

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

ECOLAB INC.

Plaintiffs,

v.

GURTLER CHEMICALS, INC. D/B/A  
GURTLER INDUSTRIES, INC.

Defendant.

Civil Action No.  
0:14-cv-00495-JNE-SER

## JURY TRIAL DEMANDED

## AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Ecolab Inc. (“Ecolab”), for its Complaint against Defendant Gurtler Chemicals, Inc. d/b/a Gurtler Industries, Inc. (“Gurtler”) states and alleges as follows:

## NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, including 35 U.S.C. § 271 and §§ 281-285.

2. Ecolab is the owner, by assignment, of all right, title, and interest in United States Patent No. 6,262,013 (the “’013 Patent”) entitled “SANITIZING LAUNDRY SOUR.” A true and exact copy of the ’013 Patent is attached as Exhibit A.

3. As set forth below, Gurtler has infringed and continues to infringe the '013 Patent.

## PARTIES

4. Plaintiff Ecolab Inc. is a corporation organized under the laws of the State of Delaware, having a principal place of business at Ecolab Center, 370 North Wabasha Street # 100, St. Paul, Minnesota 55102. Ecolab is a global leader in water, hygiene and

energy technologies and services, including technologies and services provided to commercial laundries.

5. On information and belief, Defendant Gurtler is a corporation organized under the laws of the State of Illinois, having a principal place of business at 15475 South LaSalle Street South, Holland, IL 60473. Gurtler sells commercial laundry chemicals and related services.

### **JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1338(a), in that this action arises under the federal patent statutes, 35 U.S.C. §§ 271 and 281-285.

7. This Court has personal jurisdiction over Gurtler because Gurtler's actions establish such minimum contacts that jurisdiction comports with the Minnesota Long-Arm Statute and the United States Constitution. Gurtler has committed acts of infringement within this District and has offered the method accused of infringement for sale within this District. Gurtler has thus purposefully availed itself of the laws and jurisdiction of this District.

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

### **FACTUAL BACKGROUND**

9. Ecolab is the lawful owner of the '013 Patent, which was duly and legally issued by the U.S. Patent and Trademark Office on July 17, 2001.

10. As the lawful owner of the '013 patent, Ecolab owns all rights, title, and interests in the '013 patent, including the exclusive right under the patent laws of the United States to exclude others from making, using, offering for sale, selling, or importing its patented invention, including the right to bring this action for injunctive relief, an accounting, and damages.

11. Since at least the date of service of this Complaint, Defendant has had actual knowledge of the '013 Patent.

**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,262,013**

12. Ecolab restates and realleges the allegations set forth in paragraphs 1-11 above.

13. Gurtler has directly infringed and/or induced infringement of the '013 Patent, through the use, sale and offer for sale of methods claimed in the '013 Patent, in this District and elsewhere throughout the United States. Specifically, Gurtler has used, sold and offered for sale laundry processes and associated chemicals that comprise inventions of the '013 Patent, including laundry processes involving the steps of contacting soiled laundry items with an alkaline detergent to form a treated laundry item and contacting the treated laundry item with a claimed peracid composition.

14. On information and belief, with knowledge of the '013 Patent, and without license or authority, Gurtler has actively encouraged and induced others to infringe the '013 Patent. Such active encouragement and inducement has included providing detailed customer protocols and instructions regarding how to practice the methods claimed in the '013 Patent, programming and/or configuring customer laundry equipment to practice the

methods claimed in the '013 Patent, providing on-site technical assistance to customers regarding the methods claimed in the '013 Patent, and supplying chemicals necessary to practice the methods claimed in the '013 Patent.

15. Gurtler's actions have been without license or permission from Ecolab.

16. Gurtler, on information and belief, has willfully, deliberately and intentionally infringed the claims of the '013 Patent.

17. Gurtler's infringement of the '013 Patent has injured Ecolab, and will cause Ecolab further irreparable injury and damage in the future unless Gurtler is enjoined from such infringement.

### **RELIEF REQUESTED**

**WHEREFORE**, Plaintiff Ecolab Inc. prays for entry of judgment against Defendant Gurtler Chemicals, Inc. d/b/a Gurtler Industries, Inc. as follows:

- a. Finding that Gurtler has infringed one or more claims of the '013 Patent, either literally or under the doctrine of equivalents;
- b. Enjoining Gurtler and its agents, servants, officers, directors, employees, affiliated companies and all persons in active concert with them, from further and continuing infringement of the '013 Patent;
- c. Ordering Gurtler to account for and pay to Ecolab the damages to which Ecolab is entitled as a consequence of the infringement, the precise amount of which shall be determined at trial;
- d. Ordering a post-judgment equitable accounting of damages for the period of infringement of the '013 Patent following the period of damages established by Ecolab at trial;
- e. Ordering that such damages be trebled for the willful, deliberate and intentional infringement by Gurtler as alleged herein in accordance with 35 U.S.C. § 284;

- f. Finding that this case is exceptional and awarding Ecolab its costs and attorneys' fees pursuant to 35 U.S.C. § 285;
- g. Awarding Ecolab prejudgment and post-judgment interest on all sums awarded together with costs and disbursements as allowed by law;
- h. Awarding such other and further relief as the Court deems Ecolab may be entitled to in law and equity.

**JURY DEMAND**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Ecolab respectfully requests a trial by jury of any and all issues on which a trial by jury is available under applicable law.

DATED: June 16, 2014

**ROBINS, KAPLAN, MILLER & CIRESI L.L.P.**

By: /s/ Jamie R. Kurtz

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