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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

**SAVANNAH INTELLECTUAL
PROPERTY LLC**, a Pennsylvania Limited
Liability Company,

Plaintiff,

v.

THE HOLT GROUP, INC., a Washington
corporation,

Defendant.

Case No. 3:24-cv-05215

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiff Savannah Intellectual Property LLC (“Savannah”) files this Complaint against Defendant The Holt Group, Inc. (“Defendant” or “Holt”) for patent infringement under 35 U.S.C. § 271, and states as follows:

THE PARTIES

1. Savannah is a Pennsylvania Limited Liability Company which maintains its principal place of business at 1229 Laurel Oak LN, York, PA 17403.

2. Defendant Holt is a corporation organized and existing under the laws of the State of Washington, and maintains its principal place of business in Vancouver, Washington.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Holt because Holt maintains its principal place of business within Washington in Vancouver, WA.

5. Holt has done business in this district and has committed acts of patent infringement in this district. Holt continues to commit these acts of infringement, entitling Savannah to relief. Therefore, venue is proper in this federal district pursuant to 28 U.S.C. §§1391(b)-(c) and 1400(b).

PATENTS-IN-SUIT

6. On October 29, 2013, the USTTO duly and legally issued this United States Patent No. 8,567,688 (“the ‘688 Patent”) entitled Moisture Reduction and Mold and Moisture Damage Preventative System and Method in Construction patent attached as Exhibit A. Savannah holds all rights, title, and interest in and to the ‘688 Patent.

7. On December 15, 2015, the USPTO duly and legally issued United States Patent No. 9,213,023 (“the ‘023 Patent”), entitled “Building Moisture Content Certification System and

Method,” attached as Exhibit B. Savannah holds all rights, title, and interest in and to the ’023 Patent.

8. On March 19, 2019, the USPTO duly and legally issued United States Patent No. 10,234,200 (“the ‘200 Patent”), entitled “Moisture Reduction and Mold and Moisture Damage Prevention System and Method in Construction”, attached as Exhibit C. Savannah holds all rights, title, and interest in and to the ‘200 Patent.

9. The ‘688 Patent, ‘023 Patent and the ‘200 Patent shall collectively be called “the Patents-In-Suit.”

FACTUAL ALLEGATIONS

10. The Patents-in-Suit generally cover systems, methods and processes for addressing the issue of moisture content in a structure including, for example, in wood framing. They describe, *inter alia*, improved methods, systems and processes for reducing the moisture content of wood framing during construction and certifying that the moisture content is below the level specifically determined to be problematic before construction is completed.

11. Holt makes, uses, sells, and offers for sale in the United States services that employ the patented technology (“Accused Holt Services.”)

12. Holt has committed and continues to commit acts of infringement under 35 U.S.C. § 271 by making, using, offering for sale and/or selling the Accused Holt Services.

13. Holt is and was aware of Savannah’s patents, patent applications and/or efforts to patent the technology described in the Patents-In-Suit. Holt was aware of the Patents-In-Suit prior to the filing of this Complaint.

14. Despite this knowledge of Savannah’s patent rights, Holt, has continued to commit acts of infringement.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 8,567,688

15. Savannah incorporates by reference the preceding paragraphs set forth above.

16. As described above, Holt has infringed and continues to infringe the '688 Patent.

17. The Accused Holt Services meet both claims of the '688 Patent; namely Claims 1 and 2, directed at processes for treating a space within a construction of a new home to prevent structural damage and/or growth of mold or mildew.

18. Holt makes, uses, offers to sell, and/or sells the Accused Holt Services within the United States without authority from Savannah.

19. Holt certifies a moisture content level in the wood framing of new construction.

20. Holt measures, with a moisture meter, moisture content at a plurality of interior locations within a building including low and high locations at a plurality of exposed wall studs.

