

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KEVIN L. CONLIN

Plaintiff

v.

SOLARCRAFT, INC;

Defendant

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Civil Action No.

JURY TRIAL DEMANDED

PLAINTIFF KEVIN L. CONLIN'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff **KEVIN L. CONLIN**, Plaintiff, ("Conlin") by his undersigned attorneys, for his Complaint against Defendant **SOLARCRAFT, INC.** ("Solarcraft") alleges as follows:

**I.
PRELIMINARY STATEMENT**

1.0 This is an action for Declaratory Judgment that the following patents are either invalid and/or rendered unenforceable due to Defendant's inequitable conduct before the USPTO. US pat. No's: **7,832,253; 7,843,163; 7,750,502; 7,795,837; and 7,880,333** (hereinafter "patents" or "patents in suit). In addition, this action seeks recoverable damages based upon malicious prosecution, abuse of process and tortious interference with actual and prospective contractual relations arising from offensive use of claims embodied within said patents.

II. JURISDICTION AND VENUE

2.0 This Court has subject matter jurisdiction under 28 U.S.C. § 1338(a) which states in relevant part: “[t]he district courts shall have original jurisdiction of any civil action arising under any Act of Congress relating to patents, plant variety protection, copyrights and trademarks. No State court shall have jurisdiction over any claim for relief arising under any Act of Congress relating to patents, plant variety protection, or copyrights.”

2.1 Insofar as the claims arise under the application of Patent Law, this Court has pendent jurisdiction over the state law claims because they arise from a common nucleus of operative facts.

2.2 This Court has personal jurisdiction over Defendant in that Defendant does business and/or conducts illegal acts in this District.

2.3 Venue is proper under 28 U.S.C. § 1391(b) in that a substantial part of the events or omissions giving rise to Plaintiffs’ claims occurred in this District and Defendant does business in this District.

III. PARTIES

3.0 Plaintiff **Kevin L. Conlin** is an individual and resident of the State of Texas.

3.1 Defendant **Solarcraft, Inc, (“Solarcraft”)** is a Texas corporation doing business in Fort Bend County, Texas, and with its principal place of business located 12300 Dairy Ashford Rd., Suite 100, Sugar Land, Texas 77478. Defendant **Solarcraft** may be served with summons and a copy of Plaintiff’s Complaint by serving Defendant’s registered agent for service at his place of business as follows: John Wesley Wauson, CoAmerica Bank Building, Suite 880, One Sugar Creek Blvd., Sugar Land, Texas 77498.

IV.
STATEMENT OF FACTS

4.0 Plaintiff Kevin Conlin began designing and manufacturing portable solar power units and related products in the early 1990s.

4.1 Using designs he created, or significantly improved upon from other existing products, Mr. Conlin created a line of enclosed solar power products that provided a reliable stand-alone source of solar power for commercial and industrial field applications.

4.2 As the products increased in popularity, Mr. Conlin and his wife, Kathryn Conlin [“Mrs. Conlin”] established a sole proprietorship known as Solarcraft. In 1994, the Conlins converted the sales of Mr. Conlin’s products into a corporation, Solarcraft, Inc. The Conlins were the directors, and equal and only shareholders of Solarcraft.

4.3 From the early 1990’s to present Solarcraft continued to sell Mr. Conlin’s line of enclosed solar power products to third parties for use in a vast array of field applications. Over time Mr. Conlin significantly improved upon the products, created a number of spin-off inventions and modified his products to meet customer requirements.

4.4 On or about September 7, 2005, the Conlins sold fifty-one (51%) percent of their company to Darrell Haun (“Haun”). The transaction was reflected in a Bill of Sale document as well as the Shareholders’ Agreement; Shareholder Meeting Minutes; and Director Meeting Minutes. No comprehensive share sale agreement was ever executed between or among the parties. Also at the time of Haun’s purchase of his interest in Solarcraft, Kevin and Kathryn Conlin executed Employment Agreements with Solarcraft.

4.5 There is no provision in any signed employment agreement that obligated Mr. Conlin to sign over the rights or interest in his intellectual property to Solarcraft and the Employment Agreement likewise failed to divest Mr. Conlin of any rights he would have in any inventions or creations generated while he was employed by Solarcraft. While Mrs. Conlin's formal employment agreement had been terminated by agreement on July 31, 2006, Mr. Conlin's employment with Solarcraft was effectively terminated on February 4, 2009 when he was forcibly excluded from the premises of Solarcraft by virtue of the Temporary Restraining Order.

4.6 At the time of the Conlins' termination from their employment with Solarcraft, Haun alleged that the Conlins were terminated for neglecting employee duties, excessive absences from work, violation of non-compete provisions and violations of the Solarcraft employee handbook. Prior to the discovery and inquiry of Haun's self-dealing and invoice manipulation, neither Conlin had been made aware of these alleged employment violations. The Texas Workforce Commission subsequently found that both Mr. Conlin and Mrs. Conlin were eligible for unemployment benefits.

4.7 Subsequently, at the Temporary Injunction hearing before the State District Court, under the pressure of mounting litigation expenses, Haun sought and obtained an Agreed Temporary Injunction Order which was void on its face [*Kevin Conlin, et al v. Darrell Haun, et al*; Tex. Civ. App.—Houston [1st Dist.], December 12, 2013 (Op. No. 01-13-00329-CV)] and which enjoined Mr. Conlin from exercising their basic property rights by working in the solar industry or selling or marketing their personal intellectual property rights or in any way “reducing the value of the property of Solarcraft, Inc.”

