

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address  Anthony A. Friedman (SBN 201955) AAF@LNBYB.COM LEVENE, NEALE, BENDER, YOO & BRILL L.L.P. 10250 Constellation Boulevard, Suite 1700 Los Angeles, California 90067 Telephone (310) 229-1234 Facsimilie (310) 229-1244  <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Edward M. Wolkowitz, Chapter 7 Trustee	FOR COURT USE ONLY
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**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION**

In re: BLUE EARTH ENERGY SYSTEMS, INC.          Debtor(s).	CASE NO.: 2:15-bk-28508 BR CHAPTER: 7          <b>AMENDED NOTICE OF AUCTION OF ESTATE PROPERTY</b>
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<b>Sale Date:</b> 08/19/2016	<b>Time:</b> 11:00 am
<b>Location:</b> 10250 Constellation Blvd., Suite 1700, Los Angeles, California 90067	

**Type of Sale:**  Public  Private      **Last date to file objections:** \_\_\_\_\_

**Description of property to be sold:**  
See attached Notice of Trustee's Sale.

**Terms and conditions of sale:**  
See attached Notice of Trustee's Sale.

**Proposed sale price:** \$ 250,000.00 opening bid \_\_\_\_\_

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

**Overbid procedure (if any):**

See attached Notice of Trustee's Sale.

**If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:**

At the conclusion of the auction, which is scheduled to take place on August 19, 2016 at 11:00 a.m., the Trustee will have a Winning Bid (as that term is defined in the attached Notice of Trustee's Sale). Thereafter, the Trustee will take the Winning Bid and present it, in the form of a motion to approve sale, to the Bankruptcy Court for Bankruptcy Court approval. For more specific details, please see the attached Notice of Trustee's Sale.

**Contact person for potential bidders (include name, address, telephone, fax and/or email address):**

Anthony A. Friedman (SBN 201955)  
AAF@LNBYB.COM  
LEVENE, NEALE, BENDER, YOO & BRILL L.L.P.  
10250 Constellation Boulevard, Suite 1700  
Los Angeles, California 90067  
Telephone (310) 229-1234  
Facsimilie (310) 229-1244

Date: 08/01/2016

**AMENDED AND FINAL NOTICE OF TRUSTEE'S SALE OF  
THE BANKRUPTCY ESTATE'S RIGHT, TITLE AND INTEREST IN THAT  
CERTAIN PATENT FOR A CRYOGENIC COGENERATION SYSTEM  
U.S. PATENT NO. 7,647,774 B2**

Edward M. Wolkowitz, the Chapter 7 Trustee for BLUE EARTH ENERGY SYSTEMS, INC., pending in the United States Bankruptcy Court, Central District of California, as Case No. 2:15-bk-28508-BR, will offer for sale the Bankruptcy Estate's right, title and interest in the above-described U.S. Patent No. 7,647,774 B2. The Trustee's research indicates that the Patent is owned by the Bankruptcy Estate, subject to one outstanding lien claim. The sale will be free and clear of the lien claim. Interested parties are, however, advised to conduct their own due diligence.

The Trustee proposes to sell the Patent and all rights relating thereto pursuant to an Auction to be held on **August 19, 2016 at 11:00 a.m. P.D.T.**, at the offices of the Trustee, located at 10250 Constellation, Suite 1700, Los Angeles, CA 90067. Interested parties may submit a written bid, on or before August 18, 2016 at 5:00 P.M. PDT, to the Trustee's attorney, as follow:

Anthony A. Friedman, Esq.  
LEVENE, NEALE, BENDER, YOO & BRILL L.L.P.  
10250 Constellation, Suite 1700  
Los Angeles, CA 90067

For the purposes of this Auction, qualified bids must be free of all contingencies and in an amount not less than Two Hundred Fifty Thousand Dollars (\$250,000), and be accompanied by a cashier's check or wire transferred deposit of not less than ten percent (10%) of the bid amount, and proof of good and available funds in the full amount of the bid. Any party may bid and overbid at the Auction, provided that the first overbid must be in an amount not less than Ten Thousand Dollars (\$10,000) higher than the previous qualified bid, and each overbid thereafter must be in an amount not less than One Thousand Dollars (\$1,000) higher than the previous qualified overbid. Each such overbid must be accompanied by a deposit and proof of funds as described above. Trustee will select the highest and best bid (the "Winning Bid"). The lien claimant may bid and overbid by credit bid and if it becomes the successful bidder, it shall be by crediting its Winning Bid against its secured claim.

