

1 Patrick F. Bright (SBN 68709)
2 WAGNER, ANDERSON & BRIGHT, PC
3 3541 Ocean View Boulevard
4 Glendale, California 91208
5 Tel.: (818) 249-9300
6 Fax: (818) 249-9335
7 E-mail: pbright@brightpatentlaw.com

8 Attorneys for Plaintiff Limnia, Inc.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

LIMNIA, INC., a Delaware
corporation,

Plaintiff,

vs.

1/5
ENERGY CONVERSION DEVICES,
INC., a Delaware corporation;
UNITED TECHNOLOGIES
CORPORATION, a Delaware
corporation; and AEROVIRONMENT,
INC., a Delaware corporation,

Defendants.

Case No. CV-11-07545 JHN (MANx)

**FIRST AMENDED COMPLAINT FOR
INFRINGEMENT OF UNITED STATES
PATENT NOS. 7,011,768 AND 8,066,946**

DEMAND FOR JURY TRIAL

1. Plaintiff Limnia, Inc. ("Limnia"), a Delaware corporation, for its complaint, and demanding trial by jury under Rule 38, Fed. R. Civ. P., and Local Rule 38-1, alleges that Defendants Energy Conversion Devices, Inc. ("ECD"), a Delaware corporation, United Technologies Corporation ("UTC"), a Delaware corporation, and Aerovironment, Inc. ("Aero"), a Delaware corporation, (collectively "Defendants"), are infringing claim 1 of U.S. Patent 7,011,768 (the "'768 patent") and claim 1 of U.S. Patent 8,066,946 ("the '946 patent") (formerly U.S. Patent Publication No. 2007/0259220 A1) (collectively "the Limnia patents"),

2011 DEC 27 AM 10:24
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
[Signature]

FILED

1 by making selling, and offering to sell, in this judicial district, hydrogen storage
2 systems and methods that infringe the Limnia patents.

3 2. This is a civil action for patent infringement and arises under, among
4 other things, the United States Patent Laws, 35 U. S. C. section 10, et seq.
5 Jurisdiction is therefore based upon 28 U. S. C. sections 1331 and 1338(a),
6 providing for federal question jurisdiction of patent infringement actions and
7 exclusive jurisdiction of patent infringement actions in the U. S. district courts.

8 3. Plaintiff Limnia is informed and believes, and thereon alleges, that
9 venue in this court is proper under 28 U. S. C. section 1391 (c) and section 1400 (b)
10 because the acts of patent infringement alleged herein took place, at least in part,
11 within this judicial district.

12 4. Plaintiff Limnia is a Delaware corporation, and has its principal place
13 of business in San Francisco, California.

14 5. Defendant ECD is a Delaware corporation, and has its principal place
15 of business in Auburn Hills, Michigan. Defendant UTC is a Delaware corporation,
16 and has is principal place of business in Hartford, Connecticut. Defendant Aero is a
17 Delaware corporation, and has its principal place of business in Monrovia,
18 California.

19 6. On March 14, 2006, the U. S. Patent and Trademark Office duly and
20 lawfully issued the '768 patent under the title *Methods for hydrogen storage using*
21 *doped alanate compositions*. A true and correct copy of the cover page of the '768
22 patent is attached hereto as **Exhibit A**. On November 29, 2011, the U.S. Patent and
23 Trademark Office duly and lawfully issued the '946 patent under the title *Hydrogen*
24 *Storage, Distribution, and Recovery System*. A true and correct copy of the cover
25 page of the '946 patent is attached hereto as **Exhibit B**.

26 7. On information and belief, Defendants have infringed the Limnia
27 patents by making, selling, and offering to sell, in this judicial district, hydrogen
28 storage systems/products covered by one or both of the claims identified in

1 paragraph 1 of this Complaint, in this judicial district and elsewhere in the United
2 States, e.g. ECD's Metal Hydride Fuel Cell Systems and Solid-State Hydrogen
3 Storage Systems, UTC's Storage Containers For Use as/in Hydrogen Fuel Cassettes
4 in Systems That Include Hydrogen Recovery Units and Controllers That Receive
5 Information From Such Cassettes and/or Recovery Units, and Aero's Fuel Cell
6 Power Plants and Fuel Cell Powered Vehicles. On information and belief, this
7 infringement will continue unless enjoined by this court.