4.8 As early as July 9, 2009, Solarcraft was made aware that the Agreed Temporary Injunction Order entered by the State District Court was void as it failed to comply with the basic

requirements of the Texas Rules of Civil Procedure. Despite this fact, Solarcraft continued to relentlessly enforce the order through Motions for Sanctions and Show Cause hearings asserting that Mr. Conlin had allegedly transferred Solarcraft's intellectual property, confidential information and/or trade secrets. While these claims did not overtly implicate the patented technology, the factual basis for the requested relief in each case were elements of Solarcraft technology covered by the claims set forth in Patent No's. **7,832,253; 7,843,163; 7,750,502; 7,795,837; and 7,880,333** which Solarcraft alleged had been improperly transferred to Alpha Energy. As support for this proposition, Haun provided an affidavit which reflected that the new Alpha Energy enclosure displayed at the Solar Power International Convention held in Dallas, Texas on October 18th, 2011 contained solar-powered enclosures and/or systems similar to those manufactured by Solarcraft and also contained a DC-UPS unit manufactured by Solarcraft and sold through a third party named Newmar, each of which were components of the unknown patents and patent applications.

4.9 In reality, Solarcraft, Inc. was seeking to apply additional financial pressure on Mr. Conlin to divest their interest in Solarcraft in favor of Haun by seeking to enforce a Temporary Injunction Order they knew to be void and by limiting Mr. Conlin's ability to sell, transfer or use his own inventions despite the fact that Solarcraft had no right to so limit Mr. Conlin.

4.10 Since 2007, Haun had sought to obtain patents for the products manufactured and sold by Solarcraft. For each of the products sought to be patented prior to Mr. Conlin's termination from Solarcraft, Intellectual Property counsel retained by Solarcraft, had listed Mr. Conlin as inventor and in some cases, obtained his assignment of the invention to Solarcraft. However, after Haun forcibly ejected the Conlins from Solarcraft, he continued to seek patents for many of Solarcraft's products after Mr. Conlin's termination by simply excluding Mr. Conlin's name from the patent application

despite the fact that Mr. Conlin's inventions and intellectual property, much of which pre-dated Haun's involvement with Solarcraft, formed a large portion if not the entire basis for the patent application. In doing so, Haun committed fraud on the United States Patent office by listing himself and his father, Don Haun as the inventors on a number of products despite their lack of any contribution to the creation or invention. Moreover, Solarcraft precluded Mr. Conlin from learning about this inequitable conduct by purposefully electing not to publish any of the above referenced patent applications. In effect, actively concealing the application from Mr. Conlin as an ousted owner of the company and one true inventor of the majority of the asserted claims.

4.11 The products for which Haun sought and obtained patents that were based substantially, or entirely, on Mr. Conlin's contributions in violation of 35 United States Code Sections 102, 103, and 116 as well as 37 Code of Federal Regulations 1.56, include the Portable Weather Resistant Gas Chromatograph, the Portable Weather Resistant Enclosure, the Portable Weather Resistant Flow Meter System, the Portable Solar Power Supply Trailer with a Security Containment Area and Multiple Power Interfaces, and the Method for Weather Resistant Portable Flow Metering. Of these inventions, which owe their origin and rights to Mr. Conlin as an inventor, many share the very concepts over which Solarcraft sought to sanction Mr. Conlin for allegedly sharing with Alpha Energy and over which Solarcraft cross-examined Mr. Haun for days during the course of a 2011 show cause hearing in Fort Bend County District Court.

4.12 The foregoing circumstances establish that Haun and Solarcraft damaged Mr. Conlin as a result of malicious prosecution, abuse of process, intentional interference with Mr. Conlin's lawful actual and/or prospective contractual relations; committing fraud on the United States Patent Office, slandering Mr. Conlin's title to his inventions and his personal intellectual property; and,

have done so as part of a scheme or artifice to defraud the Conlin's of the value of their interest in Solarcraft.

4.13 Patent laws, rules and regulations are very clear as to the conduct that inventors, assignees, assignors, lawyers and others associated with patent applications must undertake before the USPTO. Under the patent laws and regulations, patent applicants have an affirmative duty of candor before the USPTO and must not withhold information that they know is material to the patentability of a patent application. This requirement means that if an applicant, or those associated with an application have relevant information they are required to disclose that information to the USPTO during the course of the examination of the patent application.

4.14 In fact, **37 CFR 1.56** currently states in relevant part (**emphasis added**):

Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. **Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned.** Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. **However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct.**

4.15 Another duty that the applicant, and those associated with the patent application have under law is the duty to properly name inventors under **35 USC § 116** which currently states in relevant part.

- (a) **Joint Inventions.**— When an invention is made by two or more persons jointly, they shall apply for patent jointly and each make the required oath, except as otherwise provided in this title. Inventors may apply for a patent jointly even though
 - (1) they did not physically work together or at the same time,
 - (2) each did not make the same type or amount of contribution, or
 - (3) each did not make a contribution to the subject matter of every claim of the patent.
- (b) **Omitted Inventor.**— If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself and the omitted inventor. The Director, on proof of the pertinent facts and after such notice to the omitted inventor as he prescribes, may grant a patent to the inventor making the application, subject to the same rights which the omitted inventor would have had if he had been joined. The omitted inventor may subsequently join in the application.
- (c) **Correction of Errors in Application.**— Whenever through error a person is named in an application for patent as the inventor, or through error an inventor is not named in an application, the Director may permit the application to be amended accordingly, under such terms as he prescribes.