The Winning Bid amount, less any previously paid deposit or credit, shall be submitted in cash or wire transfer to the Trustee within three (3) business days after the auction, to be held by the Trustee pending Bankruptcy Court approval of the sale. If the party submitting the Winning Bid fails to timely submit the full amount of the Winning Bid, it shall cease to be the successful bidder, its deposit shall be forfeited, and the Trustee shall notify the second highest bidder that its bid is now the Winning Bid, in which case such bidder shall submit the full amount of its Winning Bid in cash or wire transfer to the Trustee within three (3) business days, to be held by the Trustee pending Bankruptcy Court approval of the sale. In the event of two or more qualified bids in the same amount, the Bankruptcy Court will be asked to determine the Winning Bid and successful bidder in open court and such determination may be subject to further overbids.

Technical information concerning the Patent is contained below, which information is derived from the patent application. In addition, a copy of the first page of the Patent is attached for review. For additional information concerning the sale and bidding procedures, please contact the Trustee's attorney, Anthony A. Friedman, Esq., at 310-229-1234, or AAF@LNBYB.COM.

## **ABSTRACT**

A cryogenic and thermal source cogeneration method for converting energy from a heat source, through a cryogenic heat transfer process, into mechanical and/or electrical energy, comprising, utilizing a vapor compression cycle (2) to absorb heat from the heat source and, utilizing a Rankine cycle (4) for energy transfer, for converting thermal energy to mechanical and/or electrical energy.

## **DISCLOSURE OF INVENTION**

The present invention is a cryogenic cogeneration method and a thermal source cogeneration system for converting energy from a heat source, through a cryogenic or thermal source heat transfer process, into mechanical and/or electrical energy utilizing a vapor compression cycle to absorb heat from a heat source, and utilizing a Rankine cycle for energy transfer, for converting thermal energy to mechanical and/or electrical energy. The two cycles preferably operate as closed loops and complement each other's cycle. A cryogenic cogeneration apparatus and a thermal source cogeneration apparatus for converting energy from a heat source, through a cryogenic or thermal source heat transfer process, into mechanical and/or electrical energy is also disclosed, comprising, vapor compression cycle mechanisms to absorb heat from the heat source, and Rankine cycle mechanisms for energy transfer, for converting thermal energy to mechanical and/or electrical energy, the Rankine cycle mechanisms being operably linked to the vapor compression cycle mechanisms.

## **HOW IT WORKS**

- Integrates the Refrigeration Cycle (RC) and the Rankine Power Cycle (PC) to act as the Hot and Cold Regions for each other.
- Additional external heat energy is captured from the space to be cooled by the Refrigeration Cycle working exactly like a conventional cooling plant.
- Instead of venting this heat energy to the outdoors, the Refrigeration Cycle pumps this heat energy into the Rankine cycle to power a cold gas turbine.
- The turbine turns a generator which provides electrical energy the system needs to power its pumps with net power left over for load demands that are external to the system.

Further, additional information regarding the Patent can be found at  
<http://www.google.com/patents/US7647774>.



US007647774B2

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

(10) **Patent No.:** **US 7,647,774 B2**  
(45) **Date of Patent:** **Jan. 19, 2010**

(54) **CRYOGENIC COGENERATION SYSTEM**

(75) Inventors: **Mark Alan Shirk**, Palmdale, CA (US);  
**Gary A. Storck, Jr.**, San Jose, CA (US);  
**Wesley W. Welgel**, Cupertino, CA (US)

(73) Assignee: **Blue Earth Energy, Inc.**, Sunnyvale,  
CA (US)

(\*) Notice: Subject to any disclaimer, the term of this  
patent is extended or adjusted under 35  
U.S.C. 154(b) by 112 days.

(21) Appl. No.: **11/100,197**

(22) Filed: **Apr. 5, 2005**

(65) **Prior Publication Data**

US 2005/0198961 A1 Sep. 15, 2005

**Related U.S. Application Data**

(63) Continuation of application No. 10/961,942, filed on  
Oct. 8, 2004, now abandoned.

(60) Provisional application No. 60/511,292, filed on Oct.  
14, 2003.