8 8. Defendants' infringement of the Limnia patents has damaged Limnia in
9 an unknown amount. These damages continue to grow as Defendants' infringement
10 continues. Under Section 284 of Title 35 of the United States Code, Limnia seeks
11 damages adequate to compensate for this infringement in an amount no less than a
12 reasonable royalty, together with interest and costs affixed by the Court.

13 9. Defendants' continuing infringement of the Limnia patents has caused
14 and continues to cause irreparable harm to Limnia, including impairing the value of
15 the Limnia patents in an amount yet to be determined. Pursuant to Section 283 of
16 Title 35 of the United States Code, Limnia seeks a preliminary and a permanent
17 injunction against further infringement of the Limnia patents.

18
19 **PRAYER FOR RELIEF**

20 WHEREFORE, Limnia prays for the following relief from this court against
21 Defendants:

22 1. An order, pursuant to 35 U.S.C. Sections 154(d) and 271, declaring that
23 Defendants have infringed one or more claims of the Limnia patents;

24 2. A preliminary and a permanent injunction against Defendants,
25 prohibiting Defendants from further infringement of the Limnia patents;

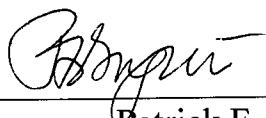
26 3. An award of the actual damages Limnia has suffered by reason of the
27 infringement charged in this Complaint, in an amount not less than a reasonable
28 royalty on Defendants' sales of the products charged with infringing the Limnia
patents;

4. An award to Plaintiff Limnia of his costs of suit herein; and
5. Such other and further relief as the Court may deem just and proper.

Dated: December 24, 2011

Respectfully submitted,

WAGNER, ANDERSON & BRIGHT PC

By: 
Patrick F. Bright

Attorneys for Plaintiff LIMNIA, INC.

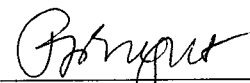
DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, and Local Rule 38-1, Plaintiff Limnia does hereby demand trial by jury of each and every issue and claim as to which it is entitled to trial by jury under Rule 38(a) of the Federal Rules of Civil Procedure.

Dated: December 24, 2011

Respectfully submitted,

WAGNER, ANDERSON & BRIGHT PC

By: 
Patrick F. Bright
Attorneys for Plaintiff LIMNIA, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of December, 2011, the foregoing
was served by first-class U.S. mail upon:

Edward W Lukas , Jr
Harrington Foxx Dubrow and Canter LLP
1055 West Seventh Street 29th Floor
Los Angeles, CA 90017
Email: elukas@hfdclaw.com

Attorney for Defendant
Energy Conversion Devices, Inc. (Previously Appeared)

Victor De Gyarfas
Foley & Lardner LLP
555 South Flower Street Suite 3500
Los Angeles, CA 90071
Email: vdeggyarfas@foley.com

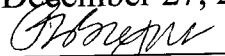
Attorney for Defendant
United Technologies Corporation (Previously Appeared)

Gary A. Clark
Sheppard, Mullin, Richter & Hampton LLP
333 South Hope Street, 43rd Floor
Los Angeles, CA 90071
Email: gclark@sheppardmullin.com

Attorney for Defendant
Aerovironment, Inc. (Not yet Appeared)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

December 27, 2011



Patrick F. Bright

*Attorney for Plaintiff
Limnia, Inc.*

EXHIBIT A



US007011768B2

(12) **United States Patent**
Jensen et al.

(10) Patent No.: **US 7,011,768 B2**
(45) Date of Patent: **Mar. 14, 2006**

(54) **METHODS FOR HYDROGEN STORAGE USING DOPED ALANATE COMPOSITIONS**

1,266,205 A 5/1918 Brock

(75) Inventors: **Craig M. Jensen**, Honolulu, HI (US);
Scott D. Redmond, San Francisco, CA (US)

(Continued)

FOREIGN PATENT DOCUMENTS

(73) Assignee: **FuelSell Technologies, Inc.**, San Francisco, CA (US)

WO WO 97/19202 5/1997

(Continued)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 133 days.

