

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

Aero-Stream, LLC
W300 N7706 Christine Lane
Hartland, WI 53029

Plaintiff,

v.

Civil Action No. 2:12-cv-00190

Septicair Aid, LLC
3033 North 30th Street
Milwaukee, WI 53210

Artie Zabel
467 Hwy K
Hartford, WI 53027

Defendants.

COMPLAINT FOR PATENT INFRINGEMENT

1. This is an action for direct patent infringement of United States Letters Patent Nos. 7,264,727, 7,429,320, 7,468,135 and 7,718,067 brought against defendants, who are a Wisconsin limited liability company and its owner.

THE PARTIES

2. Plaintiff is Aero-Stream, LLC, a limited liability company duly organized and existing under the laws of the State of Wisconsin. Plaintiff is the exclusive owner or licensee of U.S. Patent No. 7,264,727, which issued to Karl K. Holt on September 4, 2007; U.S. Patent No. 7,429,320, which issued to Aero-Stream, LLC on September 30, 2008; U.S. Patent No. 7,468,135, which issued to Engineered Solutions, Inc. on December 23, 2008; and U.S. Patent No. 7,718,067, which issued to Aero-Stream, LLC on May 18, 2010.

3. Defendants are Septicair Aid, LLC and Artie Zabel. On information and belief, Septicair Aid, LLC is a limited liability company duly organized and existing under the laws of the State of Wisconsin. On information and belief, Artie Zabel is the owner of Septicair Aid, LLC.

JURISDICTION AND VENUE

4. This action arises under an Act of Congress, the patent laws as codified in Title 35 United States Code, and under Section 281 and other applicable sections thereof. Subject matter jurisdiction is based on 28 U.S.C. Sections 1331 and 1338.

5. Plaintiff is a limited liability company organized in the State of Wisconsin. The defendant is on information and belief actively doing business in the State of Wisconsin. This court has jurisdiction under 28 U.S.C. Section 1332. Venue is proper in this judicial district under 28 U.S.C. Section 1391(c) and 1400(b).

CLAIM FOR RELIEF

6. On September 4, 2007 United States Letters Patent No. 7,264,727 was issued to Karl K. Holt for an invention entitled Septic System Remediation Method And Apparatus; plaintiff is presently the exclusive licensee of said Letters Patent. A copy of Patent No. 7,264,727 is attached and marked as Exhibit A.

7. On September 30, 2008 United States Letters Patent No. 7,429,320 was issued to Karl K. Holt for an invention entitled Wastewater Treatment System; plaintiff is presently the assignee of said Letters Patent. A copy of Patent No. 7,429,320 is attached and marked as Exhibit B.

8. On December 23, 2008 United States Letters Patent No. 7,468,135 was issued to Karl K. Holt for an invention entitled Portable Tank Wastewater Treatment System and Method; plaintiff is presently the exclusive licensee of said Letters Patent. A copy of Patent No. 7,468,135 is attached and marked as Exhibit C.

9. On May 18, 2010 United States Letters Patent No. 7,718,067 was issued to Karl K. Holt for an invention entitled Septic System Remediation Method And Apparatus; plaintiff is presently the assignee of said Letters Patent. A copy of Patent No. 7,718,067 is attached and marked as Exhibit D.

10. Defendants are presently directly infringing said Letters Patents by making, using, selling and offering for sale a “Quad Diffuser Aeration Kit” and a “Economy Diffuser” embodying the patented inventions, and are infringing said Letters Patents under Title 28 U.S.C. Section 271. Defendants will continue their acts of direct patent infringement unless enjoined by this Court through such sources as their website, www.septicairaid.com. A printout of pages from the www.septicairaid.com website are attached and marked as Exhibit E.

11. Plaintiff is entitled to damages from the date of issuance of said patent, under 35 U.S.C. 287. Defendant does not have a license from Plaintiff to utilize US Patent Nos. 7,264,727, 7,429,320, 7,468,135 and 7,718,067.

WHEREFORE, Plaintiff Aero-Stream, LLC respectfully prays this Court for an Order:

1. Granting judgment in favor of plaintiff and against the defendant herein, said order holding that defendants have infringed United States Letters Patent No. 7,264,727, 7,429,320, 7,468,135 and 7,718,067.

2. Awarding to plaintiff its compensatory and consequential damages incurred by plaintiff, because of such infringement, and further that such damages assessed be trebled in accordance with 28 U.S.C. Section 284;

3. Enjoining defendant by preliminary and permanent injunction from continuing their acts of infringement of said patent, said injunctions to be binding on defendant, its officers, agents, servants, employees, and attorneys, as well as any juridical persons owned or controlled by them, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise;

4. Awarding to plaintiff prejudgment and post judgment interest on the award of damages, as well as its Court costs;

5. Awarding to plaintiff its reasonable attorney fees incurred in prosecuting this action under 28 U.S.C. Section 285, and holding that, because of the willful and deliberate nature of defendant's acts of infringement, the present action is an exceptional case;

6. That the defendant be ordered to collect and tender for destruction all infringing product under its control.

7. For such other and further relief as to this Court shall appear just and equitable.

Aero-Stream, LLC

s/ Donald J. Ersler

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Attorney For Plaintiff