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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 WEATHERHAVEN RESOURCES,
10 INC. and WEATHERHAVEN
11 INTERNATIONAL LIMITED,

12 Plaintiffs,

13 v.

14 VANTEM MODULAR, LLC,
15 VANTEM COMPOSITE
16 TECHNOLOGIES, LLC, and
17 MODULAR SPACE CORPORATION,

18 Defendants.

Civil Action No. 13cv886

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

19
20 Plaintiffs Weatherhaven Resources, Inc. and Weatherhaven International Limited
21 (“plaintiffs” or “Weatherhaven”) bring this Complaint for patent infringement against
22 defendants Vantem Modular, LLC, Vantem Composite Technologies, LLC, and Modular Space
23 Corporation (“defendants”), and allege as follows:

24 **THE PARTIES**

25 1. Weatherhaven Resources, Inc. (“Weatherhaven USA”) is a Washington
26 corporation having a principal place of business at 3926 Irongate Road, Bellingham,
27

1 Washington. Weatherhaven USA is a wholly owned subsidiary of Weatherhaven Resources
2 Ltd. (“Weatherhaven Canada”), which is a Canadian corporation having a principal place of
3 business at 8355 Riverbend Court, Burnaby, British Columbia, Canada.

4 2. Weatherhaven International Limited (“Weatherhaven International”) is a
5 Barbados company having a place of business at L’Horizon, Gunsite Road, Brittons Hill, St.
6 Michael, Barbados. Weatherhaven International is a wholly owned subsidiary of
7 Weatherhaven Canada.

8 3. On information and belief, defendant Modular Space Corporation (“ModSpace”)
9 is a Delaware corporation having a principal place of business in the United States at 1200
10 Swedesford Road, Berwyn, Pennsylvania. ModSpace conducts business throughout the United
11 States, and has a branch office at 19432 East Valley Highway, Kent, Washington.

12 4. On information and belief, defendant Vantem Modular, LLC is registered as a
13 Limited Liability Company in the State of Delaware, with a principal place of business at 710
14 FM 306, New Braunfels, Texas.

15 5. On information and belief, defendant Vantem Composite Technologies, LLC is
16 registered as a Limited Liability Company in the State of Delaware, with a principal place of
17 business at 7575 Drive Phillips Boulevard, Suite 205, Orlando, Florida. On information and
18 belief, Vantem Composite Technologies, LLC is affiliated with Vantem Modular, LLC.

19 **JURISDICTION AND VENUE**

20 6. This action is for patent infringement arising under the patent laws of the United
21 States, Title 35 United States Code. This Court has subject matter jurisdiction over this action
22 under 28 U.S.C. §§ 1331 and 1338(a).

7. On information and belief, ModSpace is subject to personal jurisdiction in the Western District of Washington, consistent with the principles of due process and the Washington Long Arm Statute, because ModSpace maintains offices and facilities in this district, offers its products for sale in this district, has transacted business in this district, has committed and induced acts of patent infringement in this district, and has placed infringing products into the stream of commerce and/or has offered to do so through established distribution channels with the expectation that such products will be purchased or leased by residents and businesses of this district.

8. On information and belief, Vantem Modular, LLC and Vantem Composite Technologies, LLC (collectively, “Vantem”) are subject to personal jurisdiction in this district by virtue of distributing its infringing products and/or offering to do so through ModSpace, who sells, offers for sale, and/or leases the infringing products throughout the United States, including this district.

9. Venue is proper under 28 U.S.C. §§ 1391(b), (c), (d), and/or 1400(b).

BACKGROUND

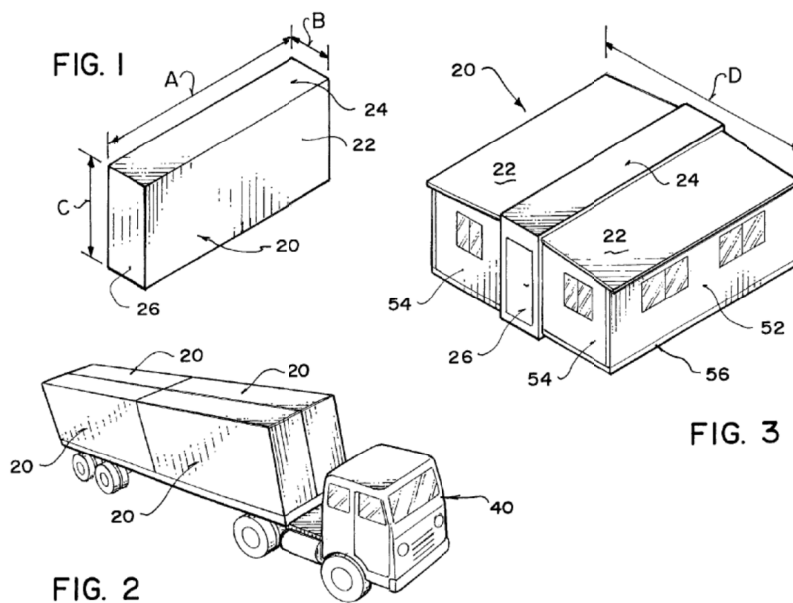
10. Weatherhaven was founded in 1981, and creates portable shelters and shelter systems.

