721 patent, which claims an ultraviolet disinfection system for treating drinking water.

15. RLW purports to own the ‘030 patent, which claims an ultraviolet disinfection system for treating waste water.

16. On July 18, 2011, RLW’s patent litigation attorney sent a letter to Calgon’s President and CEO to “offer Calgon Carbon a license” under the ‘721 and ‘030 patents “with specific focus on claims 1, 3, 19 and 28 of the ‘721 patent with respect to the Sentinel® UV drinking water disinfection products and claims 1, 3, 19 and 29 of the ‘030 patent with respect to the Hyde Guardian® UV ballast water treatment products.”

17. After numerous attempts by Calgon to inform RLW that it did not require a license to the ‘721 and ‘030 patents because it did not utilize any technology covered by either patent, the negotiations between Calgon and RLW came to an impasse and broke down.

18. RLW is in the business of enforcing its patent portfolio through litigation and to that end has previously attempted to enforce the ‘721 patent against others. On December

22, 2010, RLW filed a patent infringement complaint against Galliker Dairy Company and United Dairy, Inc., in this district (3:10-cv-00321-KRG), asserting infringement of the '721 patent, among others. RLW dismissed that action due to settlement six months later on May 18, 2011.

19. Calgon has made and will continue to make substantial investment in its UV disinfection technology. For example, Calgon's UV systems span five continents and treat more than four billion gallons of water every day.

20. Because RLW has taken a position that Calgon must take a license on the '721 and '030 patents and because Calgon does not require a license to those patents, Calgon has a reasonable apprehension that RLW will sue Calgon for infringement of the '721 and '030 patents.

21. An actual justiciable controversy exists between the parties as to the infringement and invalidity of the '721 and '030 patents.

22. To avoid legal uncertainty and to protect its substantial investment in Calgon's technology and business, Calgon has brought these declaratory judgment claims against the '721 and '030 patents.

COUNT I – Declaratory Judgment of Non-Infringement
United States Patent No. 6,447,721

23. Calgon repeats and incorporates by reference each of the foregoing paragraphs as if fully set forth herein.

24. A case or controversy exists between Calgon and RLW concerning the '721 patent, which requires a declaration of rights by this Court.

25. Calgon's Sentinel® System would not infringe any valid or enforceable claim of the '721 patent.

26. Calgon is entitled to a declaratory judgment that the manufacture, use, offer for sale, sale or importation of the Sentinel® System would not infringe any valid or enforceable claim of the '721 patent.

COUNT II – Declaratory Judgment of Invalidity
United States Patent No. 6,447,721

27. Calgon repeats and incorporates by reference each of the foregoing paragraphs as if fully set forth herein.

28. A case or controversy exists between Calgon and RLW concerning the invalidity of the '721 patent, which requires a declaration of rights by this Court.

29. The '721 patent is invalid for failure to meet the requirement of patentability under 35 U.S.C. § 101, et seq.

30. Calgon is entitled to a declaratory judgment that the '721 patent is invalid.

COUNT III – Declaratory Judgment of Non-Infringement
United States Patent No. 6,403,030

31. Calgon repeats and incorporates by reference each of the foregoing paragraphs as if fully set forth herein.

32. A case or controversy exists between Calgon and RLW concerning the '030 patent, which requires a declaration of rights by this Court.

33. Calgon's Guardian® System would not infringe any valid or enforceable claim of the '030 patent.

34. Calgon is entitled to a declaratory judgment that the manufacture, use, offer for sale, sale or importation of the Guardian® System would not infringe any valid or enforceable claim of the '030 patent.

COUNT IV – Declaratory Judgment of Invalidity
United States Patent No. 6,403,030

35. Calgon repeats and incorporates by reference each of the foregoing paragraphs as if fully set forth herein.

36. A case or controversy exists between Calgon and RLW concerning the invalidity of the '030 patent, which requires a declaration of rights by this Court.

37. The '030 patent is invalid for failure to meet the requirement of patentability under 35 U.S.C. § 101, et seq.

38. Calgon is entitled to a declaratory judgment that the '030 patent is invalid.

PRAYER FOR RELIEF

WHEREFORE, Calgon respectfully requests that this Court enter a Judgment and Order:

A. Declaring that the claims of the U.S. Patent No. 6,447,721 are not infringed by Calgon directly or indirectly;

B. Declaring that the claims of the U.S. Patent No. 6,447,721 are invalid;

C. Declaring that the claims of the U.S. Patent No. 6,403,030 are not infringed by Calgon directly or indirectly;

D. Declaring that the claims of the U.S. Patent No. 6,403,030 are invalid;

E. Awarding Calgon its legal fees and costs of this suit; and

F. Awarding Calgon any and all such other relief as the Court determines to be just and proper.

DEMAND FOR JURY TRIAL

Calgon hereby demands a jury trial on all issues.

Respectfully submitted,

Date: May 8, 2012

CALGON CARBON CORPORATION
By its attorneys,

/s/John C. Hansberry

John C. Hansberry (Pa I.D. NO. 74721)

PEPPER HAMILTON LLP

Suite 500

500 Grant Street

Pittsburgh, PA 15219

Tel. 412.454.5000

Fax 412.281.0717

hansberj@pepperlaw.com

Of Counsel:

Michael T. Renaud

Lana A. Gladstein

PEPPER HAMILTON LLP

125 High Street

15th Floor, Oliver Street Tower

Boston, Massachusetts 02110

Telephone: 617.204.5100

Facsimile: 614.204.5150