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10 Attorneys for Plaintiff

11 R. THOMAS CANNARELLA

12 **UNITED STATES DISTRICT COURT**
13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
14 **WESTERN DIVISION**

15 R. THOMAS CANNARELLA, an
16 individual,

17 Plaintiff,

18 v.

19 VOLVO CAR USA LLC, a Delaware
20 limited liability company, GREY
21 GLOBAL GROUP INC., a Delaware
22 corporation, THE BIG PICTURE
23 COMPANY, a Delaware corporation,
24 1ST AVENUE MACHINE USA, INC.,
25 a New York corporation, SCPS
26 UNLIMITED, LLC, a California limited
27 liability company BOB PARTINGTON,
28 an individual; and DOES 1-10,

Defendants.

Civil Action No. 2:16-CV-06195

**COMPLAINT FOR DAMAGES
BASED ON:**

1. **Patent Infringement under 35 U.S.C. §§ 271(a) and 281;**
2. **Contributory Patent Infringement under 35 U.S.C. §§ 271(c) and 281;**
3. **False Advertising under 15 U.S.C. § 1125(a);**
4. **Unfair Competition under 15 U.S.C. § 1125(a) and Cal. Bus. & Prof. Code §§ 17200 and 17500 *et seq.*; and**
5. **Common Law Unjust Enrichment.**

DEMAND FOR JURY TRIAL

1 R. Thomas Cannarella (“Plaintiff”) hereby pleads his complaint for patent
2 infringement, contributory patent infringement, false advertising, unfair
3 competition, and common law unjust enrichment against Defendants Volvo Car
4 USA LLC, Grey Global Group Inc., The Big Picture Company, 1st Avenue
5 Machine USA, Inc., SCPS Unlimited, LLC, and Bob Partington (collectively
6 “Defendants”), as follows:

7
8 **JURISDICTION AND VENUE**

9 1. This civil action arises under the laws of the United States, Title 35
10 United States Code, particularly §§ 271 and 281; the Federal Trademark Act of
11 1946, 15 U.S.C. § 1051, *et seq.*, as amended (the “Lanham Act”); and California
12 Business & Professions Code §§ 17200 and 17500 *et seq.*

13 2. This court has original jurisdiction over the parties and the subject
14 matter of the action pursuant to 28 U.S.C. §§ 1131 and 1338(a)-(b), as well as
15 under 15 U.S.C. §§ 1121. This court also has personal jurisdiction over the
16 Defendants because the Defendants are doing business in this state and/or the
17 alleged acts of infringement have occurred and/or are occurring in this state.

18 3. Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(c) and
19 1400(a)-(b). The alleged acts of infringement and misappropriation have occurred
20 and/or are occurring in this district and some of the Defendants reside within this
21 judicial district.

22
23 **PARTIES**

24 4. Plaintiff R. Thomas Cannarella (“Cannarella”) is an individual having a
25 residence of 112 Hollingshed Creek Blvd., Irmo, South Carolina 29063.

26 5. Upon information and belief, Defendant Volvo Car USA LLC (“Volvo”)
27 is a Delaware limited liability company having its principal place of business at 1
28 Volvo Drive, Rockleigh, New Jersey 07647.

1 6. Upon information and belief, Defendant Grey Global Group Inc.
2 (“Grey”) is a Delaware corporation having its principal place of business at 200
3 Fifth Ave., New York, New York 10010.

4 7. Upon information and belief, Defendant The Big Picture Company
5 (“Big Picture”) is a Delaware corporation having its principal place of business at
6 79 Madison Ave., Suite 1210, New York, New York 10016.

7 8. Upon information and belief, Defendant 1st Avenue Machine USA, Inc.
8 (“1st Avenue”) is a New York corporation having its principal place of business at
9 231 Front St., 4th Floor, Brooklyn, New York 11201.

10 9. Upon information and belief, Defendant SCPS Unlimited, LLC
11 (“SCPS”) is a California limited liability company having its principal place of
12 business at 2807 Oregon Ct., Torrance, California 90503.

13 10. Upon information and believe, Defendant Bob Partington (“Partington”)
14 is an individual having an address at 231 Front St. 4th Floor, Brooklyn, New York
15 11201.

