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10 Attorneys for Plaintiff

11  
12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE DISTRICT OF ARIZONA**

14 Rillito River Solar LLC dba EcoFasten Solar,  
15 an Arizona limited liability company,

16 Plaintiff,

17 v.

18 Ecolibrium Solar Inc., a Delaware corporation,

19 Defendant.

Case No.

**COMPLAINT**

20 Plaintiff Rillito River Solar LLC, doing business as EcoFasten Solar  
21 (“EcoFasten”), for its complaint against defendant Ecolibrium Solar Inc., (“Ecolibrium”),  
22 alleges as follows:

**NATURE OF THE ACTION**

23 This is a patent infringement action. EcoFasten and Ecolibrium manufacture and  
24 market roof mounts for solar panels. In the relatively new residential solar panel market,  
25 Plaintiff EcoFasten is the market leader. EcoFasten has developed unique, novel, and  
26 innovative inventions that allow solar panels to be installed on roofs while avoiding roof  
27 leaks and roof degradation that are associated with other solar panel roof mounts.  
28 EcoFasten holds U.S. Patents, issued as early as 2003, protecting its roof mount  
inventions.

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1 Defendant Ecolibrium infringes EcoFasten’s patents by making, using, selling, and  
2 offering to sell roof mounts that misappropriate EcoFasten’s novel and innovative  
3 patented inventions. EcoFasten brings this action to enjoin Ecolibrium from infringing its  
4 patents and to recover damages adequate to compensate for infringement, including but  
5 not limited to a reasonable royalty. Further, Ecolibrium should be made to disgorge its  
6 illegal profits made through infringing EcoFasten’s patents.

7 **PARTIES**

8 1. EcoFasten is an Arizona limited liability company with its principal place of  
9 business in Maricopa County, Arizona.

10 2. Ecolibrium is a Delaware corporation with its principal place of business in  
11 Athens County, Ohio.

12 **JURISDICTION**

13 3. This Court has subject matter jurisdiction over EcoFasten’s claims under 28  
14 U.S.C. §§ 1331 and 1338(a) because this action is for patent infringement and arises  
15 under the patent laws of the United States, Title 35, Sections 271 *et seq.* of the United  
16 States Code.

17 4. Ecolibrium ships and sells products nationwide, including in Arizona.

18 5. Ecolibrium advertises its products nationwide, including in Arizona.

19 6. Ecolibrium maintains a network of distributors nationwide.

20 7. As a result, this Court has personal jurisdiction over Ecolibrium.

21 8. Venue is proper in this district under 28 U.S.C. § 1391(b)-(c) because a  
22 substantial part of the events or omissions giving rise to EcoFasten’s claims occurred in  
23 this District.

24 **FACTS**

25 **EcoFasten’s principal invents novel roof mounts for snow guards and solar panels.**

26 9. In the 1990s, Brian C. Stearns was a roofer specializing in slate roofs,  
27 working primarily in New England.  
28

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1           10. Mr. Stearns frequently installed snow guards on roofs to prevent snow from  
2 falling off roofs in large quantities, which can cause property damage and personal injury.

3           11. Installation of snow guards typically involves drilling holes in the roof in  
4 order to mount the guard. Holes naturally increase a roof's susceptibility to leaks.

5           12. Mr. Stearns observed a need for a new kind of roof mount that would be  
6 substantially leak proof. He began experimenting with possible solutions.

7           13. In the mid-2000s, solar panel installers started calling Mr. Stearns to ask if  
8 his roof mounts and flashings could be used for installing rooftop solar arrays.

9           14. Meanwhile, Mr. Stearns continued to innovate superior roof mounts for snow  
10 guards and solar panels.

11           15. Mr. Stearns worked with Douglas Lounsbury to develop a new roof mount  
12 iteration. This invention includes in relevant part (but is not limited to): a roof mount  
13 assembly for mounting a structure to a roof, the roof comprising at least one rafter and a  
14 substrate at least partially covering the at least one rafter, the roof mount assembly  
15 comprising (1) flashing configured to be positioned on the substrate, the flashing  
16 including a first surface configured to be located adjacent the substrate and a second  
17 surface opposite the first surface, the first and second surfaces defining a projection that  
18 is configured to extend away from the substrate in response to being positioned on the  
19 substrate, the projection including an aperture extending therethrough, (2) a bracket  
20 configured to be positioned on the second surface with the projection received by an  
21 aperture of the bracket, the bracket is configured to be coupled to the structure, (3) a  
22 fastener extending through the apertures of the bracket and the flashing, the fastener  
23 configured to secure the bracket to the flashing and the substrate, and (4) a washer  
24 configured to form a water-tight seal to inhibit flow of fluid through the aperture of the  
25 flashing to the substrate, the washer including a first portion, a second portion, and an  
26 aperture extending through the first and second portions, wherein the fastener extends  
27 through the aperture of the washer such that the washer is positioned between the fastener  
28 and the bracket.