4.16. Applicants for the Patents (listed below) had a duty to name Kevin Conlin as an inventor on the patent applications and there is direct evidence that supports Kevin Conlin's claim that he should have been named as an inventor in the following Patents.

a. Patent No. US 7,832,253-

Kevin Conlin should have been listed as an inventor in Patent No. US 7,832,253 B1 (Portable Weather Resistant Gas Chromatograph System) because he directly contributed to the development of the following elements of claims made in that patent:

1. A portable weather resistant gas chromatograph system with a gas chromatograph enclosure comprising:
 - a. a body comprising a top, a bottom, and at least two walls, connected to each top and bottom, and further wherein each wall has an outer side and an inner side;
 - b. at least one movable door mounted to the body;
 - c. at least one movable door fastener for securing the at least one moveable body to the door to the body;
 - d. at least one seal disposed on each movable door for providing a weather tight sealing engagement with the body;
 - h. a conduit for providing communication between the explosion proof terminal box and the gas chromatograph;
 - k. a pedestal for maintaining the gas chromatograph enclosure above a surface; and
 - l. at least one lifting eye connected to the body enabling lifting of the portable weather resistant gas chromatograph system without deforming the body.
10. The system of claim 1, wherein the conduit comprises a plurality of sealing fittings.
12. The system of claim 1, further comprising at least one hinge for connecting each movable door to the body.

b. Patent No. US 7,843,163 B1-

Kevin Conlin should have also been listed as an inventor in Patent No. US 7,843,163 B1 (Portable Weather Resistant Enclosure) because he directly contributed to the development of the following elements of claims made in that patent:

1. A portable weather resistant enclosure comprising:
 - a. a body comprising plurality of walls each wall having an outer side and an inner side;
 - b. a movable door connected to the body;
 - c. at least one movable door fastener for securing the movable door to the body;
 - d. a seal disposed on the movable door for providing a weather right sealing engagement with the body;
 - e. a back plane removably secured to the body;
 - f. a bulkhead disposed between at least two walls forming a top compartment and a bottom compartment;
 - g. at least one battery disposed in the bottom compartment;

- h. at least one power charger connected to a back plane in the top compartment;
 - i. a pedestal for maintaining the body above a surface;
 - j. a first lifting eye connected to one of the walls and a second lifting eye connected to one of the walls opposite the first lifting eye, wherein the lifting eyes enable a crane to lift the portable weather resistant enclosure without affecting the electronics or deforming the enclosure.
- 2. The enclosure of claim 1, wherein the support comprises two parallel stiff non-deformable bars fixedly secured to an inner side of one of the walls.
 - 3. The enclosure of claim 1, further comprising insulation disposed on at least a portion of the inner sides of all the walls.
 - 4. The enclosure of claim 1, further comprising a hinge for connecting the movable door to the body.
 - 8. The enclosure of claim 1, further comprising lights mounted on the interior of the movable door.
 - 9. A portable weather resistant enclosure comprising:
 - a. a body comprising plurality of walls each wall having an outer side and an inner side;
 - b. a movable door connected to the body;
 - c. at least one movable door fastener for securing the movable door to the body;
 - d. a seal disposed on the movable door for providing a weather tight sealing engagement with the body;
 - e. a back plane removably secured to the body;
 - f. a bulkhead disposed between at least two walls forming a top compartment and a bottom compartment;
 - g. at least one battery disposed in the bottom compartment;
 - h. at least one power charger connected to a back plane in the top compartment with at least one battery;
 - i. a solar array in communication with the power charger;
 - j. a pedestal for maintaining the body above a surface;
 - k. a first lifting eye connected to one of the walls and a second lifting eye connected to one of the walls opposite the first lifting eye, wherein the lifting eyes enable a crane to lift the portable weather resistant enclosure without affecting the electronics or deforming the enclosure.
 - 11. The enclosure of claim 9, further comprising insulation disposed on at least a portion of the inner sides of all the walls.
 - 12. The enclosure of claim 9, further comprising a hinge for connecting the movable door to one of the body.
 - 16. The enclosure of claim 9, further comprising lights mounted on the interior of the movable door.

c. Patent No. US 7,750,502 B1-

Kevin Conlin should have also been listed as an inventor in Patent No. US 7,750,502 B1 (Portable Weather Resistant Flow Meter System) because he directly contributed to the development of the following elements of claims made in that patent:

1. A portable self contained weather resistant low cottage flow control system comprising:
 - a. An enclosure comprising a body with a movable door;
 - b. a bulkhead disposed in the body forming a top compartment and a bottom compartment;
 - c. at least two batteries disposed within bottom compartment;
 - d. a back plane mounted to at least the bulkhead within the top compartment for supporting electronic equipment;
 - e. a wireless communications unit mounted to the back plane, wherein the wireless communication unit is in connection with the at least two batteries;
 - f. a remote terminal unit mounted to the back plane in communication with the wireless communication unit and the at least two batteries;
 - g. an input/output (I/O) termination assembly mounted to the back plane, wherein the I/O termination assembly provides connections for at least one piece of field equipment to the remote terminal unit;
 - h. at least one uninterruptable power supply mounted to the back plane for providing between 10 volts to 30 volts of DC power to the at least two batteries;
 - i. an A/C terminal assembly mounted to the back plane for receiving and distributing a continuous flow of A/C current from an external A/C power source to the at least one uninterruptable power supply;
 - j. a surge protector mounted to the back plane for protecting the A/C terminal assembly from power surges from the A/C power source;
 - k. a low voltage distribution block mounted to the back plane in communication with the at least one uninterruptable power supply;
 - l. a DC-DC converter mounted to the back plane and connected to the low voltage distribution block; and
 - m. at least two removable lifting eyes secure to the enclosure for lifting of the enclosure by a crane;
2. The system of claim 1, wherein the wireless communication unit, remote terminal unit, I/O termination assembly, the uninterruptable power supply, the A/C terminal assembly, the surge protector, the low voltage distribution block and the converter disposed on the back plane are in a sealed watertight, water resistant top compartment.