(51) **Int. Cl.**  
**F01K 25/08** (2006.01)

(52) **U.S. Cl.** ..... 60/651; 60/671

(58) **Field of Classification Search** ..... 60/651,  
60/671, 670

See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

4,313,305 A *	2/1982	Egosi .....	60/648
4,622,472 A *	11/1986	Bronicki .....	290/52
5,129,236 A *	7/1992	Solomon .....	62/324.1
5,336,059 A *	8/1994	Rowley .....	417/348
5,617,739 A *	4/1997	Little .....	62/619
6,176,102 B1 *	1/2001	Novak et al. ....	62/612
6,415,628 B1	7/2002	Ahmed	

\* cited by examiner

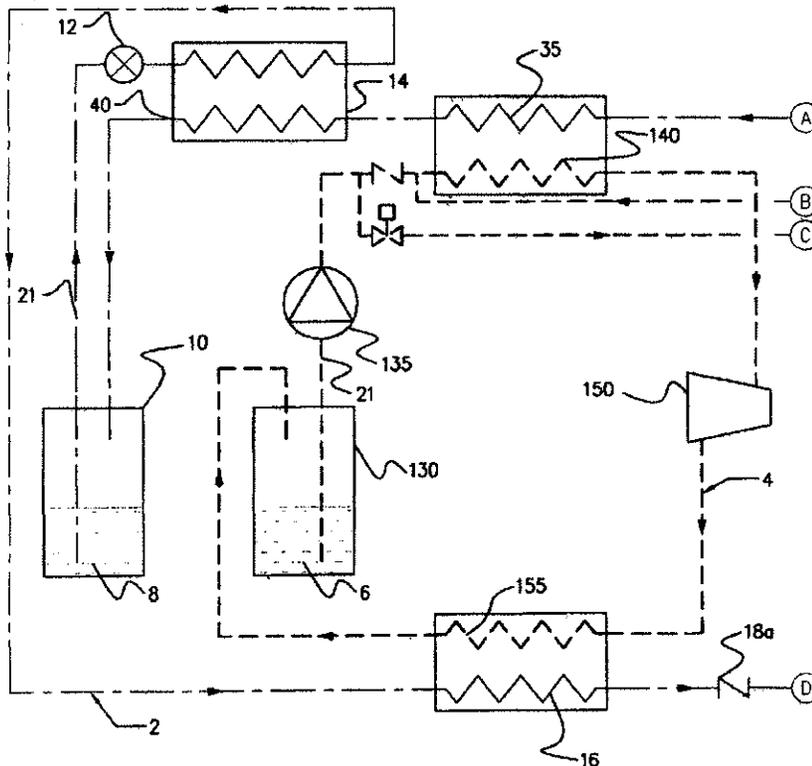
*Primary Examiner*—Hoang M Nguyen

(74) *Attorney, Agent, or Firm*—Law Office of Wendell J. Jones

(57) **ABSTRACT**

A cryogenic and thermal source cogeneration method for converting energy from a heat source, through a cryogenic heat transfer process, into mechanical and/or electrical energy, comprising, utilizing a vapor compression cycle (2) to absorb heat from the heat source and, utilizing a Rankine cycle (4) for energy transfer, for converting thermal energy to mechanical and/or electrical energy.

**53 Claims, 10 Drawing Sheets**



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### PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 10250 Constellation Boulevard, Suite 1700, Los Angeles, CA 90067

A true and correct copy of the foregoing document entitled **[SECOND] AMENDED NOTICE OF AUCTION OF ESTATE PROPERTY** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **August 1, 2016**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Bradley E Brook bbrook@brooklaw.com, paulo@brooklaw.com;brookecfmail@gmail.com
- Anthony A Friedman aaf@lnbyb.com
- Christopher L Frost cfrost@eisnerlaw.com, tperez@eisnerlaw.com;edempsey@eisnerlaw.com;bdahlberg@eisnerlaw.com
- Scott C Timpe stimpe@mbnlawyers.com, scott.timpe@gmail.com;aacosta@mbnlawyers.com
- United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov
- Edward M Wolkowitz (TR) emwtrustee@lnrb.com, ewolkowitz@ecf.epiqsystems.com

**2. SERVED BY UNITED STATES MAIL:** On **August 1, 2016**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **August 1, 2016**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

<b>August 1, 2016</b>	Lisa Masse	/s/ Lisa Masse
<i>Date</i>	<i>Type Name</i>	<i>Signature</i>