

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**DENISE MARKS, INDEPENDENT
EXECUTRIX OF THE ESTATE OF
ARTHUR M. DOTY, DECEASED,**

Plaintiff,

v.

**AMERIMAINTEANCE SYSTEMS, LLC
D/B/A AMERICAN MAINTENANCE**

Case No. _____

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT
AGAINST AMERIMAINTEANCE SYSTEMS, LLC
D/B/A AMERICAN MAINTENANCE SYSTEMS AND AMS**

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.*, in which Plaintiff Estate of Arthur William Doty (“Plaintiff”) makes the following allegations against Defendant AmeriMaintenance Systems, LLC d/b/a American Maintenance Systems and AMS (“Defendant” or “AMS”):

**I.
INTRODUCTION**

This complaint arises from AMS’s unlawful infringement of the following United States patents owned by Plaintiff, which relate to pipe flange spreading tools and apparatus for cleaning bleeder valves: United States Patent Nos. 9,321,088 (the ‘088 Patent); 9,079,301 (the ‘301 Patent); 8,870,161 (the ‘161 Patent) and 8,584,296 (the ‘296 Patent) (collectively, the “Asserted Patents”).

II.
PARTIES

1. Plaintiff is the Estate of Arthur William Doty. Denise Marks is the duly appointed Executrix of the Estate, which is being managed in this district. Plaintiff is the sole owner of all right, title, and interest in the Asserted Patents, including the right to recover for past, present, and future infringement.

2. Defendant AmeriMaintenance Systems, LLC d/b/a American Maintenance Systems and AMS is a Texas limited liability company with a principal place of business at 12407 N. Mopac Expwy, Suite 250-469, Austin, Texas 78758. AMS may be served with process through its registered agent, Brenda Doty, 1120 Toro Grande, Cedar Park, TX 78613. AMS is registered to do business in the State of Texas and has been since at least 1998.

III.
JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over AMS in this action because AMS is a Texas company and has a physical presence in this state and this district. AMS has committed and continues to commit acts of infringement in this District by, among other things, importing, offering to sell, and selling products and services that infringe the Asserted Patents.

5. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b). AMS is registered to do business in Texas, and upon information and belief, AMS has transacted business in this District and has committed acts of direct infringement in this District by, among other things, making, using, offering to sell, selling, and importing products that infringe the Asserted

Patents. AMS has regular and established places of business in this District, including 12407 N. Mopac Expwy, Suite 250-469, Austin, Texas 78758. AMS also has several employees that work in its Austin headquarters.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 9,321,088

6. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

7. Plaintiff owns all rights, title, and interest, including the right to recover damages for past, present, and future infringement, in U.S. Patent No. 9,321,088, entitled “Apparatus for cleaning bleeder valves.” The ‘088 Patent was duly and legally issued by the United States Patent and Trademark Office on April 26, 2016. A true and correct copy of the ‘088 Patent is attached as Exhibit 1.

8. On information and belief, AMS has and continues to make, use, offer for sale, sell, and/or import certain products and services, including without limitation the AMS Indestructible “B” Series Cleaners, ALKY “HC” Series Cleaners, COKER “CKR” Series Cleaners, Rod Out Tools, FCCU “CAT” Series Cleaners, and Reduced Port Bleeder Cleaner Tools (“Accused Products”), that directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the ‘088 Patent. Further identification of the Accused Products will be provided in Plaintiff’s infringement contentions disclosed pursuant to the Court’s scheduling order.

9. The Accused Products satisfy all claim limitations of one or more claims of the ‘088 Patent.

10. AMS also knowingly and intentionally induces infringement of one or more claims of the ‘088 Patent in violation of 35 U.S.C. § 271(b). As of at least the filing and service of this complaint, AMS has knowledge of the ‘088 Patent and the infringing nature of the Accused

Products. Despite this knowledge of the '088 Patent, AMS continues to actively encourage and instruct its customers and end users to use the Accused Products in ways that directly infringe the '088 Patent.

11. AMS also continues to make, use, offer for sale, sell, and/or import the Accused Products, despite its knowledge of the '088 Patent, thereby specifically intending for and inducing its customers to infringe the '088 Patent through the customers' normal and customary use of the Accused Products.

12. As a result of AMS's infringement of the '088 Patent, Plaintiff is entitled to monetary damages (past, present, and future) in an amount adequate to compensate for AMS's infringement, but in no event less than a reasonable royalty for the use made of the invention by AMS, together with interest and costs as fixed by the Court.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 8,584,296

13. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

14. Plaintiff owns all rights, title, and interest, including the right to recover damages for past, present, and future infringement, in U.S. Patent No. 8,584,296, entitled "Apparatus for cleaning bleeder valves." The '296 Patent was duly and legally issued by the United States Patent and Trademark Office on November 19, 2013. A true and correct copy of the '296 Patent is attached as Exhibit 2.

15. On information and belief, AMS has and continues to make, use, offer for sale, sell, and/or import certain products and services, including without limitation the AMS Indestructible "B" Series Cleaners, ALKY "HC" Series Cleaners, COKER "CKR" Series Cleaners, Rod Out Tools, FCCU "CAT" Series Cleaners, and Reduced Port Bleeder Cleaner Tools ("Accused

Products”), that directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the ‘296 Patent. Further identification of the Accused Products will be provided in Plaintiff’s infringement contentions disclosed pursuant to the Court’s scheduling order.

