

**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Case No: 5:15-cv-590**

<b>VEOLIA WATER SOLUTIONS &amp; TECHNOLOGIES SUPPORT,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	<b>COMPLAINT</b>
	)	
<b>v.</b>	)	
	)	<b>Jury Trial Demanded</b>
<b>WESTECH ENGINEERING, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

Plaintiff Veolia Water Solutions & Technologies Support (“VWS”), by and through its counsel, complaining of Defendant WesTech Engineering, Inc. (“WesTech”), hereby demands a jury trial and alleges and says:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.*, to enjoin and obtain damages resulting from WesTech’s unauthorized manufacture, use, sale, offer to sell, and/or importation into the United States for subsequent use or sale of disc filters that infringe claims 1, 2, 3, 4, 8, 9, 10, 11, 15, 16, 17, 18, 21, 28, 29, 50 and 51 of United States Patent No. 8,961,785 (“the ’785 Patent”), attached hereto as Exhibit A. VWS seeks injunctive relief to prevent WesTech from continuing to infringe the ’785 Patent, and, in addition, seeks a recovery of monetary damages resulting from WesTech’s infringement of the ’785 Patent.

**PARTIES**

2. Plaintiff VWS is a privately-held joint-stock company with limited liability (Société anonyme), organized and existing under the laws of France, having its registered head

office at L'Aquarène, 1, place Montgolfier, 94417 Saint-Maurice, France.

3. Plaintiff VWS is the lawful assignee of all right, title, and interest in and to the '785 Patent. I. Kruger Inc. ("Kruger") is a North Carolina corporation and has a principal place of business in this judicial district. Kruger is the exclusive licensee to market, sell and distribute disc filters covered by the '785 Patent to the wastewater treatment market in the United States.

4. Upon information and belief, WesTech is a California corporation having a principal place of business in Salt Lake City, Utah. Upon further information and belief, WesTech manufactures, uses, sells, imports, and/or distributes disc filters accused of infringement herein.

#### **JURISDICTION AND VENUE**

5. This action arises under the patent laws of the United States, including 35 U.S.C. §§ 271 *et seq.* This Court has subject matter jurisdiction under the provisions of 28 U.S.C. §§ 1331 and 1338 (a).

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

7. This Court has personal jurisdiction over WesTech, and venue is proper in this district, because WesTech has conducted business in North Carolina and this judicial district, and infringement has occurred and continues to occur in North Carolina. Upon information and belief, WesTech's infringing disc filter has been and continues to be marketed and/or offered for sale throughout North Carolina including this judicial district. In addition, the Court has personal jurisdiction over WesTech because it has established minimum contacts with the forum and the exercise of the Court's jurisdiction over WesTech would not offend traditional notions of fair play and substantial justice. WesTech manufactures and sells a wide variety of wastewater

treatment equipment and systems. Upon information and belief, WesTech regularly does business or solicits business in North Carolina and this judicial district.

### **FACTS**

8. The '785 Patent is directed to a rotary disc filter.

9. The '785 Patent was duly and legally issued on February 24, 2015.

10. Defendant WesTech markets, makes, uses, sells, offers for sale, and/or imports into the United States disc filters that infringe the identified claims of the '785 Patent. The infringing disc filter is referred to by WesTech as the "SuperDisc™" Disc Filter. A copy of a WesTech brochure advertising the SuperDisc disc filter is attached as Exhibit B. A copy of an internet-based advertisement for the SuperDisc disc filter is attached as Exhibit C.

### **COUNT I PATENT INFRINGEMENT 35 U.S.C. § 271**

11. VWS realleges and incorporates by reference the preceding paragraphs of the Complaint.

12. VWS is the assignee and lawful owner of all right, title, and interest in and to the '785 Patent.

13. WesTech, in violation of 35 U.S.C. §271, makes, uses, sells, offers to sell, and/or imports into the United States for subsequent sale or use disc filters known as the "SuperDisc™" Disc Filter, which infringes claims 1, 2, 3, 4, 8, 9, 10, 11, 15, 16, 17, 18, 21, 28, 29, 50 and 51 of the '785 Patent. WesTech continues to directly infringe, contribute to the infringement of, and/or actively induce others to infringe these claims of the '785 Patent.

14. WesTech's acts of infringement have caused damage to VWS, and VWS is entitled to recover damages adequate to compensate for the infringement.

15. WesTech's continuing infringement of the '785 Patent will continue to damage VWS' business, causing irreparable harm unless enjoined by the Court.

**PRAYER FOR RELIEF**

WHEREFORE VWS respectfully prays for judgment against WesTech, granting VWS the following relief:

- A. That the Court enter judgment that WesTech has infringed U.S. Patent No. 8,961,785;
- B. That the Court permanently enjoin WesTech and its parents, subsidiaries, affiliates, successors and assigns, and each of their respective officers, directors, agents, servants, employees, attorneys, and all persons within their control from making, using, selling, offering to sell, importing, or advertising disc filters that infringe the '785 Patent;
- C. That the Court order an accounting to determine the damages to be awarded to VWS as a result of WesTech's infringement;
- D. That the Court, pursuant to 35 U.S.C. § 284, enter an award to VWS of such damages as it shall prove at trial that are adequate to compensate VWS for WesTech's infringement of the '785 Patent, said damages to be no less than a reasonable royalty;
- E. That the Court assess pre-judgment and post-judgment interest and costs against WesTech, together with an award of such interest and costs to VWS, in accordance with 35 U.S.C. § 284;
- F. That the Court award VWS attorney fees pursuant to 35 U.S.C. §285;
- G. That the Court grant VWS such other, further, and different relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

VWS demands a trial by jury be held on all issues so triable.

Respectfully submitted, this the 13th day of November, 2015.

**Coats & Bennett, PLLC**  
**Attorneys for VWS**

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