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RONALD C. WESTON, SR., CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: aid / _____

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

1:08-cv-959

Janet T. Neff
U.S. District Judge

BRICOR ANALYTICAL, INC.,

Case No.

Plaintiff,

Honorable

vs.

ECOTECH WATER LLC,

Defendant.

COMPLAINT

Plaintiff, Bricor Analytical, Inc. ("Bricor") states its complaint against Defendant Ecotech Water LLC ("Ecotech") as follows:

PARTIES

1. Plaintiff Bricor is a corporation organized and existing under the laws of Texas having its principal place of business at P.O. Box 312024, New Braunfels, TX 78131-2024. Bricor manufactures and sells low flow water conservation products within this District.

2. Defendant Ecotech is a Florida limited liability company having its principal place of business at 7121 Gulf Blvd., St. Pete Beach, FL 33706. Ecotech markets and sells low flow water conservation devices which infringe Bricor's patents, including but not limited to: (a) a low flow shower head; (b) a low flow hand held shower kit, (c) a low flow sink aerator; and (d) a low flow prewash spray valve. Upon information and belief, Ecotech markets and sells such products throughout the United States, including within this District.

JURISDICTION AND VENUE

4. This is an action for patent infringement under the laws of the United States, 35 U.S.C § 101 et seq. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

THE PATENTS IN SUIT

6. United States Patent 6,260,273 (“the ‘273 Patent”) entitled “Venturi Based Vacuum Valve Method For Water Conservation” was duly and legally issued by the United States Patent and Trademark Office on July 17, 2001. A copy of the ‘273 Patent is attached as Exhibit A.

7. United States Patent 7,416,171 (“the ‘171 Patent”) entitled “Vacuum Venturi Apparatus and Method” was duly and legally issued by the United States Patent and Trademark Office on August 26, 2008. A copy of the ‘171 Patent is attached as Exhibit B.

8. Bricor is the sole owner of the ‘273 and ‘171 Patents (collectively, the “Bricor Patents”); and Bricor retains all rights under the Bricor Patents relevant to this action.

COUNT I (Infringement of ‘273 Patent)

9. Bricor incorporates by reference the allegations contained in paragraphs 1 through 8, above.

10. Upon information and belief, Defendant has infringed the ‘273 Patent, and is continuing to infringe one or more claims of the ‘273 Patent, in violation of 35 U.S.C. § 271, by using, offering to sell or selling into the United States, or by intending that others use, offer

for sale or sell in the United States, products that incorporate the invention of or were made using the methods claimed in the '273 Patent.

11. Defendant's infringement of the '273 Patent has damaged and will continue to damage Bricor.

12. Defendant's infringement of the '273 Patent has caused and will continue to cause Bricor irreparable harm unless enjoined by the Court.

COUNT II
(Infringement of '171 Patent)

13. Bricor incorporates by reference the allegations contained in paragraphs 1 through 8, above.

14. Upon information and belief, Defendant has infringed the '171 Patent, and is continuing to infringe one or more claims of the '171 Patent, in violation of 35 U.S.C. § 271, by using, offering to sell or selling into the United States, or by intending that others use, offer for sale or sell in the United States, products that incorporate the invention of or were made using the methods claimed in the '171 Patent.

15. Defendant's infringement of the '171 Patent has damaged and will continue to damage Bricor.

16. Defendant's infringement of the '171 Patent has caused and will continue to cause Bricor irreparable harm unless enjoined by the Court.

REQUEST FOR RELIEF

WHEREFORE, Bricor respectfully requests that this Court enter judgment in its favor and grant the following relief:

A. Adjudge each of the Bricor Patents to be valid and to be enforceable;

B. Adjudge that Defendant has infringed and induced infringement of said patents;

C. Enter an order to permanently enjoin Defendant, and its officers, agents, servants, employees and those persons in privity or in active concert or participation with it, from infringing the Bricor Patents;

D. Award Bricor damages in an amount adequate to compensate Bricor for Defendant's infringement of the Bricor Patents, but in no event less than a reasonable royalty under 35 U.S.C. § 284;

E. Award Bricor treble damages due to the Defendant's knowing and willful infringement of the Bricor patents;

F. Enter an order awarding Bricor interest on the damages awarded and its costs pursuant to 35 U.S.C. § 284;

G. Enter an order finding that this is an exceptional case and award Bricor its reasonable costs, expenses, and reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and

H. Award such other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY

Trial by jury is demanded.

Dated: October 7, 2008

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