16
17 **FACTUAL BACKGROUND**

18 11. Plaintiff Cannarella is a Professional Engineer (P.E.) and has, over the
19 years, been Leed AP licensed in states that include New Jersey, Pennsylvania, New
20 York, Connecticut, South Carolina, North Carolina, Virginia, Georgia, Maryland,
21 and Delaware. Furthermore, Cannarella has about 10 years invested in the field of
22 green energy engineering and related technologies and over 20 years in civil,
23 geotechnical, and environmental engineering and design.

24 12. Cannarella graduated from the University of Delaware with a Bachelor’s
25 Degree in Civil Engineering with an Environmental Concentration in 1992 and,
26 immediately after college, worked for the United States Environmental Protection
27 Agency (EPA) in the Office of Clean Water working on special projects that
28 included developing a model to prioritize the cleanup of pollutants. In addition,

1 Cannarella worked for Land Surveyors and Environmental Specialists as a crew
2 chief for a team involved in performing environmental investigations and site
3 assessments; and as a Geotechnical and Environmental Field Engineer working at
4 heavy construction sites performing both investigative and inspection services for
5 various types of transportation and development projects relating to utility planning
6 and design, geotechnical studies, and hydrogeologic testing and evaluations.

7 13. In 1999, Cannarella received his professional engineering license and
8 founded the engineering firm Goodland & Clearwater and held the position of
9 Chief Operating Officer (CEO) for approximately eight years until the company
10 was sold to a larger full-service engineering firm in 2007. Goodland & Clearwater
11 specialized in public facilities and educational developments. After a successful
12 merger, Cannarella started another engineering firm and later worked for national
13 engineering firms helping to start-up and revive offices.

14 14. Cannarella is currently the founder and CEO of R. Thomas Engineers, a
15 Green Engineering and Consulting Firm started in 2007 specializing in alternative
16 green energy designs and project/program consultation.

17 15. In this respect, Cannarella is a LEED Accredited Professional, a
18 Member of the U.S. Green Building Council, and has been a member of the
19 American Society of Civil Engineers (“ASCE”) for over 24 years. Cannarella has
20 worked on nationwide green energy programs that include solar, wind, and fuel
21 cells. He has been a member of design teams for start-up alternative energy
22 companies such as Bloom Energy, Omniwind, Solular, and has worked on design
23 teams for global companies such as Walmart, Sam’s Club, and Travel Centers.

24 16. Cannarella is no stranger to research and development of new alternative
25 energy products and business development related to start-up energy companies.

26 17. In view of his civil engineering background and technical experience
27 working and consulting on green energy technologies, Cannarella recognized that
28

1 there was a potential to generate and store clean energy from intermittent pressures
2 existent in the environment, such as from automotive travel.

3 18. Accordingly, Cannarella invented processes and systems that generate
4 and store clean energy based on the concept of using a renewable and low or no
5 cost energy source to produce a constant and sustainable electrical energy output
6 supply. Cannarella realized that fluid is one of the most readily available natural
7 energy resources that can be replenished without damage to the environment. As
8 such, Cannarella began work on a system that harnesses energy created by the
9 peristaltic compression of fluid by, for example, a vehicle passing over one or
10 more flexible tubes subjected to the pressure created by the vehicle. The
11 compressed fluid could then be used to operate a pneumatic motor or be stored in a
12 tank for later use in energy generation.

13 19. In this respect, Cannarella is the sole inventor and sole owner of the
14 entire right, title and interest in and to United States Patent No. 8,232,661 (“the
15 ‘661 Patent”) entitled “System and Method for Generating and Storing Clean
16 Energy”, which issued on July 31, 2012 as part of the United States Patent and
17 Trademark Office (“USPTO”) Green Technology Pilot Program. The ‘661 Patent
18 is presumed valid and enforceable under 35 U.S.C. § 282. A true and correct copy
19 of the ‘661 Patent is attached as Exhibit A.

20 20. The ‘661 Patent is generally directed to a system for generating and
21 storing clean energy, and may include a flexible body externally exposed to an
22 intermittent localized pressure; a first check valve coupled to the flexible body and
23 configured to facilitate unidirectional fluid flow into the flexible body and a second
24 check valve coupled to the flexible body and configured to facilitate unidirectional
25 fluid flow out from the flexible body; a substantially rigid and planar base
26 positioned adjacent the flexible body and opposite the intermittent localized
27 pressure, the flexible body being of a shape and configuration to facilitate pressure
28 point peristaltic expansion and compression cycles along a portion thereof

1 responsive to the intermittent localized pressure to cause positive fluid
2 displacement into and out from the flexible body through the first valve and the
3 second valve, respectively; and an energy generation system in fluid
4 communication with the flexible body configured to generate electrical energy
5 from pressurized fluid resultant from the peristaltic expansion and compression
6 cycles (hereinafter “Cannarella Clean Energy System”).

