

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**QUANTUM CATALYTICS, INC. and
TEXAS SYNGAS, INC.**

VS.

**ZE – GEN, INC., WILLIAM “BILL” DAVIS,
BURNS & ROE, INC., and NEW BEDFORT
WASTE SERVICES, LLC**

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CIVIL ACTION NO. _____

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, QUANTUM CATALYTICS, Inc., and TEXAS SYNGAS Inc.,
complaining of ZE – GEN Inc., William “Bill” Davis, Burns & Roe, Inc., and New
Bedford Waste Services, LLC, and for cause of action would respectfully show this
Honorable Court as follows:

Parties

1. Quantum Catalytics, Inc. (hereinafter “Quantum”) is a Massachusetts corporation with its principal place of business in Fall River, Massachusetts.
2. Texas Syngas, Inc. (hereinafter “TSI”, and collectively with Quantum “Plaintiffs”), is a Nevada corporation with its principal place of business in Houston, Texas.
3. Ze – Gen Inc. (hereinafter “ZeGen”) is a Delaware corporation with its principal place of business at Boston Massachusetts and may located for service of process through its president:

Bill Davis, President
Ze – Gen, Inc.
70 Franklin Street
Third Floor
Boston, MA 02110

4. William “Bill” Davis is an individual who may be located for service of process at his place of principal employment:

Bill Davis, President
Ze – Gen, Inc.
70 Franklin Street
Third Floor
Boston, MA 02110

5. Burns & Roe, Inc., is a New Jersey Corporation, with a principal office located in Houston, Harris County, Texas, which may be located for service of process through its registered agent:

CT Corporation
350 North St. Paul St.
Dallas, TX 75201

6. New Bedford Waste Management is a Massachusetts limited liability company with its principal place of business in New Bedford, Massachusetts who may be located for service of process by and through its President:

Michael Camara, President
New Bedford Waste Services, LLC
1245 Shawmut Ave.
New Bedford, MA 02745

Jurisdiction and Venue

7. This is an action for patent infringement under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

8. This Court has subject matter jurisdiction for purposes of the patent infringement asserted under 28 U.S.C. §§ 1331 and 1338 (a) and (b).
9. Venue is proper in this district under 1400 (b).

Facts

10. Quantum is the owner of United States Patents:

<u>Nos.</u>	<u>Title</u>	<u>Date Issued</u>	<u>Claims Asserted</u>
5191154	Method and System for Controlling Chemical Reaction in Molten Bath	March 2, 1993	1, 2, 11
5322547	Method for Indirect Chemical Reduction of Metals in Waste	June 21, 1994	1 thru 32, 34, 36, 37
5358549	Method of Indirect Chemical Reduction of Metals in Waste	October 25, 1994	1 thru 29, 31, 33, 35
5358697	Method and System for Controlling Chemical Reaction in a Molten Bath	October 25, 1994	1 thru 8
5436210	Method and Apparatus for Injection of Liquid Waste into a Molten Bath	July 25, 1995	1 thru 12
5543558	Method for Producing Unsaturated Organics from Organic-Containing Feeds	August 6, 1996	1 thru 5, 7 thru 47, 49
5640707	Method of Organic Homologation Employing Organic-Containing Feeds	June 17 1997	1 thru 29

5679132	Method and System for Injection of a Vaporizable Material into a Molten Bath	October 21, 1997	1 thru 22
5744117	Feed Processing Employing Dispersed Molten Droplets	April 28, 1998	1 thru 6, 11 thru 29, 31, 32
6258988	Method for Reforming Organics into Shorter-Chain Unsaturated Organic Compounds	July 10, 2001	1 thru 17

These patents were duly and legally issued pursuant to the laws of these United States on the dates as set forth above. True and correct copies of these Patents are attached to this Original Complaint as Exhibits "A" through "J" and are incorporated herein by reference.

11. TSI is the exclusive license holder of rights under the Patents.
12. Defendants, jointly and individually, have infringed and continue to infringe these patents by making, using, selling, offering for sale, contributing to or inducing the sale of products embodying the patented inventions.
13. Defendants have actual notice of their infringing activities. Davis, the President of ZeGen, approached John Preston, President of Quantum, on or about November 14, 2005, and again on or about December 29, 2005, requesting a license to operate under these patents. No such agreement was reached. Despite his actual knowledge of the patents, their ownership and subject matter, Davis and his company ZeGen have proceeded to design and construct products which directly and plainly infringe said patents.

Causes of Action

Patent Infringement: 28 U.S.C. §§ 271 and 281

14. By virtue of the above-alleged facts, Plaintiff avers infringement of the Patents by Defendants arising under the Patent laws of the United States and brings these claims under 28 U.S.C. §§ 271 and 281.
15.
 - A. Defendants, with full knowledge of the Patents, have in the past and are now willfully and intentionally infringing the Patents by acts of making, using, selling, offering for sale, contributing to and/or inducing the sale of product embodying the patented inventions.
 - B. Defendants Davis and ZeGen are actively inducing others to infringe the Patents by teaching and instructing others to infringe the Patent.
 - C. Defendants are actively contributing to the infringement by selling and offering to sell within the States and territories of the United States components of a patented apparatus of the invention claimed within the Patent.
16. Defendants' actions have been and continue to be intentional, willful and deliberate since the infringing acts took place despite Defendants' actual knowledge of the Patents and of Quantum's and TSI's rights in the Patents.
17. Defendants' infringing acts have been the actual and proximate cause of damage to Plaintiffs and will continue to cause monetary damages, as well as, irreparable harm unless Defendants are enjoined by this Court from continuing to infringe, contribute to, and/or induce infringement of the Patents.

Unfair Competition 28 U.S.C. §§ 1338 (b)

18. By virtue of the foregoing Plaintiff avers that Defendants are unjustly enriched by the pirating of the patented technology.
19. By virtue of the foregoing Plaintiff avers that Defendants are unjustly enriched and have an unfair advantage in using the said patented technology without having the expense of either a legal license or of bearing the expense of the development of said products.
20. Plaintiff avers that Defendants have and continue to unfairly compete with Plaintiff by engaging in the acts set forth.
21. Defendants' acts have been the actual and proximate cause of damage to Plaintiff and will continue to cause monetary damages, as well as irreparable harm unless Defendants are enjoined by this Court from continuing to infringe, contribute to, and/or induce the infringement of the Patents.

Demand for Jury Trial

22. Pursuant to Rule 38 (b), Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted,

/s/ Kelly D. Stephens
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**ATTORNEY IN CHARGE FOR
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