21. Holt compares the measured moisture content with a threshold moisture content level.

22. Holt seals off the space to be treated with vapor barrier relative to other space within the building and dries, with at least one drying device, a space of the building in order to reduce the moisture content at the plurality of interior locations, whereby the at least one drying device is directed into and/or located within the space while drying the space and wherein the drying devices may include a dehumidifier, space heater and/or air moving device.

23. Holt measures, with the moisture meter, moisture content at one or more of the plurality of interior locations to confirm that the moisture content is below the threshold moisture content level and if the threshold level is not met it continues the drying until the threshold moisture level or a level below the threshold is met.

24. Upon information and belief, Holt has infringed directly and continues to infringe directly the '688 Patent. As alleged above, Holt had actual notice of the '688 Patent and of its infringement.

25. In addition to its direct infringement, Holt has been and is now indirectly infringing by way of inducing infringement and/or contributing to the infringement of the method and system claims of the '688 Patent in the State of Washington, in this judicial district, and elsewhere within the United States by, among other things, making, using, licensing, selling, offering for sale, the Accused Holt Services, covered by one or more process claims of the '688 Patent, all to the injury of Savannah. Holt's acts of infringement have been willful, deliberate, and in reckless disregard of Savannah's patent rights.

26. The acts of infringement by Holt have caused damage to Savannah, and Savannah is entitled to recover from Holt the damages sustained by Savannah as a result of Holt's wrongful acts in an amount subject to proof at trial. The infringement of Savannah's exclusive rights under the '688 Patent by Holt has damaged and will continue to damage Savannah.

27. Upon information and belief, Holt actually knew of, or were willfully blind to, the existence of the '688 Patent, yet Holt continues to infringe said patent. For that reason and the reasons described above, the infringement of the '688 Patent by Holt is willful and deliberate, and with full knowledge of the patent, entitling Savannah to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 9,213,023

28. Savannah incorporates by reference the preceding paragraphs set forth above.

29. As described above, Holt has infringed and continues to infringe the '023 Patent.

30. The Accused Holt Services and the system used to implement the Accused Holt

Services meet one or more claims of the '023 Patent; namely, at least Claims 1 and 11.

31. Holt makes, uses, offers to sell, and/or sells the Accused Holt Services and System within the United States without authority from Savannah.

32. Holt's System and Accused Services include certifying a moisture content level in the wood framing of new construction.

33. Holt's System and Accused Services include measuring, with a moisture meter, moisture content at a plurality of interior locations within a building.

34. Holt's System and Accused Services include comparing measurements with a moisture meter the measured moisture content with a threshold moisture content level.

35. Holt's System and Accused Services include drying, with at least one drying device, a space of the building in order to reduce the moisture content at the plurality of interior locations, wherein the at least one drying device is located within the building while drying the space.

36. Holt's System and Accused Services include measuring, with the moisture meter, moisture content at one or more of the plurality of interior locations to confirm that the moisture content is below the threshold moisture content level.

37. Upon information and belief, Holt has infringed directly and continues to infringe directly the '023 Patent. As alleged above, Holt had actual notice of the '023 Patent and of its infringement.

38. In addition to its direct infringement, Holt has been and is now indirectly infringing by way of inducing infringement and/or contributing to the infringement of the method and system claims of the '023 Patent in the State of Washington, in this judicial district, and elsewhere within the United States by, among other things, making, using, licensing, selling, offering for

sale, the Accused Holt Services and System, covered by at least Claims 1 and 11 of the '023 Patent, all to the injury of Savannah. Holt's acts of infringement have been willful, deliberate, and in reckless disregard of Savannah's patent rights.

39. The acts of infringement by Holt have caused damage to Savannah, and Savannah is entitled to recover from Holt the damages sustained by Savannah as a result of Holt's wrongful acts in an amount subject to proof at trial. The infringement of Savannah's exclusive rights under the '023 Patent by Holt has damaged and will continue to damage Savannah.