11. Weatherhaven initially provided shelters to customers in the expedition and mineral exploration sectors – people who had camps that were situated in remote locations and often in harsh climates. Weatherhaven has since become a major supplier of shelter systems for government, military and medical projects all over the world. Weatherhaven shelters continue to improve the standard of living, working conditions, and well-being of the people who occupy them.

1 12. Weatherhaven has an active and intensive research and development program
2 that continually updates existing products and researches new and innovative shelter solutions
3 and business venture opportunities to meet end user requirements.

4 13. Weatherhaven International owns U.S. Patent No. 8,166,715 (“the ’715 patent”),
5 entitled “Collapsible Modular Shelter for Containerized Transportation,” issued by the United
6 States Patent and Trademark Office on May 1, 2012. A copy of the ’715 patent is attached as
7 Exhibit A.

8 14. The ’715 patent is directed to a containerized portable shelter that forms a
9 fraction (e.g., one-half) of a standard ISO container so that a plurality of modular units can be
10 joined to form a standard ISO container, an embodiment of which is shown below.
11



15 15. The named inventor on the ’715 patent is James Buchanan De Azambuja.

COUNT FOR PATENT INFRINGEMENT

16 16. Weatherhaven realleges and incorporates by reference paragraphs 1 – 15.

1 17. Upon information and belief, defendants have infringed and continue to infringe
2 one or more claims of the '715 patent under 35 U.S.C. § 271, by making, using, offering to sell,
3 or selling infringing containerized portable shelters.

4 18. On information and belief, Vantem manufactures, uses, offers to sell, and sells a
5 compact foldable buildings branded as the SPACEMAX®, including the SpaceMax S-2,
6 SpaceMax S-3, SpaceMax 350, and SpaceMax 350M ("SpaceMax products"). Images of the
7 products are shown in Exhibit B. On information and belief, the SpaceMax products infringe
8 one or more claims of the '715 patent.

9 19. On information and belief, ModSpace uses, offers to sell, sells, and/or
10 distributes the SpaceMax units manufactured by Vantem. Images of the product are shown in
11 Exhibit C.

12 20. Defendants have been and are directly infringing, inducing infringement of,
13 and/or contributorily infringing the '715 patent by, among other things, making, using,
14 offering to sell or selling in the United States, or importing into the United States, products
15 and/or services that are covered by the ' 715 patent.

16 21. On information and belief, Vantem's and ModSpace's infringement arises from
17 the manufacture, use, offer for sale, or sale of the same SpaceMax products, which are
18 manufactured, used, offered for sale or sold by Vantem, used, offered for sale, distributed,
19 leased and/or sold by ModSpace.

20 22. Defendants have profited through infringement of the '715 patent. As a result of
21 defendants' unlawful infringement of the '715 patents, Weatherhaven has suffered and will
22 continue to suffer damage. Weatherhaven is entitled to recover from defendants the damages
23 suffered by it as a result of defendants' unlawful acts.

23. Vantem has had actual knowledge of the '715 patent since at least October 2012, when Weatherhaven identified the patent to Vantem Modular, LLC's President and Vantem Composite Technologies, LLC's Chief Production Engineer, Ramon Kalinowski.

24. On information and belief, defendants' infringement of the '715 patent is willful and deliberate, entitling plaintiffs to enhanced damages and reasonable attorney fees and costs.

25. On information and belief, defendants intend to continue their unlawful infringing activity, and Weatherhaven continues to, and will continue to, suffer irreparable harm—for which there is no adequate remedy at law—from such unlawful infringing activity unless defendants are enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request the following relief:

1. A judgment declaring that defendants infringed the '715 patent;
2. A judgment declaring the '715 patent valid and enforceable;
3. A judgment awarding Weatherhaven compensatory damages as a result of defendants' infringement of the '715 patent, together with interest and costs, and in no event less than a reasonable royalty;
4. A judgment declaring defendants' infringement of the '715 patent was willful, and an order for treble damages, together with interest and costs, be awarded under 35 U.S.C. § 284, or as otherwise permitted by law;
5. An order enjoining defendants from manufacturing, importing, using, offering for sale, and selling SpaceMax products that infringe the '715 patent;
6. A permanent injunction against defendants' infringement of the '715 patent;

1 7. A finding that the present case is exceptional and that attorney fees be awarded
2 to plaintiffs under 35 U.S.C. § 285, or as otherwise permitted by law;

3 8. Costs and expenses in this action; and

4 9. Such other relief as this Court may deem proper.
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6 **DEMAND FOR JURY TRIAL**

7 Weatherhaven hereby demands a trial by jury of all issues in this case.
8

9 DATED this 20th day of May 2013,
10

11 Respectfully submitted,

12 SEED IP Law Group PLLC
13

14 /s William O. Ferron
15 William O. Ferron, Jr., WSBA No. 17643
16 BillF@Seedip.com

17 /s Michael J. Freno
18 Michael J. Freno, WSBA No. 45692
19 MikeF@Seedip.com

20 /s Lorraine Linford
21 Lorraine Linford, WSBA No. 21053
22 LorraineL@Seedip.com
23 701 Fifth Avenue, Suite 5400
24 Seattle, Washington 98104-7092
25 Telephone: 206.622.4900

26 Attorneys for Plaintiffs
27 WEATHERHAVEN RESOURCES, INC. and
 WEATHERHAVEN INTERNATIONAL LIMITED