OTHER PUBLICATIONS

The Hydrogen World View, Chapter 5, Advanced Engine Conversion Direct Cylinder Injection. Publisher: International Academy of Science, Publication Date: Dec. 1, 1991, ISBN: 096316340X, pp. 1-5.

(21) Appl. No.: **10/463,352**

(22) Filed: **Jun. 16, 2003**

(65) **Prior Publication Data**

US 2004/0009121 A1 Jan. 15, 2004

(Continued)

Related U.S. Application Data

(60) Provisional application No. 60/395,013, filed on Jul. 10, 2002.

Primary Examiner—Joseph D. Anthony

(74) *Attorney, Agent, or Firm*—Blakely Sokoloff Taylor & Zafman LLP

(57) **ABSTRACT**

(51) **Int. Cl.**

C01B 6/06 (2006.01)

C01B 6/24 (2006.01)

B01J 7/00 (2006.01)

C22C 21/00 (2006.01)

H01M 8/18 (2006.01)

(52) **U.S. Cl.** **252/188.25**; 252/188.26;
252/188.27; 252/184; 48/61; 420/543; 420/900;
429/19; 429/20

(58) **Field of Classification Search** 252/184,
252/188.25, 188.26, 188.27, 188.28, 950,
252/182.35; 48/61, 120, 190; 423/648.1,
423/644, 658.2; 429/19, 20, 22, 34; 420/900,
420/543

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

1,226,205 A 5/1917 Graham

28 Claims, 8 Drawing Sheets

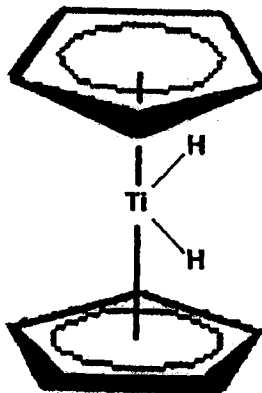


EXHIBIT B

US008066946B2

**(12) United States Patent
Redmond****(10) Patent No.: US 8,066,946 B2****(45) Date of Patent: *Nov. 29, 2011****(54) HYDROGEN STORAGE, DISTRIBUTION,
AND RECOVERY SYSTEM****(56)****References Cited****(76) Inventor: Scott D. Redmond, San Francisco, CA
(US)****(*) Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 703 days.

This patent is subject to a terminal disclaimer.

U.S. PATENT DOCUMENTS

1,226,205 A	5/1917	Graham
1,266,605 A	5/1918	Madero
1,525,073 A	2/1925	Fontenot
1,536,065 A	5/1925	Billings
1,555,718 A	9/1925	Schroeder
1,771,400 A	7/1930	Daubenspeck

(Continued)

FOREIGN PATENT DOCUMENTS

WO WO-9719202 5/1997

(Continued)

(21) Appl. No.: 11/700,745**(22) Filed: Jan. 30, 2007****(65) Prior Publication Data**

US 2007/0259220 A1 Nov. 8, 2007

OTHER PUBLICATIONS

"PCT/US03/08298", Search Report, (Mar. 14, 2003).