7 21. In about 2011, Cannarella created a schematic video demonstrating
8 some of the features of the Cannarella Clean Energy System, and uploaded the
9 video to Vimeo on about August 2, 2011 (<https://vimeo.com/27227239>) under the
10 Title: “Vehicle/Roadway Application of the BNC Charger”. Cannarella has further
11 created detailed proof of concepts for multiple embodiments of the BNC Charger
12 (including a roadway embodiment), financial forecasts and schedules, prototype,
13 fabrication and beta site testing estimates, and has compiled a board of advisors
14 from nationwide entities and obtained letters of interest from multiple large scale
15 buyers. These efforts have been made to further design and manufacturing of a
16 commercial version of the Cannarella Clean Energy System. Cannarella, along
17 with his consultants, advisors, and team, have dedicated countless and valuable
18 time and money to procure the ‘661 Patent, develop his business plans, establish
19 goodwill among his peers in the clean energy industry, and connect with partners
20 and venture capitalists, all in an effort to commercialize his technology.

21 22. In the first quarter of 2016, Cannarella was finally gaining traction with
22 multiple potential partners and venture capitalists willing to invest/partner in the
23 Cannarella Clean Energy System. At that time, Cannarella was being considered
24 by multiple investors for investment in amounts sufficient to build and test a full
25 scale commercial prototype of the Cannarella Clean Energy System.

26 23. Although, on about April 12, 2016, Cannarella was informed of a
27 commercial made by the Defendants featuring a peristaltic generation system
28 nearly identical to the Cannarella Clean Energy System, and which falls within the

1 scope of one or more claims of the ‘661 Patent (hereinafter “Infringing Energy
2 Generation System). The Defendants uploaded the commercial featuring the
3 Infringing Energy Generation System to YouTube on about April 6, 2016
4 (<https://www.youtube.com/watch?v=c4x0w7juhtw>) under the Title: “Highway
5 Robbery | Volvo XC90 T8 Twin Engine Hybrid” (hereinafter “Highway Robbery
6 Commercial”). In this respect, Cannarella was informed of the Highway Robbery
7 Commercial less than a week after its release.

8 24. Cannarella contacted Volvo by email in an effort to speak directly with
9 those who conducted the research and/or the development of the Infringing Energy
10 Generation System in hopes of being able to commercialize the Cannarella Energy
11 Generation System and/or the Infringing Energy Generation system. Volvo never
12 responded.

13 25. Instead, Cannarella received a phone call from Grey’s attorneys about
14 the second week of April 2016. Cannarella re-conveyed his interest in speaking
15 with Volvo and those who designed and developed the Infringing Energy
16 Generation System for purposes of further commercial development. Grey’s
17 attorney never provided Cannarella with any substantive information; only that
18 Cannarella would be contacted by the “creator’s” attorney.

19 26. In early May 2016, the “creator’s” attorney was informed of
20 Cannarella’s desire to seek out a working relationship with Volvo and/or the
21 individuals and/or entities involved in the design and development of the
22 Infringing Energy Generation System.

23 27. But, the “creator’s” attorney refused to entertain any such working
24 relationship, refused to entertain any exchange of substantive information, and
25 refused to provide the contact information for those individuals and/or entities
26 involved in the design and/or development of the Infringing Energy Generation
27 System, absent Cannarella agreeing to a blanket release of the Defendants from
28 any and all liability related to infringement of the ‘661 Patent.

1 28. Nearly a month later, in early June 2016, with discussions stalling as a
2 result of the above-identified refusals, the “creator’s” attorney turned negotiations
3 over to a patent attorney apparently representing one of the Defendants.

4 29. Again, Cannarella re-conveyed his interest in developing a working
5 relationship with Volvo and/or the entities and/or individuals involved in making
6 the Highway Robbery Commercial. But, again, the Defendants’ patent attorney
7 insisted that Cannarella execute a blanket release before the Defendants would be
8 willing to “share” any information with Cannarella.