3. The system of claim 1, wherein a seal is disposed in the bottom compartment forming a sealed watertight compartment for the at least 2 batteries and up to 8 batteries.
4. The system of claim 1, further comprising a ground fault interrupter disposed between the A/C terminal assembly and the uninterruptable power source.
5. The system of claim 1, further comprising a switch disposed between the A/C terminal assembly and the uninterruptable power source.
6. The system of claim 1, further comprising an outlet plug disposed between the A/C terminal assembly and the uninterruptable power source.
7. A portable self contained weather resistant low voltage flow control system comprising:
 - a. at least two batteries;
 - b. a wireless communications unit in communication with the at least two batteries;
 - c. a remote terminal unit in communication with the wireless communications unit and the at least two batteries;
 - d. an input/output (I/O) termination assembly providing connections for field equipment to the remote terminal unit;
 - f.. a solar array for receiving and distributing a continuous flow of electrical current to the remote terminal unit monitoring controller;
 - g. a low voltage distribution block in communication with solar controller;
 - h. a DC-DC converter connected to the low voltage distribution block;
 - i. an enclosure comprising a body with a movable door, an A/C terminal assembly mounted in the enclosure, and at least one movable door fastener to secure the movable door to the enclosure, wherein the movable door comprises a door extension and wherein the door extension is adapted to house a remote terminal unit monitoring controller in communication with a flow controller in communication with the A/C terminal assembly and at least one piece of field equipment; wherein the system provides continuous low voltage power to the remote terminal unit and the wireless communication unit to provide continuous communication for at lease intermittent monitoring of field units.
8. The system of claim 7, wherein the solar array supplies between 10 volts to 30 volts of power using photovoltaics.
9. The system of claim 7, wherein the remoter terminal unit monitoring controller further comprises at least one volt meter for tracking voltage produced by the solar array.
10. The system of claim 9, wherein the remote terminal unit monitoring controller further comprises at least an indicator for illuminating when the solar array is charging, when a load is disconnected or combinations thereof.

d. Patent No. US 7,795,837 B1-

Kevin Conlin should have also been listed as an inventor in Patent No. US 7,795,837 B1 (Portable Solar Power Supply Trailer with a Security Containment Area and Multiple Power Interfaces) because he directly contributed to the development of the following elements of claims made in that patent:

1. A portable solar power supply trailer with a security containment area and multiple power interfaces comprising:
 - a. A trailer with a trailer frame, at least one axel secured to the trailer frame, a first wheel secured to the axel and a second wheel secured to the axel opposite the first wheel, and a support hitch connected to the trailer frame;
 - b. An enclosure disposed on the trailer frame having an enclosure top and an enclosure bottom, wherein the enclosure bottom is fastened to the trailer frame and the enclosure covers no more than 25 percent of the trailer frame, and further wherein the enclosure comprises:
 - c. A solar array frame disposed on the enclosure, wherein the solar array frame comprised: a first side, a second side, a third side, and a fourth side, wherein the solar array frame covers the entire trailer frame and the enclosure top, and further wherein solar array frame comprises at least one photovoltaic cell for providing power to the enclosure;
 - d. The enclosure further comprises:
 - i. An enclosure first side;
 - ii. An enclosure second side;
 - iii. An enclosure third side;
 - iv. An enclosure fourth side with a fourth side opening;
 - v. An interior space within the enclosure sides;
 - vi. A projecting flange surrounding the opening extending from the fourth side of the enclosure; and
 - vii. At least one door for providing access to the interior space;
 - ix. a plurality of batteries in the interior space;
 - x. a solar controller in the interior space connected to the at least one photovoltaic cell, and to each of the plurality of batteries, wherein the solar controller monitors and controls charging of at least one of the plurality of batteries;
 - xi. a power interface timer connected to the solar controller comprising a push button for actuating at least one of the plurality of power interfaces for a pre-defined period of time; and
 - xii. at least one fastener for securing the door to the fourth side;

- e. a first post and a second post connected to a front end of the solar array frame for supporting the solar array from non-deformably above the trailer frame.
2. The portable solar power supply trailer of claim 1, further comprising an inverter disposed in the interior space.
3. The portable solar power supply trailer of claim 1, further comprising a first systems charge gauge connected to one of the enclosure sides, wherein the first system charge gauge monitors charging current from at least one photovoltaic.
4. The portable solar power supply trailer of claim 3, further comprising a second systems charge gauge for monitoring the charge status of at least one of the plurality of batteries in the enclosure.
5. The portable solar power supply trailer of claim 1, further comprising a gasket disposed between the door and the projecting flange for providing a watertight connection.
6. The portable solar power supply trailer of claim 1, wherein the predefined period of time can be adjusted after accessing the interior space.
10. The portable solar power supply trailer of claim 9, wherein the hinged locking door has a bumper.
11. The portable solar power supply trailer of claim 1, wherein the trailer has brakes.
15. The portable solar power supply trailer of claim 1, further comprising a first spring supporting the first wheel on the axel and a second spring supporting the second wheel on the axel.
16. The portable solar power supply trailer of claim 1, further comprising a first trailer brake light and a second trailer brake light.
17. The portable solar power supply trailer of claim 1, further comprising a storage box mounted to the trailer frame.
18. The portable solar power supply trailer of claim 1, further comprises at least one fender mounted over each wheel and secured to the trailer frame.
19. The portable solar power supply trailer of claim 1, further comprising at least three leveling jacks secured to the trailer frame.
20. The portable solar power supply trailer of claim 1, further comprising a battery balancing circuit communicating between each of the batteries and the solar controller.

