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## **GS CleanTech Launches Ethanol Processing IP Suits**

By **Abigail Rubenstein**

Law360, New York (May 04, 2010) -- GS CleanTech Corp. has hit a slew of ethanol companies with lawsuits alleging infringement of a patent for extracting corn oil from ethanol byproducts.

The clean technology developer launched four suits Monday in various federal district courts, accusing the defendants of infringing U.S. Patent Number 7,601,858.

The patent, titled "Method of processing ethanol byproducts and related subsystems," was issued on Oct. 13, and covers a process for recovering corn oil from the byproducts produced during the manufacture of ethanol from corn, according to the complaints.

GS CleanTech invented a novel process to extract the corn oil and claimed the process in the '858 patent and other pending patent applications, the company contends.

According to the lawsuits, ethanol producers in Iowa, Wisconsin, Minnesota and Illinois are now willfully infringing the patented method for distilling corn oil from a byproduct known as "whole stillage."

The suits target ethanol companies Amazing Energy Atlantic LLC, United Wisconsin Grain Producers LLC, Bushmills Ethanol Inc. and Center Ethanol LLC and others.

GS CleanTech is seeking unspecified damages no less than a reasonable royalty for the use made of the inventions of the '858 and prejudgment interest from the date the infringement began to compensate for the alleged infringement.

The suits also ask that the courts enjoin the ethanol companies from further infringement.

United Wisconsin CEO Jeff Robertson told Law360 that although the company had not yet been served with the lawsuit, it was likely to use similar defenses to those asserted by alternative fuel company ICM Inc., which is already involved in a dispute over the same patent.

As ICM has argued, "there's all kinds of prior art and there is no novelty. The patent shouldn't have been issued," Robertson said.

A spokesman for Amaizing Energy declined to comment, saying the company had not yet received the suit. Representatives for Bushmills Ethanol and Center Ethanol were not immediately available for comment Tuesday.

The patent-in-suit is U.S. Patent Number 7,601,858.

GS CleanTech is represented by Cantor Colburn LLP.

Counsel information for the defendants was not immediately available.

The cases are GS CleanTech Corp. v. Amaizing Energy Atlantic LLC et al., case number 5:10-cv-04036, in the U.S. District Court for the Northern District of Iowa; GS CleanTech Corp. v. United Wisconsin Grain Producers LLC, case number 3:10-cv-00236, in the U.S. District Court for the Western District of Wisconsin; GS CleanTech Corp. v. Bushmills Ethanol Inc., case number 0:10-cv-01944, in the U.S. District Court for the District of Minnesota; and GS CleanTech Corp. v. Center Ethanol LLC et al., case number 1:10-cv-02727, in the U.S. District Court for the Northern District of Illinois.

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