9 30. By about June 2016, and after two months of discussions, it was
10 becoming increasingly clear that the Defendants had no desire to work with
11 Cannarella, but would prefer litigation in lieu of collaborating to develop green
12 energy technology that could beneficially help the environment. Even so, on June
13 15, 2016, Cannarella made yet another request to determine whether Volvo would
14 have any interest in establishing a working relationship with Cannarella to develop
15 the technology shown in the Highway Robbery Commercial. The Defendants,
16 again, never responded to Cannarella’s request.

17 31. Instead, the Defendants were more interested in discussing damages and
18 the validity of the ‘661 Patent.

19 32. Cannarella attempted to try and amicably resolve the present case with
20 the Defendants over the next two months from about June 15, 2016 up to the filing
21 of the present Complaint.

22 33. Upon information and belief, the Infringing Energy Generation System
23 was made in Torrance, California by SCPS. Specifically, SCPS states on its
24 website that they “produced the entire system [and] delivered and operated the
25 system on set” SCPS also admits that the Highway Robbery Commercial
26 went “viral” on the internet. A true and correct copy from the SCPS website is
27 attached hereto as Exhibit B.
28

1 34. The Highway Robbery Commercial states that the Defendants “. . .
2 HIJACKED A HIGHWAY IN CALIFORNIA”. Upon information and belief, the
3 Infringing Energy Generation System was used on a highway in Lancaster,
4 California where the Highway Robbery Commercial was filmed.

5 35. Cannarella’s contacts expressed concern to Cannarella about the
6 development of the technology depicted in the Highway Robbery Commercial,
7 especially given its backing from Volvo. Since the release of the Highway
8 Robbery Commercial, interest from Cannarella’s partners/investors has
9 significantly slowed down at the detriment of Cannarella’s fragile start-up business
10 and efforts to commercialize the Cannarella Energy Generation System.
11 Moreover, Cannarella’s additional contacts have since largely ceased
12 corresponding with Cannarella over the last 4+ months since the Highway Robbery
13 Commercial was released.

14 36. Meanwhile, the Highway Robbery Commercial has and continues to
15 receive significant publicity, such as by way of still being marketed to large
16 audiences directly on the Volvo website, YouTube, Facebook, etc. On YouTube
17 alone, the Highway Robbery Commercial received over 1.65 million views (or
18 approximately 15,000 views a day) as of August 1, 2016. A true and correct copy
19 of the YouTube page is attached hereto as Exhibit C.

20 37. Partington also promotes the Highway Robbery Commercial on his
21 Twitter account. A true and correct copy of the Twitter page is attached as Exhibit
22 D.

23 38. Thus, the Defendants have all received a financial windfall, green
24 energy exposure, commercial recognition, publicity, and a competitive marketing
25 advantage and market penetration, as a result of misappropriating technology they
26 had no right to use. The Defendants have, therefore, been unjustly enriched as a
27 direct result of the unauthorized exploitation of the technology claimed in the ‘661
28 Patent, an enrichment the Defendants continue to enjoy today. As a natural

1 consequence, this has all been to the irreparable detriment of Cannarella, his
2 reputation, and his business.

3 39. Partington is identified in the Highway Robbery Commercial as the so-
4 called “Innovation Architect” of the Infringing Energy Generation System. Upon
5 information and belief, Partington speaks at technology conferences and claims for
6 his own the Infringing Energy Generation System technology. For example,
7 Partington was the keynote speaker at STEM-tastic Saturday on May 14, 2016,
8 where his biography included a statement that “Bob’s most recent invention is
9 featured in Volvo’s “Highway Robbery” ad for their new electronic car.” A true
10 and correct copy of the STEM-tastic ad regarding Partington’s speaking
11 engagement is attached hereto as Exhibit E. Upon information and belief,
12 Partington was paid to speak at STEM-tastic based at least in part on his
13 association with the Infringing Energy Generation System. Cannarella has had
14 active funding opportunities through STEM for the Cannarella Energy Generation
15 system, including by way of well known venture capitalists.

16 40. Upon information and belief, Partington did not invent the Infringing
17 Energy Generation System depicted in the Highway Robbery Commercial. Rather,
18 Partington falsely states on his Facebook page that he is the “inventor” of the
19 Infringing Energy Generation System. A true and correct copy of the Facebook
20 page is attached as Exhibit F. Furthermore, upon information and belief,
21 Partington has not filed a patent application for any technology related to the
22 Infringing Energy Generation System.

