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Attorneys for Plaintiff  
TAS ENERGY, INC.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

TAS ENERGY, INC., a Delaware  
corporation,

Plaintiff,

v.

SAN DIEGO GAS & ELECTRIC  
CO., a California corporation,

Defendant.

Case No. 3:12-cv-2777- GPC(BGSx)  
Honorable Gonzalo P. Curiel

**FIRST AMENDED COMPLAINT  
FOR:**

- (1) PATENT INFRINGEMENT  
(**065 PATENT**);
- (2) PATENT INFRINGEMENT  
(**686 PATENT**);
- (3) PATENT INFRINGEMENT  
(**258 PATENT**); and
- (4) PATENT INFRINGEMENT  
(**079 PATENT**)

**DEMAND FOR JURY TRIAL**

Plaintiff TAS Energy, Inc. ("TAS Energy"), by and through its attorneys,  
alleges as follows:

**THE PARTIES**

1. TAS Energy is a corporation organized under the laws of the State of  
Delaware with its principal place of business at 6110 Cullen Blvd., Houston, Texas  
77021.

2. Defendant San Diego Gas & Electric Company ("SDG&E") 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. SDG&E provides

1 electricity and gas to San Diego and other areas in Southern California. SDG&E  
2 operates several power plants that generate electricity, including the Palomar Energy  
3 Center in Escondido California.

4  
5 **JURISDICTION AND VENUE**

6 3. This is a civil action arising under United States Patent Act, 35  
7 U.S.C. §§ 100 et seq.

8 4. Jurisdiction over this action exists under 28 U.S.C. §§ 1331 and  
9 1338(a).

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

14 6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and  
15 1400(b). On information and belief, Defendants are corporations that are subject to  
16 personal jurisdiction within this State and within this district.

17  
18 **BACKGROUND**

19 7. TAS Energy is a global leader in industrial temperature regulation, such  
20 as systems for cooling gas turbine-driven power plants. More specifically, TAS  
21 Energy has developed technology that cools the inlet air of gas turbines used to  
22 generate electricity. By cooling turbine inlet air, the efficiency of the gas turbines  
23 can be increased. TAS Energy's research and development into turbine inlet  
24 cooling systems has resulted in multiple U.S. Patents. These include U.S. Patent  
25 Nos. 6,318,065 (the '065 patent), 6,470,686 (the '686 patent), 6,769,258 (the '258  
26 patent), and RE44,079 (the '079 patent) (collectively "TAS Energy's Patents").

27 8. The inventor of TAS Energy's Patents, or his assignee, assigned the  
28 patents to TAS Energy, so that TAS Energy, or its predecessor-in-interest, is, and at

1 all relevant times has been, the sole owner of all right and title therein, including the  
2 right to recover damages for past and current infringement.

3 9. Defendant owns and operates the Palomar Energy Center (“PEC”) near  
4 Escondido, California. In 2006, the PEC began commercial operation and  
5 production of electricity. After the PEC became operational, Defendant realized  
6 that it could not operate at full capacity without a better cooling system. Defendant  
7 requested a license from the State of California to install a new cooling system and  
8 further requested bids from contractors who could provide a better cooling system.

9 10. Defendant received confidential bids relating to the cooling system  
10 from multiple parties including TAS Energy and General Electric Co.

11 11. TAS Energy included the following notification, prevalently placed, on  
12 the proposed process flow diagram for the project: “MANUFACTURED UNDER  
13 ONE OR MORE OF THE FOLLOWING U.S. PATENTS: 6318065, 6470686,  
14 6769258.”

15 12. After the bidding process, Defendant and its agents selected General  
16 Electric Co. to build and install a new cooling system at the PEC. This new cooling  
17 system contains technology that can be used to practice the method protected by  
18 TAS Energy’s Patents. Defendant has used and continues to use TAS Energy’s  
19 patented cooling methods today at the PEC, knowing that those methods are covered  
20 by TAS Energy’s Patents.

21 13. Defendant’s acts complained of herein have caused damage and  
22 irreparable injury to TAS Energy in an amount to be determined at trial. Said acts  
23 will result in further damage and irreparable injury to TAS Energy if Defendant is  
24 not restrained by this Court from further violations of TAS Energy’s rights.

**FIRST CLAIM FOR RELIEF**

**INFRINGEMENT OF THE '065 PATENT**

14. TAS Energy hereby restates and realleges the allegations set forth in paragraphs 1 through 13 above and incorporates them by reference.

15. 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.

16. TAS Energy has not licensed or otherwise authorized Defendant to make, use, offer for sale or sell any methods or systems that embody the invention protected by the '065 Patent.

17. On information and belief, Defendant has directly infringed and continues to directly infringe the '065 Patent by using the turbine-cooling invention claimed by the '065 Patent in the United States.

18. On information and belief, Defendant's infringement of TAS Energy's '065 Patent has been, and will continue to be, willful, wanton and deliberate.

19. TAS Energy is damaged and irreparably injured by Defendant's infringing activities and will continue to be so damaged and irreparably injured unless Defendant's infringing activities are enjoined by this Court.

20. Defendant is 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**

21. TAS Energy hereby restates and realleges the allegations set forth in paragraphs 1 through 20 above and incorporates them by reference.

22. 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.

