

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

JUN 15 2006

DAVID J. MALAND, CLERK

PURECHOICE, INC ,  
Plaintiff,

v.

HONEYWELL INTERNATIONAL, INC.  
Defendant

BY  
DEPUTY \_\_\_\_\_

Case No. *2:06cv244*  
*TJM*

JURY TRIAL DEMANDED

**ORIGINAL COMPLAINT**

Plaintiff, PURECHOICE, INC. ("PURECHOICE") brings this action against Defendant, HONEYWELL INTERNATIONAL, INC. ("HONEYWELL"), alleging as follows:

**The Parties**

1. PURECHOICE is a corporation organized and existing under the laws of the State of Minnesota, with its principal place of business in Lakeville, Minnesota 55044.

2. Upon information and belief, HONEYWELL is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Morristown, New Jersey, and is doing business in this judicial district and elsewhere. HONEYWELL may be served with process by serving its registered agent, Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701.

**Jurisdiction and Venue**

3. This action for infringement arises under the patent laws of the United States, Title 35, United States Code, including § 271. This Court has exclusive jurisdiction under Title 28, United States Code, particularly § 1338(a)

4. Venue is proper under Title 28, United States Code §§ 1391(b) and (c), and 1400(b).

**HONEYWELL's Activities**

5. HONEYWELL is in the HVAC control and building automation business which includes the monitoring of indoor air quality parameters. On information and belief, HONEYWELL has for a number of years performed a wide array of activities relating to indoor air quality solutions, such as, but not limited to: providing indoor air quality monitoring systems to subscribers; manufacturing indoor air quality monitoring systems and elements thereof; and supplying and recommending the use of devices and services capable of monitoring indoor air quality and which make data relating to indoor air quality available to remote systems.

6. PURECHOICE and HONEYWELL compete in providing indoor air quality monitoring systems and elements thereof; and supplying and recommending the use of devices capable of monitoring indoor air quality and which makes data relating to indoor air quality available to remote systems.

7. On information and belief, the above-mentioned activities by HONEYWELL have amounted to infringement, directly, by inducement, and/or by contributing to the infringement, of United States Patent No. RE 38,985 ("the Patent"), attached hereto as Exhibit A.

8. PURECHOICE is the owner of all right, title and interest in and to the Patent with the right to recover damages for all past infringement of the Patent.

9. On information and belief, HONEYWELL is infringing the Patent willfully and with knowledge. On information and belief, HONEYWELL will continue infringing the Patent unless enjoined by this Court.

10. As a result of HONEYWELL's infringing conduct, PURECHOICE has been damaged and will continue to suffer irreparable harm without the issuance of an injunction by this Court.

11 HONEYWELL's willful infringement of the Patent and other conduct make this an exceptional case under 35 U.S.C. § 285.

**Requested Relief**

WHEREFORE, PURECHOICE prays that this Court enter judgment.

1. Finding that HONEYWELL has infringed, induced others to infringe and/or committed acts of contributing infringement of the Patent under 35 U.S.C. § 271.

2. Enjoining HONEYWELL and its subsidiaries, agents, officers and employees, and all others acting in concert with it, from infringing, inducing infringement, or contributing to the infringement of the Patent.

3. Enjoining HONEYWELL and its subsidiaries, agents, officers and employees, and all others acting in concert with it, from infringing the Patent.

4. Ordering HONEYWELL to award PURECHOICE an amount that adequately compensates PURECHOICE for HONEYWELL's infringement, including lost profits (and/or a reasonable royalty), treble damages, court costs, pre-judgment interest, post-judgment interest and attorney's fees under 35 U.S.C. §§ 284 and 285.

5. Granting PURECHOICE such other and further relief as is just.

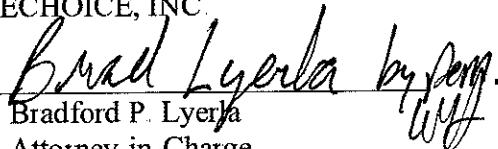
**Demand for Jury Trial**

PURECHOICE demands a jury trial on all claims and issues triable of right by a jury.

Dated June 14, 2006

Respectfully submitted,

PURECHOICE, INC.

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