23 41. Moreover, Andreas Dahlqvist, Grey’s chief creative officer, falsely
24 stated in an interview with AdFreak that “[Grey] ended up developing [their] own
25 proprietary hydraulic system from scratch, and it proved to be incredibly efficient
26 at generating electronic power.” A true and correct copy of the statement quoted
27 by AdFreak is attached hereto as Exhibit G.

28

1 42. Consequently, the consuming public now incorrectly associates the
2 Infringing Energy Generation System as, *e.g.*, “a custom peristaltic pump” created
3 by the Defendants. *See, e.g.*, Exhibit H. These false statements discredit
4 Cannarella and his technological achievements, and are in wanton disregard for the
5 fact that Cannarella invented the technology in the Highway Robbery Commercial,
6 as indicated in the ‘661 Patent.

7 43. Moreover, Defendants state that “SOMETIMES STEALING CAN BE
8 A GOOD THING” in a video Entitled: “Highway Robbery | Behind The Scenes”
9 uploaded to YouTube on April 8, 2016
10 (<https://www.youtube.com/watch?v=pDLRl6PvEMk>), which features the
11 Infringing Energy Generation System (hereinafter “Behind The Scenes Video”).

12 44. Upon information and belief, the Defendants knew of the ‘661 Patent
13 prior to making the Highway Robbery Commercial or the Behind The Scenes
14 Video, at least in view that the Highway Robbery Commercial and the Behind The
15 Scenes Video show and reference layout and equipment virtually identical to the
16 layout and equipment disclosed in the ‘661 Patent.

17 45. Upon information and belief, one or more of the Defendants endeavored
18 to make, use, offer to sell, sell, or otherwise import into the United States a
19 commercial version of the Infringing Energy Generation System.

20 46. Although, upon information and belief, after attempting to build the
21 Infringing Energy Generation System, the Defendants discovered that the
22 Infringing Energy Generation System did not work as intended. The Infringing
23 Energy Generation System could not generate enough energy to fully charge the
24 Volvo XC90 T8 Twin Engine Hybrid in the manner represented in the Highway
25 Robbery Commercial. Despite this, the Defendants state in the Behind The Scenes
26 Video that they have “CREATED A TECHNOLOGY TO POWER THE
27 FUTURE”.

1 47. Thus, upon information and belief, the statements in the Highway
2 Robbery Commercial and/or the Behind The Scenes Video are false and are being
3 disseminated throughout marketing channels such as the Volvo website, YouTube,
4 Facebook, and other online and social media, to propagate the false and misleading
5 notion that the Defendants created a viable and working technology whereby
6 vehicle batteries could be reliably charged by cars passing over a peristaltic energy
7 generation system.

8 48. Accordingly, upon information and belief, the Defendants have no
9 calculations, no evaluations, no analysis, no data or calculations from field tests,
10 permits, design documents, specifications, user manuals, parts lists, or other
11 engineering information to substantiate the claims made in the Highway Robbery
12 Commercial or in the Behind The Scenes Video.

13
14 **FIRST CAUSE OF ACTION**

15 (Patent Infringement)

16 (35 U.S.C. §§ 271(a) and 281)

17 49. Cannarella re-alleges and incorporates by reference the allegations set
18 forth in paragraphs 1-48 above.

19 50. Upon information and belief, Defendants have been and/or currently are
20 directly and/or indirectly infringing the '661 Patent by making, using, offering to
21 sell, selling and/or importing the Infringing Energy Generation System.

22 51. Cannarella is informed and believes and based thereon alleges that
23 Defendant's acts of infringement have been willful.

24 52. Defendant's infringement of the '661 Patent will continue unless
25 enjoined by this Court.

26 53. As a direct and proximate cause of Defendant's infringement of the '661
27 Patent, Cannarella has suffered, is suffering, and will continue to suffer injury,
28 unless enjoined by the court, for which Cannarella is entitled to damages adequate

1 to compensate for the infringement pursuant to 35 U.S.C. § 284, of an amount to
2 be proven at trial.

3 54. As a direct and proximate consequence of Defendant's infringement of
4 the '661 Patent, Cannarella has suffered, is suffering, and will continue to suffer,
5 unless enjoined by the court, irreparable harm for which there is no adequate
6 remedy at law, and for which Cannarella is entitled to injunctive relief pursuant to
7 35 U.S.C. § 283.

