

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

_____	)	
<b>PALL CORPORATION,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 07-CV-1869</b>
	)	<b>(RRM/ETB)</b>
<b>ENTEGRIS, INC., d.b.a.</b>	)	
<b>MYKROLIS CORPORATION,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**PALL CORPORATION’S SECOND AMENDED COMPLAINT  
AND DEMAND FOR JURY TRIAL**

Plaintiff Pall Corporation (“Pall” or “Plaintiff”), by and through its attorneys, for its second amended complaint against Defendant Entegris, Inc., d.b.a. Mykrolis Corporation (“Defendant”), alleges as follows:

**PARTIES**

1. Pall is a corporation organized and existing under the laws of the state of New York with a principal place of business at 2200 Northern Boulevard, East Hills, New York 11548.

2. Upon information and belief, Entegris, Inc. is a corporation organized and existing under the laws of Minnesota with a principal place of business at 3500 Lyman Blvd., Chaska, Minnesota 55318.

3. Upon information and belief, on or about August 6, 2005, Entegris, Inc. completed its merger with Mykrolis Corporation. Upon information and belief, Mykrolis Corporation operates as a “Doing Business As” entity of Entegris, Inc. Prior to the merger, upon information and belief, Mykrolis Corporation was a corporation organized and existing under the

laws of the state of Delaware with a principal place of business at 129 Concord Road, Billerica, Massachusetts 01821.

### **JURISDICTION AND VENUE**

4. This action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.* Subject matter jurisdiction is conferred by 28 U.S.C. §§ 1331 and 1338(a).

5. On information and belief, Defendant is and has been doing business, either directly or through its agents, in this judicial district and elsewhere in the United States. Personal jurisdiction over Defendant exists under New York CPLR §§ 301 and 302.

6. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1400(b), as defined by 28 U.S.C. §§ 1391(b) and (c).

### **U.S. PATENT NO. 5,543,047**

7. United States Patent No. 5,543,047 (“the ‘047 patent”) entitled “Filter With Over-Laid Pleats in Intimate Contact” was issued by the United States Patent and Trademark Office (“PTO”) on August 6, 1996. A copy of the ‘047 patent is attached hereto as Exhibit A.

8. Pall owns all right, title, and interest in the ‘047 patent.

9. On June 9, 2009, United States *Ex Parte* Reexamination Certificate US 5,543,047 C1, attached as Exhibit B, was duly and legally issued following a reexamination of some of the claims of the ‘047 patent. On September 15, 2009, the Patent Office published a reexamination Certificate of Correction, attached as Exhibit C, that confirmed the patentability of claims 21, 22, 35-37, 75, 76, 83-94, 97 and 105.

### **U.S. PATENT NO. 5,690,765**

10. United States Patent No. 5,690,765 (“the ‘765 patent”) entitled “Methods of Assembling a Filter” was issued by the PTO on November 25, 1997. A copy of the ‘765 patent is attached hereto as Exhibit D.

11. Pall owns all right, title, and interest in the ‘765 patent.

12. On March 17, 2009, United States *Ex Parte* Reexamination Certificate US 5,690,765 C1, attached as Exhibit E, was duly and legally issued following a reexamination of some of the claims of the '765 patent. The reexamination of the '765 patent determined that claims 1, 8, and 39-41, as amended, are patentable, and that claims 2-5, 9, 12-18, 23-26, 31, 33, 37, 38, 42, 51-54, 58, 59, 63-69, 71, and 72, which depend on the amended claims, are patentable.

**U.S. PATENT NO. 6,113,784**

13. United States Patent No. 6,113,784 ("the '784 patent") entitled "Filter" was issued by the PTO on September 5, 2000. A copy of the '784 patent is attached hereto as Exhibit F.

14. Pall owns all right, title, and interest in the '784 patent.

15. The '784 patent remains in full force and effect.

**U.S. PATENT NO. 7,195,122 B2**

16. United States Patent No. 7,195,122 B2 ("the '122 patent") entitled "Filters" was issued by the PTO on March 27, 2007. A copy of the '122 patent is attached hereto as Exhibit G.

17. Pall owns all right, title, and interest in the '122 patent.

18. The '122 patent remains in full force and effect.

**INFRINGEMENT OF THE '047, '765, '784, and '122 PATENTS**

19. On information and belief, and subject to the provisions of 35 U.S.C. §§ 252 and 307, Defendant has infringed and continues to infringe claims in each of the '047, '765, '784, and '122 patents (sometimes collectively "the Patents") directly, by contribution, and/or by inducement, in this district and elsewhere in the United States, by making, offering to sell, selling, importing and/or using products that embody and/or employ the claimed inventions of the Patents such as (1) as to the '047, '765 and '784 patents: at least the Fluorogard, Fluoroline, Impact 2, Impact Plus, Microgard Minichem, Microgard Plus, Optimizer, QuickChange, QuickChange Plus, and Protego products, and (2) as to the '122 patent: at least the Impact 2,

Impact Plus and Impact Mini products; and other products that may be identified in plaintiff's discovery responses.

20. Defendant's infringement of the Patents has caused substantial injury to Pall, for which Pall is entitled to receive damages adequate to compensate it for such infringement.

21. On information and belief, Defendant's infringement of at least the '047, '765, and '784 patents has been committed in a willful manner, and in deliberate and intentional disregard of Pall's rights.

**DEMAND FOR JURY TRIAL**

22. Pall demands a trial by jury to the extent permitted by applicable law.

**DEMAND FOR RELIEF**

WHEREFORE, Pall prays that this Court enter judgment in its favor and against Defendant and grant the following relief:

- A. Permanently enjoin Defendant, its employees and agents, and any others acting in concert with Defendant, from infringing each of the Patents;
- B. Award Pall its damages resulting from Defendant's infringement of each of the Patents;
- C. Award Pall treble damages pursuant to 35 U.S.C. § 284 as a result of Defendant's willful infringement of at least the '047, '765, and '784 patents;
- D. Declare this case exceptional pursuant to 35 U.S.C. § 285 and award Pall costs and attorney fees; and
- E. Grant Pall such other relief as is just and proper.

Date: April 9, 2010

/s/ H. Michael Hartmann

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