e. Patent No. US 7,880,333 B1-

Kevin Conlin should have also been listed as an inventor in Patent No. US 7,880,333 B1 (Method for Weather Resistant Portable Flow Metering) because he directly contributed to the development of the following elements of claims made in that patent:

1. A method for low voltage flow control comprising:
 - a. creating an enclosure with a body and a movable door, wherein the enclosure further comprises:
 - i. a bulkhead disposed in the body forming a top compartment and a bottom compartment;
 - ii. a back plane mounted to the bulkhead within the top compartment for supporting electronic equipment; and
 - iii. at least two lifting eyes secure to the enclosure;
 - b. disposing in the bottom compartment at least two batteries;
 - c. installing on the back plane a wireless communication unit and connecting the wireless communication unit to the at least two batteries;
 - d. installing a remote terminal unit on the back plane and connecting the remote terminal unit to the at least two batteries;
 - e. installing at least one uninterruptable power supply on the back plane for providing from ten volts to thirty volts of DC power to the at least two batteries;
 - f. installing an A/C terminal to the back plane for receiving and distributing a continuous flow of A/C current;
 - g. installing a low voltage distribution block to the back plane and connecting the low voltage distribution block to the uninterruptable power supply;
 - h. installing a DC-DC converter on the back plane and connecting the DC-DC converter to the low voltage distribution block; and
 - i. using a door extension to house a remote terminal unit monitoring controller and a flow controller in communication with the A/C terminal and at least one piece of field equipment, wherein the flow controller is in communication with the remote terminal unit and the wireless communication unit to monitor and regulate flow control through the enclosure.
2. The method of claim 1, further comprising sealing the electronic equipment in the top compartment.
3. The method of claim 1, further comprising using up to eight batteries in the body.
4. The method of claim 1, further comprising using a fastener to secure the movable door to the body.

6. The method of claim 5¹, further comprising using a switch between the uninterruptable power supply and the A/C terminal.
7. The method of claim 1, further comprising using a solar array attached to the enclosure for receiving and distributing a continuous flow of electric current to the remote terminal unit and the flow controller.
8. The method of claim 7, further comprising using at least one voltmeter for tracking voltage produced by the solar array.
9. The method of claim 8, further comprising using an indicator for illuminating when the solar array is charging, when the flow controller is disconnected, or combinations thereof.
10. The method of claim 1, further comprising using a surge protector mounted on the back plane for protecting the A/C terminal from power surges from an A/C power supply.
11. The method of claim 1, further comprising using an input/output termination assembly mounted to the back plane, wherein the input/output termination assembly provides connection for the at least one piece of field equipment to the remote terminal unit.
12. The method of claim 1, further comprising using an outlet plug disposed between the A/C terminal and the uninterruptable power supply.

4.17. Since Defendant does not name Kevin Conlin as an inventor on the aforementioned Patents, they have violated their duty of candor with the USPTO. Furthermore, on information and belief, Defendant falsely listed Haun as an inventor although he did not contribute any inventive aspects to any of the claims in the Patents.

4.18. Defendant has also violated its duty of candor before the USPTO by failing to disclose directly relevant prior art to the USPTO during the course of the prosecution of the Patents. These materials were relevant and omitted with the intent to deceive the USPTO during the course of the prosecution of the Patents. These materials also demonstrate that Kevin Conlin should have been named as an inventor of the Patents.

¹ Claim 5: The method of claim 1, further comprising using a viewing port in communication with the A/C

4.19. The materials that were withheld by Defendant during the course of the prosecution were publically available, on the internet via a simple search, and should have been in Defendant's direct possession at the time of filing the patent applications, as many were materials disseminated by Defendant itself.

4.20 These documents also support the inventorship claims by Mr. Conlin for the referenced patents. None of these documents were ever supplied to the USPTO by Solarcraft during the prosecution of any of the referenced patents, and all of these were material and relevant to the prosecution of said patents. The archived websites listed below are exemplars only, as there are many archived embedded materials, such as specification sheets, brochures, and photos in the archived www.solarcraft.net website, predating the filing of the referenced Patents.

4.21. No Information Disclosure Statements listing prior art were ever filed with the USPTO during the course of the prosecution of the Patents.

4.22 The following documents were in the possession of Defendant, or publically available well in advance of the filing of the Patents and their applications.

- Solarcraft Power Products – 2002 Mini-Catalog and Design Guide
- Solarcraft Power Products – Product Guide DC-UPS 70 Watt Series -2003
- Solarcraft Power Products Integrated DC-UPS System – 2008
- Solarcraft Tactical Solar Power System for Radio Communication – 2008
- Solarcraft Power Products DC-UPS 30W, 70W, 100W - 2007
- Solarcraft, Inc. Power Products Product Line Overview – 2006
- Guidelines for High Reliability Remote Power System Design Presented at the 2007

terminal and the uninterruptable power supply.