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1 16. Mr. Stearns and Mr. Lounsbury’s invention is described in the duly and  
2 legally issued U.S. Patent No. 9,422,723 (the “’723 Patent”).

3 17. The ’723 Patent has been validly assigned to EcoFasten.

4 18. EcoFasten currently manufactures and sells products embodying its novel  
5 and innovative patented invention.

6 **Ecolibrium infringes of the ’723 Patent.**

7 19. Ecolibrium is a competitor of EcoFasten. It started selling roof mounts in the  
8 mid-2000s, after Mr. Stearns had already patented his first novel, innovative, and unique  
9 roof mount.

10 20. Among Ecolibrium’s products is the EcoX line of products.

11 21. The EcoX line uses all of the same elements as the apparatus patented in the  
12 ’723 Patent, including (but not limited to) the fact that it is a roof mount, comprising (1)  
13 flashing configured to be positioned on the substrate, the flashing including a first surface  
14 configured to be located adjacent the substrate and a second surface opposite the first  
15 surface, the first and second surfaces defining a projection that is configured to extend  
16 away from the substrate in response to being positioned on the substrate, the projection  
17 including an aperture extending therethrough, (2) a bracket configured to be positioned  
18 on the second surface with the projection received by an aperture of the bracket, the  
19 bracket is configured to be coupled to the structure, (3) a fastener extending through the  
20 apertures of the bracket and the flashing, the fastener configured to secure the bracket to  
21 the flashing and the substrate, and (4) a washer configured to form a water-tight seal to  
22 inhibit flow of fluid through the aperture of the flashing to the substrate, the washer  
23 including a first portion, a second portion, and an aperture extending through the first and  
24 second portions, wherein the fastener extends through the aperture of the washer such  
25 that the washer is positioned between the fastener and the bracket.

26 **COUNT ONE: INFRINGEMENT OF THE ’723 PATENT**

27 22. EcoFasten incorporates by reference the previous allegations in the  
28 complaint.

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1 23. The '723 Patent is valid and enforceable.

2 24. Ecolibrium has, without authority, consent, right or license, and in direct  
3 infringement of the '723 Patent, made, used, offered for sale, and/or sold apparatus  
4 protected by the '723 Patent.

5 25. EcoFasten has no adequate remedy at law for the harm caused by  
6 Ecolibrium's acts.

7 26. EcoFasten has suffered monetary damages in an amount to be proven at trial.

8 27. EcoFasten is entitled to an accounting by Ecolibrium of funds comprising all  
9 revenues received through the commercial exploitation of its infringing products, the  
10 imposition of a constructive trust for the benefit of EcoFasten for all such funds in the  
11 custody or control of Ecolibrium, the assessment of a reasonable royalty for Ecolibrium's  
12 use of EcoFasten's invention, and to all other damages to which EcoFasten may be  
13 entitled.

14 **JURY DEMAND**

15 EcoFasten requests a trial by jury on all issues so triable.

16 **PRAAYER FOR RELIEF**

17 WHEREFORE, EcoFasten prays for relief and judgment against Ecolibrium, as  
18 follows:

19 A. For a judicial determination and a declaration that the '723 Patent are valid  
20 and enforceable;

21 B. For a preliminary and then permanent injunction issued against Ecolibrium,  
22 its agents, officers, directors, employees, attorneys, successors and assigns, all parent and  
23 subsidiary entities, and all those acting for or on the behalf of Ecolibrium, or in active  
24 concert, participation, or combination with them, including customers and distributors,  
25 prohibiting Ecolibrium from:

26 i. Continuing acts of infringement of the '723 Patent;

27 ii. Making, using, selling, and/or importing infringing products, to include any  
28 colorable imitation thereof; and