23. TAS Energy has not licensed or otherwise authorized Defendant to make, use, offer for sale or sell any methods or systems that embody the invention protected by the '686 Patent.

24. On information and belief, Defendant has directly infringed and continues to directly infringe the '686 Patent by using the turbine-cooling invention claimed by the '686 Patent in the United States.

25. On information and belief, Defendant's infringement of TAS Energy's '686 Patent has been, and will continue to be, willful, wanton and deliberate.

26. TAS Energy is damaged and irreparably injured by Defendant's infringing activities and will continue to be so damaged and irreparably injured unless Defendant's infringing activities are enjoined by this Court.

27. Defendant is 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**

28. TAS Energy hereby restates and realleges the allegations set forth in paragraphs 1 through 27 above and incorporates them by reference.

29. 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.

1           30. TAS Energy has not licensed or otherwise authorized Defendant to  
2 make, use, offer for sale or sell any methods or systems that embody the invention  
3 protected by the '258 Patent.

4           31. On information and belief, Defendant has directly infringed and  
5 continues to directly infringe the '258 Patent by using the turbine-cooling invention  
6 claimed by the '258 Patent in the United States.

7           32. On information and belief, Defendant's infringement of TAS Energy's  
8 '258 Patent has been, and will continue to be, willful, wanton and deliberate.

9           33. TAS Energy is damaged and irreparably injured by Defendant's  
10 infringing activities and will continue to be so damaged and irreparably injured  
11 unless Defendant's infringing activities are enjoined by this Court.

12           34. Defendant is thus liable to TAS Energy for infringement of the '258  
13 Patent pursuant to 35 U.S.C. § 271.

14  
15                                   **FOURTH CLAIM FOR RELIEF**  
16                                   **INFRINGEMENT OF THE '079 PATENT**

17           35. TAS Energy hereby restates and realleges the allegations set forth in  
18 paragraphs 1 through 34 above and incorporates them by reference.

19           36. On March 19, 2013, the '079 Patent entitled "Method for Chilling Inlet  
20 Air for Gas Turbines" was duly and legally issued by the United States Patent and  
21 Trademark Office. TAS Energy is the owner of the entire right, title, and interest in  
22 and to the '079 Patent. A true and correct copy of the '079 Patent is attached as  
23 Exhibit D to this Complaint. All fees are current.

24           37. TAS Energy has not licensed or otherwise authorized Defendant to  
25 make, use, offer for sale or sell any methods or systems that embody the invention  
26 protected by the '079 Patent.

38. On information and belief, Defendant has directly infringed and continues to directly infringe the '079 Patent by using the turbine-cooling invention claimed by the '079 Patent in the United States.

39. On information and belief, Defendant's infringement of TAS Energy's '079 Patent has been, and will continue to be, willful, wanton and deliberate.

40. TAS Energy is damaged and irreparably injured by Defendant's infringing activities and will continue to be so damaged and irreparably injured unless Defendant's infringing activities are enjoined by this Court.

41. Defendant is thus liable to TAS Energy for infringement of the '079 Patent pursuant to 35 U.S.C. § 271.

## PRAYER

WHEREFORE, Plaintiff prays for an order of the Court:

1. Entering judgment holding Defendant liable for infringement of TAS Energy's Patents;
2. Finding that Defendant's infringement has been and continues to be willful;
3. Awarding TAS Energy monetary damages for infringement of TAS Energy's Patents according to proof, but no less than a reasonable royalty;
4. Enjoining Defendant and its agents, employees, and those acting in concert with it, during the pendency of this action and permanently thereafter from infringing TAS Energy's Patents;
5. Awarding TAS Energy increased damages pursuant to 35 U.S.C. § 284;
6. Finding this case exceptional and awarding TAS Energy costs and attorneys' fees, including pursuant to 35 U.S.C. § 285;

- 1           7.     Awarding to TAS Energy pre-judgement and post-judgment interest;
- 2                 and
- 3           8.     Awarding TAS Energy such other and further relief as the Court may
- 4                 deem just and proper.

5 DATED: August 26, 2013

HAYNES AND BOONE, LLP

6 By /s/ Kenneth G. Parker

7                 Kenneth G. Parker  
8                 Attorneys for Plaintiff  
9                 TAS Energy, Inc.



**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff TAS Energy, Inc. demands a trial by jury on all issues triable as of right by a jury.

DATED: August 26, 2013

HAYNES AND BOONE, LLP

By /s/ Kenneth G. Parker

Kenneth G. Parker  
Thomas B. King  
Casey H. Kempner  
Attorneys for Plaintiff  
TAS Energy, Inc.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 26, 2013, I filed the foregoing document: **FIRST AMENDED COMPLAINT FOR: (1) PATENT INFRINGEMENT ('065 PATENT); (2) PATENT INFRINGEMENT ('686 PATENT); (3) PATENT INFRINGEMENT ('258 PATENT); and (4) PATENT INFRINGEMENT ('079 PATENT); DEMAND FOR JURY TRIAL** with the Court through this district's CM/ECF system. Pursuant to Local Rule 5.4, the "Notice of Electronic Filing" automatically generated by the CM/ECF at the time the document is filed with the system constitutes automatic service of the document on counsel of record who have consented to electronic service.

s/ Kenneth G. Parker  
Kenneth G. Parker