Remote Monitoring and Networking/Onsite Power

- Solaradio Versatile Pipeline Communications Package- 2007
- Solarcraft Power Integrated Systems – 2008
- Remote monitoring & Networking – Nov. 6-7, 2007
- Solarcraft v. Conlin, CIVIL COURT CAUSE NO. 09-DCV-169352, Motions Hearing - Nov. 15, 2011 - Exhibits 2, 3, 4, 5
- <https://web.archive.org/web/20050116063200/http://www.solarcraft.net/pdf/solarcraft/UNI-PAK.pdf>
- https://web.archive.org/web/20140117035654*/http://solarcraft.net/
- <https://web.archive.org/web/19991114215044/http://www.solarcraft.net/>
- <https://web.archive.org/web/19991128173315/http://solarcraft.net/>
- https://web.archive.org/web/20000122113215/http://www.solarcraft.net/backup_power/backup_power.html
- <https://web.archive.org/web/20000122072033/http://www.solarcraft.net/accessories/accessories.html>
- <https://web.archive.org/web/20010203230500/http://solarcraft.net/>
- <https://web.archive.org/web/20030323234448/http://www.solarcraft.net/>
- <https://web.archive.org/web/20030410204927/http://www.solarcraft.net/com-pak.html>
- <https://web.archive.org/web/20030411003444/http://www.solarcraft.net/com-pak/features.html>
- <https://web.archive.org/web/20060924171952/http://www.solarcraft.net/UNI-PAK.pdf>
- <https://web.archive.org/web/20041130180215/http://www.solarcraft.net/>
- https://web.archive.org/web/20040628122506/http://www.solarcraft.net/enclosures/uni-box_design.html
- <https://web.archive.org/web/20040516235543/http://www.solarcraft.net/pdf/solarcraft/UNI-BOX.pdf>
- https://web.archive.org/web/20040624082727/http://www.solarcraft.net/enclosures/uni-box_accessories.html
- https://web.archive.org/web/20040822073212/http://www.solarcraft.net/enclosures/uni-box_sizes.html
- <https://web.archive.org/web/20040606220326/http://www.solarcraft.net/index-ps.html>

- <https://web.archive.org/web/20041130180215/http://www.solarcraft.net/>
- <https://web.archive.org/web/20041211173814/http://www.solarcraft.net/oem.htm>
- <https://web.archive.org/web/20041211173614/http://www.solarcraft.net/products.htm>
- <https://web.archive.org/web/20050602003918/http://www.solarcraft.net/>
- <https://web.archive.org/web/20070206165740/http://www.solarcraft.net/>
- <https://web.archive.org/web/20071115145317/http://www.solarcraft.net/>
- <https://web.archive.org/web/20071021162248/http://solarcraft.net/power-systems/backup.htm>
- <https://web.archive.org/web/20071021162254/http://solarcraft.net/power-systems/custom.htm>
- <https://web.archive.org/web/20071021162254/http://solarcraft.net/power-systems/custom.htm>
- <https://web.archive.org/web/20050117085146/http://www.solarcraft.net/pdf/solarcraft/Com-Pak.pdf>
- <https://web.archive.org/web/20050116063200/http://www.solarcraft.net/pdf/solarcraft/UNI-PAK.pdf>
- <https://web.archive.org/web/20080420142527/http://www.solarcraft.net/applications/index.htm>

4.23. Defendant also has in its possession many other documents drafted by Mr. Conlin in connection with the aforementioned public documents, and other private documents, which support Mr. Conlin's claims of inventorship in the referenced patents. The documents in Solarcraft's possession, custody or control should include, at least, the following:

- Spec. Sheet PDFs 2002– 2007
- Power Point from the Remote Monitoring & Networking Nov. 6-7, 2007
- All Daytimer Paper files 2004 – 2009
- Internal company e-mails concerning product development
- Sketches 2004 - 2009
- Customer and Job files
- Quote files

Although these documents are not public, they still demonstrate that Mr. Conlin should have been named an inventor on the referenced patents.

V.
CLAIMS AGAINST DEFENDANT

5.0 Mr. Conlin incorporates the allegations set forth in paragraphs 1.0 through 4.23 hereinabove, as if set forth verbatim. For causes of action, Mr. Conlin would further show the Court as follows:

COUNT ONE
DECLARATORY JUDGMENT

5.1 Mr. Conlin seeks a declaratory judgment that he is the sole owner of his intellectual property used in the operation of Solarcraft from 1994 to present, none of which has been assigned or left in the possession of Solarcraft.

5.2 Mr. Conlin further seeks a declaration that the products displayed by Alpha Energy at the October 2011 Solar Power convention, made the subject of Plaintiffs' Motion for Contempt, Enforcement and/or Clarification are covered under the patents for which Kevin Conlin is, or should be named an inventor, or reflect entirely Mr. Conlin's personal intellectual property on patents **7,832,253; 7,843,163; 7,750,502; 7,795,837; and 7,880,333..**

5.3 Mr. Conlin further seeks a declaration that the failure to list him as an inventor on the Portable Weather Resistant Gas Chromatograph, the Portable Weather Resistant Enclosure, the Portable Weather Resistant Flow Meter System, the Portable Solar Power Supply Trailer with a Security Containment Area and Multiple Power Interfaces, and the Method for Weather Resistant Portable Flow Metering constitutes fraud on the United States Patent Office for failure to comply with 35 United States Code Sections 102, , and/or 116 as well as 37 Code of Federal Regulations

1.56, patents **7,832,253; 7,843,163; 7,750,502; 7,795,837; and 7,880,333.**

5.4 Mr. Conlin further seeks a declaration that Don Haun and Darrell Haun should not be listed as inventors on the patents for the Portable Weather Resistant Gas Chromatograph, the Portable Weather Resistant Enclosure, the Portable Weather Resistant Flow Meter System, the Portable Solar Power Supply Trailer with a Security Containment Area and Multiple Power Interfaces, and the Method for Weather Resistant Portable Flow Metering as such listing fails to comply with 35 United States Code Sections 102, and/or 116 as well as 37 Code of Federal Regulations 1.56.