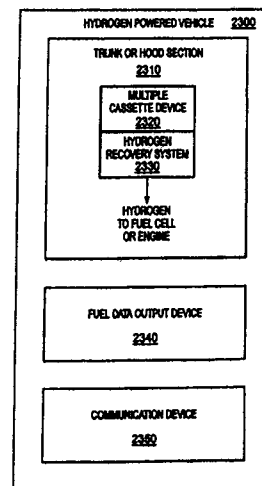
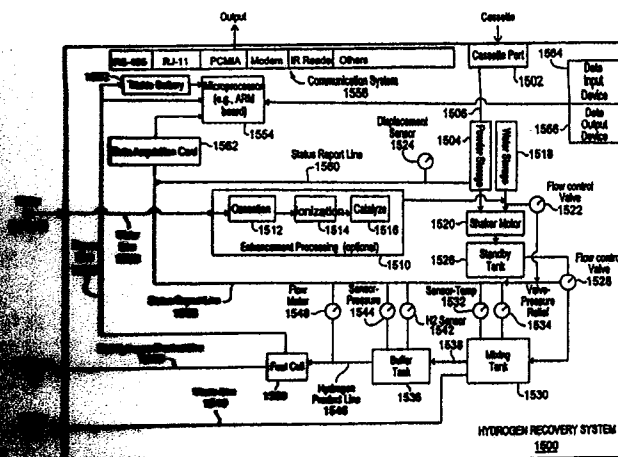
(Continued)

Related U.S. Application Data**(63)** Continuation of application No. 10/310,498, filed on Dec. 4, 2002, now Pat. No. 7,169,489, which is a continuation-in-part of application No. 10/241,125, filed on Sep. 10, 2002, now abandoned, and a continuation-in-part of application No. 10/099,274, filed on Mar. 15, 2002, now abandoned, and a continuation-in-part of application No. 10/099,771, filed on Mar. 15, 2002, now Pat. No. 7,399,325, and a continuation-in-part of application No. 10/178,974, filed on Jun. 25, 2002, now abandoned.**(60)** Provisional application No. 60/395,013, filed on Jul. 10, 2002.**(51) Int. Cl.**
F01N 3/20 (2006.01)
G05B 21/00 (2006.01)**(52) U.S. Cl.** 422/105; 422/211; 422/239; 700/266; 700/274**(50) Field of Classification Search** 422/105, 422/211, 239; 48/61; 700/266, 274; 429/12, 429/17, 18

See application file for complete search history.

Primary Examiner — Nina Bhat**(74) Attorney, Agent, or Firm — Patrick F. Bright****(57)****ABSTRACT**

Cassette based systems and methods of hydrogen storage, distribution, and recovery are taught. A cassette or other container may contain a hydrogen storage or storing material. Information may be stored in the material and subsequently read or accessed. A probe may be used to interrogate the material. The hydrogen content or other characteristics of the material may be determined based on the interrogation. A hydrogen dispensing unit may contain a depleted cassette acceptor to accept depleted cassettes and a charged cassette dispenser to dispense charged cassettes. The dispensing unit may be implemented in a hydrogen retail store or as a standalone unit. The retail store or the unit may connect to a hydrogen network and implement various business methods, as taught herein.

22 Claims, 27 Drawing Sheets

Name & Address: Patrick F. Bright (SBN 68709)
 WAGNER, ANDERSON & BRIGHT, PC
 3541 Ocean View Blvd.
 Glendale, CA 91208
 Tel: (818) 249-9300, Fax: (818) 249-9335
 Email: pbright@patentattorney.us

FOR OFFICE USE ONLY

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

LIMNIA, INC., a DE corp.

Delaware corporation

PLAINTIFF(S)

v.

ENERGY CONVERSION DEVICES, INC., a DE corp.;
 UNITED TECHNOLOGIES CORP., a DE corp.;
 and AEROVIRONMENT, INC., a DE corp.

Delaware Corporation
 DEFENDANT(S).

CASE NUMBER

CV-11-07545 JHN (MANx)

SUMMONS

TO: DEFENDANT(S): *Delaware Corporation*
 AEROVIRONMENT, INC., a DE corp., 181 W. Huntington Drive, Suite 202,
 Monrovia, CA 91016

A lawsuit has been filed against you.

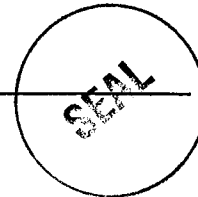
Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☐ complaint ☒ First amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Patrick F. Bright, Wagner, Anderson & Bright, PC, 3541 Ocean View Blvd., Glendale, CA 91208. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 12/27/2011

By: *L. B.*
 Deputy Clerk

(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

FOR OFFICE USE ONLY