1 2 3 4 5 6 7 8	KENNETH PARKER (SBN 182911) THOMAS KING (SBN 241661) CASEY KEMPNER (SBN 272149) HAYNES AND BOONE, LLP 18100 Von Karman Avenue, Suite 750 Irvine, California 92612 Phone: (949) 202-3000 Facsimile: (949) 202-3100 E-mail: kenneth.parker@haynesboone.com thomas.king@haynesboone.com casey.kempner@haynesboone.com Attorneys for Plaintiff TAS ENERGY, INC.	n	
10	UNITED STATES DISTRICT COURT		
11	SOUTHERN DISTRICT OF CALIFORNIA		
12	TAGENEROW ING D.1	C N 42 CV2777 CDC DGS	
13	TAS ENERGY, INC., a Delaware corporation,	Case No. <u>'12CV2777 GPC BGS</u>	
14	Plaintiff,	COMPLAINT FOR:	
15	v.	(1) PATENT INFRINGEMENT	
16	('065 PATENT); SAN DIEGO GAS & ELECTRIC CO., a California corporation; SEMPRA ENERGY, a California corporation; and ('065 PATENT); (2) PATENT INFRINGEMENT ('686 PATENT); and (3) PATENT INFRINGEMENT		
17	PALOMAR ENERGY, LLC, a Delaware limited liability company,	('258 PATENT)	
18		DEMAND FOR JURY TRIAL	
19	Defendants.		
20	Plaintiff TAS Energy, Inc. ("TAS Energy"), by and through its attorneys,		
21	alleges as follows:		
22	THE P.	ARTIES	
23	1. TAS Energy is a corporation organized under the laws of the State of		
24	Delaware with its principal place of business at 6110 Cullen Blvd., Houston, Texas		
25	77021.		
26	2. Defendant San Diego Gas & Electric Company ("SDG&E") is a		
27	corporation organized under the laws of the State of California with its principal		
28	place of business at 101 Ash Street, San D	Diego, California 92101. SDG&E provides	
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electricity and gas to San Diego and other areas in Southern California. SDG&E operates several power plants that generate electricity, including the Palomar Energy Center in Escondido California.

- 3. Defendant Sempra Energy ("Sempra") is a corporation organized under the laws of the State of California with its principal place of business at 101 Ash Street, San Diego, California 92101. Sempra is the parent company of SDG&E.
- 4. Palomar Energy, LLC ("Palomar Energy") is a limited liability company organized under the laws of Delaware with its principal place of business at the same address as the principal place of business of SDG&E. Collectively, SDG&E, Sempra and Palomar Energy are referred to in this Complaint as "Defendants."
- 5. TAS Energy is informed and believes that at all times mentioned herein Defendants, and each of them, were the agents, principals, employees, servants, partners, joint venturers and representatives of each other. In doing the acts hereinafter alleged, they were acting within the scope and course of their authority as such agents, principles, employees, servants, partners, joint venturers, and representatives, and were acting with the permission and consent of the other Defendants. As such, each Defendant is liable for the wrongful acts of the other Defendants conspired with each of the other Defendants to commit the acts TAS Energy complains of herein.

JURISDICTION AND VENUE

- 6. This is a civil action arising under United States Patent Act, 35 U.S.C. §§ 100 et seq.
- 7. Jurisdiction over this action exists under 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has personal jurisdiction over Defendants because they have sufficient contacts with the State and the judicial district in which this Court sits and they regularly conduct business within this judicial district, including at the Palomar Energy Center in Escondido, California.

9. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b). On information and belief, Defendants are corporations that are subject to personal jurisdiction within this State and within this district.

