

5. Venue is proper in this District and before this Court under 28 U.S.C. §§ 1391(b) and (c).

GENERAL ALLEGATIONS

6. Nalco is a leading provider of air protection technologies, and, in particular, technologies for removing hazardous mercury from flue gases evolved during combustion of coal, delivering environmental, social and economic benefits to its customers.

7. Nalco is the exclusive licensee of U.S. Patent No. 6,808,692 (the “’692 Patent”), entitled “Enhanced Mercury Control in Coal-Fired Power Plants.”

8. The ’692 Patent teaches and claims, *inter alia*, methods of treating coal combustion flue gas so as to reduce mercury emissions at coal-fired power plants.

9. The ’692 Patent was duly and legally issued by the United States Patent and Trademark Office on October 26, 2004. A copy of the ’692 Patent is attached hereto as Exhibit A and is made a part of this Complaint.

10. As the exclusive licensee of the ’692 Patent, Nalco possesses the right to sue for infringement and recover damages resulting from such infringement.

11. On information and belief, Alstom is the exclusive licensee of U.S. Patent No. 6,878,358 (the “’358 Patent”) entitled “Process for Removing Mercury from Flue Gases.”

12. The ’692 and ’358 Patents each claim methods for removing mercury from flue gas, such as that produced by burning coal, by reacting the mercury with bromine.

13. Nalco and Alstom each offer to sell and have demonstrated products and services, which are used to effect removal of elemental mercury from flue gas by adding bromine to the flue gas.

**COUNT I -
INFRINGEMENT OF THE '692 PATENT**

14. Nalco incorporates by reference the allegations of Paragraphs 1 through 13.

15. Alstom has infringed and is now infringing the '692 Patent through, among other activities, the use of an infringing method of treating coal combustion flue gas that reduces mercury emissions for coal-fired power plants throughout the United States (the "Alstom Accused Services"). The Alstom Accused Services practice each and every element of at least claim 1 of the '692 Patent both literally and under the doctrine of equivalents in contravention of 35 U.S.C. § 271.

16. Alstom has also infringed the '692 Patent by knowingly and actively inducing others to infringe, and by contributing to the infringement of others in contravention of 35 U.S.C. § 271.

17. Upon information and belief, Alstom's acts of infringement have been willful and deliberate, with full knowledge of Nalco's rights in the '692 Patent.

18. By virtue of Alstom's willful and deliberate infringement, this is an "exceptional case" within the meaning of 35 U.S.C. § 285.

JURY TRIAL DEMANDED

Under Fed. R. Civ. P. 38, Nalco demands a trial by jury on all issues triable of right by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Nalco Mobotec, Inc. respectfully requests judgment against Defendant Alstom Power, Inc. as follows:

- A. The entry of judgment that Alstom has been and is infringing the '692 Patent;
- B. An award of damages adequate to compensate Nalco for the infringement that has

occurred, but in no event less than a reasonable royalty under 35 U.S.C. § 284, together with prejudgment interest from the date the infringement began;

C. Increased damages under 35 U.S.C. § 284;

D. A finding that this case is exceptional and an award to Nalco of its attorneys' fees and costs under 35 U.S.C. §§ 284, 285;

E. Preliminary and permanent injunctions enjoining Alstom, its officers, directors, agents, and employees and all those in active concert or participation with them, including licensors, who receive notice of the judgment by personal service or otherwise, from using the method covered by the claims of the '692 Patent, from contributing to the infringement of the claims of the '692 Patent, and from inducing others from infringing the claims of the '692 Patent; and

F. Such other relief that Nalco is entitled to under law, and any other and further relief that this Court or a jury may deem just and proper.

Dated: August 24, 2009

Respectfully submitted,

By: /s/ James T. Hultquist
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