

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

**FILED (SI)**  
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U.S. DISTRICT COURT E.D.N.Y.

★ JUL 22 2002 ★

SPECTRONICS CORPORATION,

Plaintiff,

v.

UVIEW ULTRAVIOLET SYSTEMS,

Defendant.

LONG ISLAND OFFICE  
CIVIL ACTION NO.

**CV 02 4145**

**SPATT, J.  
BOYLE, M.**

**COMPLAINT**

Plaintiff Spectronics Corporation (hereinafter "Spectronics") alleges as follows:

**Parties**

1. Spectronics is a New York corporation having its principal place of business at 956 Brush Hollow Road, Westbury, New York 11590, Nassau County.
2. On information and belief, defendant UView Ultraviolet Systems ("UView") is a Canadian corporation having its principal place of business at 1324 Blundell Road, Mississauga, Ontario, L4Y 1M5 Canada. UView does business in the Eastern District of New York and is subject to the jurisdiction of this Court.
3. Spectronics is the assignee of the entire right, title and interest in United States Letters Patent No. 5,167,140 ("the '140 patent") entitled APPARATUS AND METHOD FOR INFUSING A MATERIAL INTO A CLOSED LOOP SYSTEM, which issued on August 7, 1991. A copy of the '140 patent is attached hereto as Exhibit A.

**Jurisdiction and Venue**

4. This is a complaint for infringement of a United States patent under 35 U.S.C. §§ 271 and 281.
5. Jurisdiction arises under 28 U.S.C. §§ 1331 and 1338.
6. Venue in this district is proper under 28 U.S.C. § 1391(b) and (c).

**COUNT I**

**PATENT INFRINGEMENT**

7. This cause of action for patent infringement arises out of 35 U.S.C. §§ 271(a) and (b).
8. The '140 patent grants Spectronics the right to prevent others from using particular methods of infusing an atomized liquid material, such as a leak detection dye, into an operating pressurized closed-loop system such as an air conditioner. The particular steps performed in these methods are set forth in claims 33 through 37 of the '140 patent.
9. One of the steps common to claims 33 through 37 is the use of an atomizing mist infuser that includes, among other components, a disposable capsule pre-filled with the liquid material. Such disposable capsule is used in combination with the durable, re-usable components of a mist infuser to infuse leak detection dye into an operating pressurized air conditioner.
10. On information and belief, UView has induced persons in the United States to perform, and such persons have performed, the methods of the '140 patent by selling to such persons disposable capsules pre-filled with leak detection dye along with instructions to connect the capsules to the components of a mist infuser and infuse the dye into an operating pressurized

air conditioner. UView sells such disposable capsules as its product numbers 499385, 499387, 499388, 499389 and 499390, and perhaps others.

11. Some persons who have purchased and used the UView disposable capsules may have obtained a license from Spectronics to practice the methods of the '140 patent by having earlier purchased a leak detection dye injector kit from Spectronics. However, UView does not market or sell its disposable capsules solely to persons who use Spectronics' dye injector components, but rather markets and sells the capsules for use with any similar dye injector components.

12. The use of UView's disposable capsule with dye injector components not purchased from Spectronics, in the manner described in UView's instructions, is an act of direct infringement of the method claims of the '140 patent.

13. By selling disposable capsules pre-filled with leak detection dye along with such instructions, and without limiting such sales to licensed users or warning that the capsules should not be used except with Spectronics' dye injector components, UView has induced unlicensed users to infringe the methods of the '140 patent.

14. UView's acts described above have been done with the intention of inducing infringement and without reasonable belief that infringement would not occur.

15. UView's inducement of infringement of the '140 patent has deprived, and will deprive, Spectronics of sales which it otherwise would have made.

#### **PRAYERS FOR RELIEF**

WHEREFORE, Spectronics Corporation demands judgment against UView, and demands relief as follows:

A. That this Court preliminarily and permanently enjoin UView, and those officers, directors, agents, employees and any person or entity in active concert or participation with any of them, from inducing infringement of the '140 patent;

B. That this Court award Spectronics money damages under 35 U.S.C. § 284 sufficient to compensate Spectronics for the financial damage caused by UView's infringement, including enhanced damages if the infringement is found to be willful;  
and

C. That this Court award to Spectronics such other and further relief as is authorized by statute or is deemed appropriate by this Court.

Respectfully submitted,

SPECTRONICS CORPORATION

Dated: July 19, 2002

BY: 

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