5.5 In the alternative, Mr. Conlin further seeks a declaration that the patents **7,832,253; 7,843,163; 7,750,502; 7,795,837; and 7,880,333** are rendered invalid under 35 U.S.C. § 1 *et seq*, including but not limited to, 35 U.S.C. § 101, 102, 103, 112 and/or 116. Mr. Conlin seeks to recover attorneys' fees and costs in bringing this declaratory judgment.

5.6 In the alternative, Mr. Conlin further seeks a declaration that the patents **7,832,253; 7,843,163; 7,750,502; 7,795,837; and 7,880,333** are rendered unenforceable for misconduct before the USPTO, including, but not limited to, violations of 37 CFR 1.56.

5.7 Pursuant to the Declaratory Judgments Act, Mr. Conlin seeks all attorneys' fees and costs associated with their efforts to secure the declaratory relief set forth herein.

A. Inequitable Conduct before the USPTO

5.8 Plaintiff re-alleges paragraphs 1.0-4.23 (above) as if set forth in full herein.

5.9 Defendant's omissions during the course of prosecuting the Patents were intentional, false and misleading.

5.10 Defendant knew or should have known that its statements, and omissions, were intentional, false and misleading because they purposely withheld this material information from the Examiner during the course of the prosecution of the patents.

5.11 The Examiner relied on Applicants' misrepresentations or omissions in allowing the claims of these Patents. Thus, Applicants exhibited deceptive intent in committing inequitable conduct before the PTO during the prosecution of these Patents.

5.12 There is an actual and justiciable controversy between the parties concerning the unenforceability and invalidity of Patents **7,832,253; 7,843,163; 7,750,502; 7,795,837; and 7,880,333** for failure to meet the requirements of the Patent Act, 35 U.S.C. §1 *et seq.*, including but not limited to 35 U.S.C. §§ 101, 102, 103, 112 and/or 116 as well as 37 Code of Federal Regulations 1.56.

5.13 Plaintiff is entitled to a judicial declaration and order that the Patents are unenforceable.

5.14 Plaintiff is entitled to recover attorneys' fees and costs in bringing this declaratory judgment action.

B. INVALIDITY

5.15 For a patent to be valid, the invention claimed in the patent must be new, useful, and non-obvious. A patent cannot take away from people their right to use what was known or what would have been obvious when the invention was made. The terms "new," "useful," and "non-obvious" have special meanings under the patent laws. In the alternative, Plaintiff alleges the Patents in suit, were known or would have been obvious at the time the alleged inventions were made.

Anticipation - 35 U.S.C §102

5.16 A patent claim is invalid if the claimed invention is not new. For a claimed invention to be invalid as not new, all of its requirements must be in a single previous device or method, or described in a single previous publication or patent. Something is inherent in an item of prior art if it is always present in the prior art, or always results from the practice of the prior art, and if a skilled person would understand that to be the case. Inherency may not be established by probabilities or possibilities. The mere fact that a certain thing may coincidentally result from a given set of circumstances is not sufficient. A prior public use by another may anticipate a patent claim, even if the use was accidental or was not appreciated by the other person. Thus, a prior public use may anticipate an invention even if the user did not intend to use the invention, or even realize he or she had done so. A patent claim is invalid if the invention defined by that claim was described in a printed publication before it was invented by the patent applicant, or more than one year prior to the filing date of the United States patent application. In the alternative, Plaintiff alleges the Patents in suit are invalid as all of their claims are rendered anticipated by prior art.

Obviousness - 35 U.S.C §103

5.17 To be patentable, an invention must not have been obvious to a person of ordinary skill in the pertinent art at the time the invention was made. In the alternative, Plaintiff alleges the Patents in suit are invalid as all of their claims are rendered obvious by prior art.

5.18 There is an actual and justiciable controversy between the parties concerning the invalidity of the **7,832,253; 7,843,163; 7,750,502; 7,795,837; and 7,880,333** patents for failure to meet the requirements of the Patent Act, 35 U.S.C. §1 *et seq.*, including but not limited to 35 U.S.C. §§ 101, 102, 103, 112 and/or 116 as well as 37 Code of Federal Regulations 1.56.

5.19 In the alternative, Plaintiff alleges the Patents in suit are also invalid for failing to comply with the standards for inventions patentable under 35 U.S.C. § 101 and the specification requirements under 35 U.S.C. § 112.

