

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED CHEMICAL TECHNOLOGIES, INC.)	
)	
Plaintiff)	
)	CIVIL ACTION No. _____
v.)	
)	JURY TRIAL DEMANDED
BIOCHEMICAL DIAGNOSTICS, INC.)	
)	
Defendant.)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

1. United Chemical Technologies, Inc. (“UCT”) now files this Complaint for Patent Infringement of U.S. Patent No. 6,530,288 against Biochemical Diagnostics, Inc. (“BCD”).

JURISDICTION AND VENUE

2. This action is for injunctive relief and damages and arises under the United States patent laws, 35 U.S.C. §§ 271, *et seq.*

3. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338.

4. Venue is appropriate under 28 U.S.C. §§ 1391 and 1400(b).

5. This Court has personal jurisdiction over BCD, by virtue of BCD doing business and offering to do business in this state and within this judicial district.

6. BCD is selling and offering to sell infringing extraction columns throughout the United States, including in this judicial district, including, but not limited to, sales through the use of BCD’s website as depicted in Exhibit 1.

PARTIES

7. UCT is a Delaware corporation with its principal place of business located at 2731 Bartram Road, Bristol, Pennsylvania 19007.

8. Upon information, Defendant BCD is a New York corporation with its principal place of business at 180 Heartland Blvd., Edgewood, New York 11717.

GENERAL ALLEGATIONS

9. On March 11, 2003, United States Patent 6,530,288 (the '288 Patent) entitled "Microcolumn for Use in Sample Extraction" was duly and legally issued to UCT as assignee of the named inventors Thomas F. August and Michael J. Telepchak. A true and accurate copy of the '288 Patent is attached as Exhibit 2.

10. The '288 Patent is in full force and effect and relates to certain housings for use in containing a sorbent material for use in extraction of samples for chemical analysis. Id.

11. Since the date of issuance of the '288 Patent, UCT has been and still is the owner of all right, title, and interest in and to the '288 Patent, including the right to sue and recover any and all damages for infringement and to obtain injunctive relief.

12. BCD has made and continues to make, offer for sale, sell, use, and otherwise make available products, systems and apparatus that infringe the '288 Patent, (collectively, the "unauthorized activities"), all without the authorization of UTC.

13. BCD has made and continues to make, offer for sale, sell, and use extraction columns, such as, for example, the Detectabus GV-65 Columns shown in Exhibit 1, which embody the invention in the '288 Patent.

14. UCT has placed the required statutory notice under 35 U.S.C. § 287(a) on its products by marking product packaging with the patent number of the '288 Patent.

15. BCD has both actual and, by virtue of UCT's marking of its products, constructive notice of the '288 Patent and of its infringement of that patent.

16. Upon information and belief, the acts of BCD have been willful, wanton, and deliberate.

17. The harm to UCT resulting from the acts of BCD is irreparable, continuing, not fully compensable in money damages, and will continue unless BCD is enjoined by this Court.

COUNT I -- DIRECT INFRINGEMENT OF THE '288 PATENT

18. UCT incorporates the allegations of the Paragraphs 1 through 17 as if fully set forth herein.

19. The acts of BCD constitute direct infringement of the '288 Patent in violation of 35 U.S.C. § 271(a).

JURY DEMAND

20. UCT demands a trial by jury of all issues set for herein pursuant to Fed. R. Civ. P. 38.

WHEREFORE, UCI requests that the Court enter judgment in its favor and against BCD, ordering that:

- a. BCD and any and all persons acting in privity or concert with it or otherwise controlled by it be preliminarily and permanently enjoined from continuing to infringe the '288 Patent;
- b. UCT be awarded damages in an amount sufficient to compensate UCT for its injuries caused by BCD's acts;

- c. This case be found to be an exceptional case entitling UCT to
 - i. trebling its damage award under 35 U.S.C. § 284 and
 - ii. reasonable attorneys' fees under 35 U.S.C. § 285;
- d. Prejudgment and post judgment interest on any award of damages to UCT; and
- e. Any other relief that this Court may deem appropriate or otherwise is proper.

DATED: January 31, 2008

Respectfully Submitted,

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