BACKGROUND

- 10. TAS Energy is a global leader in industrial temperature regulation, such as systems for cooling gas turbine-driven power plants. More specifically, TAS Energy has developed technology that cools the inlet air of gas turbines used to generate electricity. By cooling turbine inlet air, the efficiency of the gas turbines can be increased. TAS Energy's research and development into turbine inlet cooling systems has resulted in multiple U.S. Patents. These include U.S. Patent Nos. 6,318,065 (the '065 patent), 6,470,686 (the '686 patent), and 6,769,258 (the '258 patent) (collectively "TAS Energy's Patents").
- 11. The inventor of TAS Energy's Patents, or his assignee, assigned the patents to TAS Energy, so that TAS Energy, or its predecessor-in-interest, is, and at all relevant times has been, the sole owner of all right and title therein, including the right to recover damages for past and current infringement.
- 12. Defendants own and operate the Palomar Energy Center ("PEC") near Escondido, California. In 2006, the PEC began commercial operation and production of electricity. After the PEC became operational, Defendants realized that it could not operate at full capacity without a better cooling system. Defendants requested a license from the State of California to install a new cooling system and further requested bids from contractors who could provide a better cooling system.

- 13. Defendants received confidential bids relating to the cooling system from multiple parties including TAS Energy and General Electric Co.
- 14. TAS Energy included the following notification, prevalently placed, on the proposed process flow diagram for the project: "MANUFACTURED UNDER ONE OR MORE OF THE FOLLOWING U.S. PATENTS: 6318065, 6470686, 6769258."
- 15. After the bidding process, Defendants selected General Electric Co. to build and install a new cooling system at the PEC. This new cooling system uses technology protected by TAS Energy's Patents. Defendants continue to use TAS Energy's patented cooling systems today at the PEC, knowing that the systems are covered by TAS Energy's Patents and that the methods are covered by TAS Energy's Patents.
- 16. Defendants' acts complained of herein have caused damage and irreparable injury to TAS Energy in an amount to be determined at trial. Said acts will result in further damage and irreparable injury to TAS Energy if Defendants are not restrained by this Court from further violations of TAS Energy's rights.

FIRST CLAIM FOR RELIEF INFRINGEMENT OF THE '065 PATENT

- 17. TAS Energy hereby restates and realleges the allegations set forth in paragraphs 1 through 16 above and incorporates them by reference.
- 18. On November 20, 2001, the '065 Patent entitled "System For Chilling Inlet Air For Gas Turbines" was duly and legally issued by the United States Patent and Trademark Office. TAS Energy is the owner of the entire right, title, and interest in and to the '065 Patent. A true and correct copy of the '065 Patent is attached as Exhibit A to this Complaint. All fees are current.

- 19. TAS Energy has not licensed or otherwise authorized Defendants to make, use, offer for sale or sell any methods or systems that embody the invention protected by the '065 Patent.
- 20. On information and belief, Defendants have directly infringed and continue to directly infringe the '065 Patent by using the turbine-cooling invention claimed by the '065 Patent in the United States.
- 21. On information and belief, Defendants' infringement of TAS Energy's '065 Patent has been, and will continue to be, willful, wanton and deliberate.
- 22. TAS Energy is damaged and irreparably injured by Defendants' infringing activities and will continue to be so damaged and irreparably injured unless Defendants' infringing activities are enjoined by this Court.
- 23. Defendants are thus liable to TAS Energy for infringement of the '065 Patent pursuant to 35 U.S.C. § 271.

SECOND CLAIM FOR RELIEF INFRINGEMENT OF THE '686 PATENT

- 24. TAS Energy hereby restates and realleges the allegations set forth in paragraphs 1 through 23 above and incorporates them by reference.
- 25. On October 29, 2002, the '686 Patent entitled "System For Chilling Inlet Air For Gas Turbines" was duly and legally issued by the United States Patent and Trademark Office. TAS Energy is the owner of the entire right, title, and interest in and to the '686 Patent. A true and correct copy of the '686 Patent is attached as Exhibit B to this Complaint. All fees are current.
- 26. TAS Energy has not licensed or otherwise authorized Defendants to make, use, offer for sale or sell any methods or systems that embody the invention protected by the '686 Patent.