40. Upon information and belief, Holt actually knew of, or were willfully blind to, the existence of the '023 Patent, yet Holt continues to infringe said patent. For that reason and the reasons described above, the infringement of the '023 Patent by Holt is willful and deliberate, and with full knowledge of the patent, entitling Savannah to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT III: INFRINGEMENT OF US PATENT NO. 10,234,200

41. Savannah incorporates by reference the preceding paragraphs set forth above.

42. As described above, Holt has infringed and continues to infringe the '200 Patent.

43. The Accused Holt Services meet one or more claims of the '200 Patent; namely, at least Claims 1-7, including processes for treating a wood frame within a space located in new construction before wall board is applied to said frame in order to prevent structural damage and/or growth of mold or mildew.

44. Holt makes, uses, offers to sell, and/or sells the Accused Holt Services within the United States without authority from Savannah.

45. Holt uses, sells and offers for sale a process for treating a wood frame within a space located in new construction before wall board is applied to said frame in order to prevent structural damage and/or the growth of mold or mildew.

46. Holt measures the moisture content of the wood frame using a moisture meter within a plurality of locations within the space, including taking further moisture content measurements within a plurality of locations within the space following a period of operation of at least one drying device.

47. Holt determines whether the measured moisture content meets a threshold indication recommending that drying be performed, including at high and low locations.

48. Holt places at least one drying device in communication with the space and operates it for the purpose of reducing the moisture in the frame, wherein the at least one drying device is a dehumidifier, a space heater, or an air moving device. The drying devices may be used in a plurality of high and/or low locations, including following a period of operation of the drying device.

49. Holt further places a vapor barrier between the space and other spaces located within the new construction.

50. Upon information and belief, Holt has infringed directly and continues to infringe directly the '200 Patent. As alleged above, Holt had actual notice of the '200 Patent and of its infringement.

51. In addition to its direct infringement, Holt has been and is now indirectly infringing by way of inducing infringement and/or contributing to the infringement of the method and system claims of the '200 Patent in the State of Washington, in this judicial district, and elsewhere within the United States by, among other things, making, using, licensing, selling, offering for

sale, the Accused Holt Services, covered by one or more process claims of the '200 Patent, all to the injury of Savannah. Holt's acts of infringement have been willful, deliberate, and in reckless disregard of Savannah's patent rights.

52. The acts of infringement by Holt have caused damage to Savannah, and Savannah is entitled to recover from Holt the damages sustained by Savannah as a result of Holt's wrongful acts in an amount subject to proof at trial. The infringement of Savannah's exclusive rights under the '200 Patent by Holt has damaged and will continue to damage Savannah.

53. Upon information and belief, Holt actually knew of, or was willfully blind to, the existence of the '200 Patent, yet Holt continues to infringe said patent. For that reason and the reasons described above, the infringement of the '200 Patent by Holt is willful and deliberate, and with full knowledge of the patent, entitling Savannah to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

JURY DEMAND

54. Pursuant to Fed. R. Civ. P. 38(b), Savannah hereby demands a trial by jury of all issues so triable that are raised herein or which hereinafter may be raised in this action.

PRAYER FOR RELIEF

WHEREFORE, Savannah requests entry of judgment in its favor and against Holt as follows:

- a) A declaration that Defendant has infringed and are infringing the '688, '023, and '200 Patents;
- b) An award of damages to Savannah arising out of Defendant's infringement of the

'688, '023, and '200 Patents, including enhanced damages pursuant to 35 U.S.C. § 284, together with prejudgment and post-judgment interest, in an amount according to proof;

- c) An award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- d) An award to Savannah of its costs; and
- e) Such other and further relief, whether legal, equitable, or otherwise, to which Savannah may be entitled or which this Court may order.

Dated this 20th day of March, 2024.

Respectfully submitted,

HITT HILLER MONFILS WILLIAMS LLP

By: s/ Scott T. Schauer

Scott T. Schauer, WSB # 26785

Of Attorneys for Plaintiff