Quarles & Brady LLP
Firm State Bar No. 00443101
One South Church Avenue
Suite 1700
Tucson, AZ 85701-1621
TELEPHONE 520.770.8700

Attorneys for Plaintiff
Deanna Conn (AZ State Bar No. 015676)
deanna.conn@quarles.com
Nikia L. Gray (AZ State Bar No. 025478)
nikia.gray@quarles.com

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Yellow Dog Technologies, LLC, an Arizona limited liability company, Plaintiff, vs. Fuel Recyclers Arizona LLC, an Arizona limited liability company, Defendant.	NO. **COMPLAINT FOR PERMANENT INJUNCTION AND DAMAGES FOR PATENT INFRINGEMENT** **JURY TRIAL DEMAND**

Plaintiff, Yellow Dog Technologies, LLC ("Yellow Dog"), for its Complaint against Defendant Fuel Recyclers Arizona LLC ("Fuel Recyclers"), seeking damages, injunctive relief, and other relief for patent infringement, alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement pursuant to Title 35 of the United States Code by Yellow Dog for infringement of U.S. Patent No. 8,165,781.

THE PARTIES

2. Yellow Dog is a limited liability company organized and existing under the laws of Arizona. Yellow Dog maintains a regular place of business at 10645 N. Oracle Road, #121, Oro Valley, Arizona 85737.

3. On information and belief, Defendant Fuel Recyclers is a limited liability company organized and existing under the laws of Arizona and has its principal place of business at 5595 E. Fifth Street, #111, Tucson, Arizona 85711.

JURISDICTION AND VENUE

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), and the United States Patent Laws, Title 35 of the United States Code.

5. This Court has personal jurisdiction over Defendant Fuel Recyclers because it is organized in this District.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400 because Defendant Fuel Recyclers resides in this District.

FACTUAL ALLEGATIONS

7. On April 24, 2012, the U.S. Patent and Trademark Office issued U.S. Patent No. 8,165,781 B2 ("the '781 Patent"), a copy of which is attached hereto as Exhibit A. The '781 Patent describes and claims a method for recovering fuel from a tank of a combustion engine and a system for performing the same.

8. Yellow Dog is the owner of the entire right, title, and interest in the '781 Patent.

9. On information and belief, Defendant Fuel Recyclers, has been using fuel pump controllers to provide automotive defueling services throughout the United States since it was organized in May 2012.

10. An element by element comparison of the claims of the '781 Patent and the controllers used and the services offered by Defendant Fuel Recyclers show that the same infringes certain claims of the '781 Patent. For example, the fuel pump controllers used in connection with providing automotive defueling services by Defendant Fuel Recyclers read on all of the elements of claim 1 of the '781 Patent. Additionally, the defueling services offered by Defendant Fuel Recyclers reads on all of the elements of claim 16 of the '781 Patent.

11. Defendant Fuel Recyclers by offering automotive defueling services and through the use of fuel pump controllers in connection with the same have directly infringed and continue to infringe certain claims of the '781 Patent.

COUNT I

CLAIM FOR DIRECT INFRINGEMENT OF THE '781 PATENT

12. Yellow Dog realleges and incorporates by reference as if fully set forth herein the allegations contained in paragraphs 1 through 11.

13. By providing automotive defueling services to consumers and by using fuel pump controllers in connection with the same, Defendant Fuel Recyclers directly infringes one or more claims of the '781 Patent.

14. Defendant Fuel Recyclers' infringement will continue unless enjoined by this Court.

15. Defendant Fuel Recyclers' infringement has been intentional, willful, and with reckless disregard for the rights of Yellow Dog.

16. Defendant Fuel Recyclers has caused Yellow Dog to suffer, and unless enjoined by this Court, will cause Yellow Dog to continue to suffer substantial injury, including lost profits, for which Yellow Dog is entitled to damages adequate to compensate it for Defendant Fuel Recyclers' infringement.

17. Defendant Fuel Recyclers' infringement warrants the assessment of increased damages pursuant to 35 U.S.C. § 284, and an awarding of attorneys' fees pursuant to 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Yellow Dog respectfully requests judgment and relief against Defendant Fuel Recyclers as follows:

A. A judgment that Defendant Fuel Recyclers has infringed the '781 Patent;

B. An injunction against Defendant Fuel Recyclers, their subsidiaries, affiliates, parents, successors, assignees, officers, agents, servants, employees, and all persons acting in concert or in participation with them, or any of them, permanently enjoining each of them from infringing, contributing to, or inducing the infringement of the '781 Patent;

C. Awarding Yellow Dog damages adequate to compensate for Defendant Fuel Recyclers' infringement of the '781 Patent, but in no event less than a reasonable royalty on Defendant Fuel Recyclers' use of Yellow Dog's invention;

D. Awarding pre-judgment interest on any damages award;

E. Adjudging that Defendant Fuel Recyclers' infringement of the '781 Patent is willful, and increasing Defendant Fuel Recyclers' liability for damages up to three times the amount found or assessed;

F. Declaring that this is an exceptional case under 35 U.S.C. § 285, and for an award of increased damages, attorneys' fees, and costs; and

G. Granting such other and further relief as the Court deems just and proper.

DEMAND FOR A JURY TRIAL

The Plaintiff, Yellow Dog, hereby demands a trial by jury in this action on all claims and issues triable before a jury.

RESPECTFULLY SUBMITTED this 15th day of May, 2013.

QUARLES & BRADY LLP
One South Church Avenue, Suite 1700
Tucson, Arizona 85701-1621

By s/Nikia L. Gray
Deanna Conn
Nikia L. Gray

Attorneys for Plaintiff
Yellow Dog Technologies, LLC