- 27. On information and belief, Defendants have directly infringed and continue to directly infringe the '686 Patent by using the turbine-cooling invention claimed by the '686 Patent in the United States.
- 28. On information and belief, Defendants' infringement of TAS Energy's '686 Patent has been, and will continue to be, willful, wanton and deliberate.
- 29. TAS Energy is damaged and irreparably injured by Defendants' infringing activities and will continue to be so damaged and irreparably injured unless Defendants' infringing activities are enjoined by this Court.
- 30. Defendants are thus liable to TAS Energy for infringement of the '686 Patent pursuant to 35 U.S.C. § 271.

THIRD CLAIM FOR RELIEF INFRINGEMENT OF THE '258 PATENT

- 31. TAS Energy hereby restates and realleges the allegations set forth in paragraphs 1 through 30 above and incorporates them by reference.
- 32. On August 3, 2004, the '258 Patent entitled "System For Staged Chilling Of Inlet Air For Gas Turbines" was duly and legally issued by the United States Patent and Trademark Office. TAS Energy is the owner of the entire right, title, and interest in and to the '258 Patent. A true and correct copy of the '258 Patent is attached as Exhibit C to this Complaint. All fees are current.
- 33. TAS Energy has not licensed or otherwise authorized Defendants to make, use, offer for sale or sell any methods or systems that embody the invention protected by the '258 Patent.
- 34. On information and belief, Defendants have directly infringed and continue to directly infringe the '258 Patent by using the turbine-cooling invention claimed by the '258 Patent in the United States.
- 35. On information and belief, Defendants' infringement of TAS Energy's '258 Patent has been, and will continue to be, willful, wanton and deliberate.

1	36.	. TAS Energy is damaged an	d irreparably injured by Defendants'	
2	infringing activities and will continue to be so damaged and irreparably injured			
3	unless Defendants' infringing activities are enjoined by this Court.			
4	37.	. Defendants are thus liable to	o TAS Energy for infringement of the '258	
5	Patent pu	rsuant to 35 U.S.C. § 271.		
6		<u>PR</u> A	AYER	
7	WHEREFORE, Plaintiff prays for an order of the Court:			
8	1.	Entering judgment holding	Defendants liable for infringement of TAS	
9		Energy's Patents;		
10	2.	Finding that Defendants' in	fringement has been and continues to be	
11		willful;		
12	3.	Awarding TAS Energy mor	netary damages for infringement of TAS	
13		Energy's Patents according	to proof, but no less than a reasonable	
14		royalty;		
15	4.	Enjoining Defendants and t	heir agents, employees, and those acting	
16		in concert with them, during	g the pendency of this action and	
17		permanently thereafter from	infringing TAS Energy's Patents;	
18	5.	Awarding TAS Energy enh	Awarding TAS Energy enhanced damages pursuant to 35 U.S.C.	
19		§ 284;		
20	6.	Finding this case exception	al and awarding TAS Energy costs and	
21		attorneys' fees, including p	arsuant to 35 U.S.C. § 285;	
22	7.	Awarding to TAS Energy p	re-judgement and post-judgment interest;	
23		and		
24	8.	Awarding TAS Energy sucl	n other and further relief as the Court may	
25		deem just and proper.		
26	DATED:	November 16, 2012 H	AYNES AND BOONE, LLP	
27		В	y /s/ Kenneth G. Parker Kenneth G. Parker	
28			Attorneys for Plaintiff TAS Energy, Inc.	

1	DEMAND FOR JURY TRIAL	
2	Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff TAS	
3	Energy, Inc. demands a trial by jury on all issues triable as of right by a jury.	
4	DATED N. 1 16 2012 HANNEG AND DOONE LLD	
5	DATED: November 16, 2012 HAYNES AND BOONE, LLP	
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7	By /s/ Kenneth G. Parker Kenneth G. Parker	
8	Attorneys for Plaintiff TAS Energy, Inc.	
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