

5. Defendant is engaged, inter alia, in the business of selling in the United States, including Minnesota, pest elimination products including flying insect control equipment for similar applications.

JURISDICTION

6. This is a claim of patent infringement arising under the Acts of Congress relating to patents, 35 U.S.C. §§ 271 and 282-85.

7. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

PATENT INFRINGEMENT

COUNT I

8. On April 9, 1996, United States Patent No. 5,505,017 (hereinafter “the ’017 patent”) titled FLYING INSECT TRAP USING REFLECTED AND RADIATED LIGHT was duly and legally issued to Plaintiff; and since that date Plaintiff has been, and still is, the owner of this patent. A copy of the ’017 patent is attached hereto as Exhibit A.

9. Defendant has infringed the ’017 patent through the manufacture, importation, use, sale and/or offer for sale of flying insect traps including, but not limited to, the Insectalite brand decorative insect light traps. A copy of certain web pages depicting and describing the “Insectalite 18 Watt Sconce Trap” and the “Insectalite 30 Watt Professional” is attached hereto as Exhibit B.

10. Ecolab has been damaged by Defendant’s infringement of the ’017 patent and will continue to be damaged in the future unless Defendant is permanently enjoined from infringing that patent, inducing infringements of that patent, and contributing to the infringement of that patent by others.

11. Upon information and belief, Defendant is aware that the ’017 patent was duly and legally issued and that Defendant’s use, manufacture, importation, and sale of the above-identified flying insect traps infringes that patent.

12. Upon information and belief, Defendant's infringement of those patents is now and has been intentional, willful, and deliberate, and will continue unless enjoined by the Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment that:

A. United States Patent No. 5,505,017 is valid and has been infringed by Defendant.

B. Defendant, its officers, agents, servants and employees and those persons in active concert or participation with any of them be enjoined from further infringement of United States Patent No. 5,505,017.

C. An accounting be had for the profits and damages arising out of Defendant's infringement of United States Patent No. 5,505,017, including treble damages for willful infringement as provided by Title 35 U.S.C. § 284, with interest;

D. Defendant be preliminarily and permanently enjoined from continued use, importation, or sale of Defendant's products used to infringe United States Patent No. 5,505,017;

E. Plaintiff be awarded its attorneys' fees, costs, and expenses in this action; and

F. Plaintiff be awarded such relief as this Court may deem necessary and.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable.

Respectfully submitted,

Dated: October 12, 2007

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