8
9 **SECOND CAUSE OF ACTION**

10 (Contributory Infringement)

11 (35 U.S.C. §§ 271(c) and 281)

12 55. Cannarella re-alleges and incorporates by reference the allegations set
13 forth in paragraphs 1-54 above.

14 56. Cannarella is informed and believes and based thereon alleges that third
15 parties have used Defendants' Infringing Energy Generation System that infringe
16 one or more claims of the '661 Patent.

17 57. Defendants have contributed to infringement of the '661 Patent by
18 others and continues to contribute to such infringement by at least making and
19 using the Infringing Energy Generation System, such that others directly infringe
20 the '661 Patent, as described above.

21 58. Cannarella has been and will continue to be injured as a result of
22 Defendants' contributory infringement.

23
24 **THIRD CAUSE OF ACTION**

25 (False Advertising)

26 (15 U.S.C. § 1125(a))

27 59. Cannarella re-alleges and incorporates by reference the allegations set
28 forth in paragraphs 1-58 above.

1 71. Defendants knew, or reasonably should have known, that the increased
2 sales, profits, market share, reputation, consumer base, and goodwill they received
3 resulted directly from their misappropriation of the '661 Patent and literally false,
4 deceptive, and misleading advertising. Defendants have acted intentionally,
5 willfully, deliberately, maliciously, egregiously, and in bad faith to injure
6 Cannarella and his business. Cannarella has no adequate remedy at law for such
7 injuries and thus, Cannarella is entitled to a permanent injunction against further
8 misappropriation of the '661 Patent and false and misleading advertising.

9
10 **PRAYER FOR RELIEF**

11 WHEREFORE, Cannarella requests entry of judgment in its favor and
12 against Defendants as follows:

13 a. That Defendants have directly and/or indirectly infringed one or more
14 claims of the '661 Patent;

15 b. Preliminarily and permanently enjoin Defendants and their officers,
16 agents, servants, employees, attorneys and those persons in active concert or
17 participation with them who receive actual notice of the order by personal service
18 or otherwise, from any infringement of the '661 Patent whether direct or indirect;

19 c. That Defendants account to Cannarella for damages by virtue of
20 Defendant's infringement and/or contributory infringement of the '661 Patent;

21 d. Award Cannarella all damages, in such amounts as are proved at trial,
22 and in an amount adequate to compensate Cannarella for the infringement,
23 resulting from Defendants' infringement and/or contributory infringement of the
24 '661 Patent, pursuant to 35 U.S.C. § 284;

25 e. That Defendants be adjudged to have willfully and deliberately infringed
26 and contributorially infringed the '661 Patent;

1 f. That the present case be judged an exceptional case within the meaning
2 of 35 U.S.C. § 285 and that Cannarella be awarded its reasonable attorneys' fees
3 and costs pursuant thereto;

4 g. That Cannarella be awarded damages in an amount equal to three times
5 the amount of damages found or assessed, to compensate Cannarella for the willful
6 and deliberate acts of infringement by Defendants, pursuant to 35 U.S.C. § 284;

7 h. That Defendants deliver to Cannarella the Infringing Energy Generation
8 System in a fully operational condition as portrayed in the Highway Robbery
9 Commercial;

10 i. Order that Defendants and their parents, affiliates, subsidiaries, officers,
11 agents, servants, employees, attorneys, successors, and assigns, and all those
12 persons in active concert or participation with them, or any of them, offer up to
13 Cannarella all parts, systems, information, and data related to the Infringing Energy
14 Generation System falling within the scope of one or more claims in the '661
15 Patent, including, but not limited to, the conception, design, development,
16 engineering, specifications, materials and material sourcing,
17 manufacturing/construction, assembly, testing, raw data, calculations, evaluations,
18 analysis, permits, and claims made in the Highway Robbery Commercial and/or
19 the Behind The Scenes Video, that are within Defendant's possession, custody or
20 control;

21 j. That Defendants publish a corrected commercial video identifying
22 Cannarella as the inventor and that the Infringing Energy Generation System falls
23 within the scope of the '661 Patent, along with a written letter identifying
24 Cannarella as the inventor of the technology shown in the Highway Robbery
25 Commercial; and

26 k. For any such other and further relief as the Court may deem just, proper,
27 and equitable.

28

1 **DEMAND FOR JURY TRIAL**

2 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Cannarella
3 respectfully demands a trial by jury on all claims and issues so triable.

4
5 Respectfully Submitted:

6
7 Dated: August 17, 2016

/s/ Scott M. Lowry
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