5.20 Plaintiff is entitled to a judicial declaration and order that the Patents are invalid.

5.21 Plaintiff is entitled to recover his attorneys' fees and costs in bringing this declaratory judgment action.

COUNT TWO
MALICIOUS PROSECUTION

5.22 Mr. Conlin would further show Solarcraft continued its attempts to enforce the void Injunction Order entered on February 28, 2009. Solarcraft was made aware the Temporary Injunction Order was void as of July 2009 but continued to demand the Order remain in place, used the Order to interfere with and terminate the Conlin's lawful employment and used the Order as a basis for a Show Cause Hearing as to why sanctions should not be imposed based upon Mr. Conlin's alleged use or disclosure of intellectual property (termed "secret sauce" by Solarcraft's counsel) and embodied within claims set forth in Patent Nos. 7,832,253; 7,843,163; 7,750,502; 7,795,837; and 7,880,333 made the basis of this Complaint. The Order failed to contain essential requirements for a temporary injunction order on its face but was prosecuted repeatedly by Solarcraft as part of their scheme to exclude Mr. Conlin from gainful and lawful employment, the use of or the sale of his personal intellectual property in order to financially leverage or gain advantage in civil litigation and/or to coerce Mr. Conlin into selling their shares in Solarcraft at a severely discounted price without the means or financial ability to trigger the Buy/Sell Option Provisions at a meaningful value or the ability to continue to sustain themselves financially. Ultimately the Temporary Injunction Order was found to be void by the 14th District Court of Appeals and was ordered dissolved. See

Kevin Conlin, et al v. Darrell Haun, et al; Tex. Civ. App.—Houston [1st Dist.], December 12, 2013 (Op. No. 01-13-00329-CV). As a result of the continued prosecution of the void order, the Conlins sustained special damages including loss of employment with Alpha Energy, loss of ability to sell Mr. Conlin’s intellectual property, hailed into Court to Answer a Show Cause hearing and otherwise chastised by an Order that Haun and Solarcraft were aware was void from at least July 2009 to present.

COUNT THREE
ABUSE OF PROCESS

5.23 Mr. Conlin would further show that Solarcraft’s use of the Temporary Injunction Order constituted an abuse of process. The Order was originally issued based on the requirements of the Employment Agreements regarding non-compete provisions; however, Solarcraft subsequently abused this process by seeking sanctions and a show cause hearing based on the transfer of intellectual property and patentable inventions which were solely or jointly owned by Mr. Conlin as an inventor and embodied within Patent Nos. 7,832,253; 7,843,163; 7,750,502; 7,795,837; and 7,880,333 made the basis of this Complaint.. The abuse of process herein was perpetrated for the ulterior motive of extinguishing any avenue of subsistence available to Mr. Conlin in order to gain advantage in a pending civil action and/ to force him to sell his shares of Solarcraft at a severely reduced price. The writ was not designed or intended to be used for the purpose of excluding Mr. Conlin from all lawful employment or from selling items of intellectual property to which he had sole and exclusive title as such limitations were beyond the scope of the Shareholders’ Agreement or Employment Agreements executed by the relevant parties. Moreover, the prosecution of the injunction relating to these matters after the expiration of the non-compete period, and in an effort to prevent the Mr. Conlin from obtaining valid and lawful employment, further constitutes an abuse of

process. As a result of this abuse of process, Mr. Conlin was damaged by his exclusion from valid and lawful employment as well as by the use of the process to interfere with his clear property rights in the intellectual and patented inventions which were the sole property of Mr. Conlin and embodied within Patent Nos. 7,832,253; 7,843,163; 7,750,502; 7,795,837; and 7,880,333 made the basis of this Complaint.

COUNT FOUR

INTERFERENCE WITH ACTUAL AND PROSPECTIVE CONTRACTUAL RELATIONS

5.24 Under the guise of a void injunction and the expired and unenforceable terms of his non-compete agreement, Solarcraft interfered with the actual and prospective employment of Mr. Conlin. Specifically, Solarcraft interfered with Mr. Conlin's employment with Alpha Energy under the same void order and after the expiration of his non-compete period and further sought to impair his ability to sell and transfer his personal property including his intellectual property and patentable inventions embodied within Patent Nos. 7,832,253; 7,843,163; 7,750,502; 7,795,837; and 7,880,333 made the basis of this Complaint.

VI.

RELIEF REQUESTED

6.0 Mr. Conlin incorporates the allegations set forth in paragraphs 1.0 through 5.24 hereinabove, as if set forth verbatim.

6.1 Kevin Conlin seeks:

1. The declaratory relief as specifically requested and set forth herein.
2. damages for the following:
 - (a) All direct and consequential damages attributable to the claims set forth herein;

- (b) All economic damages caused to Kevin Conlin by Solarcraft's actions as set forth herein;
- (c) Damages for the interference with actual or prospective contractual relationships including but not limited to Mr. Conlin's professional relationship with Alpha Energy;
- (d) All special damages incurred as a result of the Malicious Prosecution and Abuse of Process of the void Temporary Injunction Order;
- (e) Mental Anguish Damages;
- (f) Lost Profits;
- (g) Exemplary Damages;
- (h) Cost of Court;
- (i) Attorneys Fees;
- (j) Pre-Judgment Interest; and
- (k) Post-Judgment Interest.

INTEREST AND COSTS

6.2 Mr. Conlin seeks recovery of pre-judgment interest and post-judgment interest as authorized by law. Mr. Conlin also seeks recovery for all costs of court.

CONDITIONS PRECEDENT

6.3 Any and all conditions precedent to filing of this action have been met, or are waived or excused.

ELECTION REMEDIES

6.4 Mr. Conlin reserves the right to elect his remedies and to elect to recover the highest measure of damages and/or legal and equitable relief available under Federal and Texas law.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff Kevin Conlin respectfully requests that Defendant Solarcraft be cited to appear and answer; that Kevin Conlin be granted any and all relief as set forth herein above; and for such other and further relief as this Court deems equitable and just.

Plaintiff Demands a Jury Trial for all issues so triable.

Dated: July 2, 2014

Respectfully submitted,

By: /s/ Andrew Sher

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