16. The Accused Products satisfy all claim limitations of one or more claims of the ‘296 Patent.

17. AMS also knowingly and intentionally induces infringement of one or more claims of the ‘296 Patent in violation of 35 U.S.C. § 271(b). As of at least the filing and service of this complaint, AMS has knowledge of the ‘088 Patent and the infringing nature of the Accused Products. Despite this knowledge of the ‘296 Patent, AMS continues to actively encourage and instruct its customers and end users to use the Accused Products in ways that directly infringe the ‘296 Patent.

18. AMS also continues to make, use, offer for sale, sell, and/or import the Accused Products, despite its knowledge of the ‘296 Patent, thereby specifically intending for and inducing its customers to infringe the ‘296 Patent through the customers’ normal and customary use of the Accused Products.

19. As a result of AMS’s infringement of the ‘088 Patent, Plaintiff is entitled to monetary damages (past, present, and future) in an amount adequate to compensate for AMS’s infringement, but in no event less than a reasonable royalty for the use made of the invention by AMS, together with interest and costs as fixed by the Court.

COUNT III
INFRINGEMENT OF U.S. PATENT NO. 9,079,301

20. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

21. Plaintiff owns by assignment all rights, title, and interest, including the right to recover damages for past, present, and future infringement, in U.S. Patent No. 9,079,301, entitled “Pipe flange spreading tool.” The ‘301 Patent was duly and legally issued by the United States Patent and Trademark Office on December 28, 2010. A true and correct copy of the ‘301 Patent is attached as Exhibit 3.

22. On information and belief, AMS has and continues to make, use, offer for sale, sell, and/or import certain products and services, including without limitation the AMS SafetyWedge™ Flange Wedges (“Accused Product”), that directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the ‘301 Patent, including through AMS’s sale of infringing systems, own use, and/or testing of the Accused Products. Further identification of the Accused Products will be provided in Plaintiff’s infringement contentions disclosed pursuant to the Court’s scheduling order.

23. The Accused Products satisfy all claim limitations of one or more claims of the ‘301 Patent.

24. AMS also knowingly and intentionally induces infringement of one or more claims of the ‘301 Patent in violation of 35 U.S.C. § 271(b). As of at least the filing and service of this complaint, AMS has knowledge of the ‘301 Patent and the infringing nature of the Accused Products. Despite this knowledge of the ‘301 Patent, AMS continues to actively encourage and instruct its customers and end users to use the Accused Products in ways that directly infringe the ‘301 Patent.

25. AMS also continues to make, use, offer for sale, sell, and/or import the Accused Products, despite its knowledge of the ‘301 Patent, thereby specifically intending for and inducing

its customers to infringe the ‘301 Patent through the customers’ normal and customary use of the Accused Products.

26. As a result of AMS’s infringement of the ‘301 Patent, Plaintiff is entitled to monetary damages (past, present, and future) in an amount adequate to compensate for AMS’s infringement, but in no event less than a reasonable royalty for the use made of the invention by AMS, together with interest and costs as fixed by the Court.

COUNT IV
INFRINGEMENT OF U.S. PATENT NO. 8,870,161

27. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

28. Plaintiff owns by assignment all rights, title, and interest, including the right to recover damages for past, present, and future infringement, in U.S. Patent No. 8,870,161, entitled “Pipe flange spreading tool.” The ‘161 Patent was duly and legally issued by the United States Patent and Trademark Office on December 28, 2010. A true and correct copy of the ‘161 Patent is attached as Exhibit 4.

29. On information and belief, AMS has and continues to make, use, offer for sale, sell, and/or import certain products and services, including without limitation the AMS SafetyWedge™ Flange Wedges (“Accused Product”), that directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the ‘161 Patent, including through AMS’s sale of infringing systems, own use, and/or testing of the Accused Products. Further identification of the Accused Products will be provided in Plaintiff’s infringement contentions disclosed pursuant to the Court’s scheduling order.

30. The Accused Products satisfy all claim limitations of one or more claims of the ‘301 Patent.

31. AMS also knowingly and intentionally induces infringement of one or more claims of the '161 Patent in violation of 35 U.S.C. § 271(b). As of at least the filing and service of this complaint, AMS has knowledge of the '161 Patent and the infringing nature of the Accused Products. Despite this knowledge of the '161 Patent, AMS continues to actively encourage and instruct its customers and end users to use the Accused Products in ways that directly infringe the '161 Patent.

32. AMS also continues to make, use, offer for sale, sell, and/or import the Accused Products, despite its knowledge of the '161 Patent, thereby specifically intending for and inducing its customers to infringe the '161 Patent through the customers' normal and customary use of the Accused Products.

33. As a result of AMS's infringement of the '161 Patent, Plaintiff is entitled to monetary damages (past, present, and future) in an amount adequate to compensate for AMS's infringement, but in no event less than a reasonable royalty for the use made of the invention by AMS, together with interest and costs as fixed by the Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

a. A judgment in favor of Plaintiff that AMS has infringed, either literally and/or under the doctrine of equivalents, the '088, '296, '301, and '161 Patents;

b. A judgment and order requiring AMS to pay Plaintiff its damages (past, present, and future), costs, expenses, and pre-judgment and post-judgment interest for AMS's infringement of the '088, '296, '301, and '161 Patents;

c. A judgment and order requiring AMS to pay Plaintiff compulsory ongoing licensing fees, as determined by the Court;

d. A judgment and order requiring AMS to provide an accounting and to pay supplemental damages to Plaintiff, including without limitation, pre-judgment and post-judgment interest and compensation for infringing products released after the filing of this case that are not colorably different from the Accused Products;

e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees against AMS; and

f. Any and all other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: May ____, 2022

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