

FILED
CLERK'S OFFICE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

2006 AUG 23 P 3:19

06 CA 11494 GAO

-----X
ENTEGRIS, INC.,)
Plaintiff,)
)
v.)
)
PALL CORPORATION,)
Defendant.)
-----X

Civil Action No. _____
MAGISTRATE JUDGE RJC

DISTRICT COURT
DISTRICT OF MASS.
14618
AMOUNT \$ 350
SUMMONS ISSUED 4
LOCAL RULE 4.1 _____
WAIVER FORM _____
MCF ISSUED _____
BY DPTY CLK. TRH
463104

COMPLAINT AND DEMAND FOR JURY TRIAL

The plaintiff, Entegris, Inc., (“Entegris”), for its complaint against the defendant, Pall Corporation, (“Pall”) states that:

NATURE OF THE ACTION

1. In this action the plaintiff, Entegris, seeks damages and preliminary and permanent injunctions for infringement of its patent rights pursuant to Title 35 of the United States Code.

JURISDICTION AND VENUE

2. This Court has jurisdiction of the subject matter of this action under 28 U.S.C. §§ 1331 and 1338, and the United States Patent Laws, Title 35 of the United States Code.

3. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and 1400.

THE PARTIES

4. The plaintiff, Entegris, is a Delaware corporation with a place of business at 129 Concord Road, Billerica, Massachusetts, 01821. Entegris is the surviving entity from a merger of Entegris, Inc., and Mykrolis Corporation (“Mykrolis”).

5. Upon information and belief, the defendant, Pall, is a New York corporation with a principal place of business at 2985 Northern Boulevard, East Hills, New York 11548.

FACTUAL BACKGROUND

6. On May 2, 2006, United States Patent No. 7,037,424 (the "'424 Patent") entitled Connector Apparatus and System Including Connector Apparatus was duly and legally issued. A copy of the '424 Patent is attached hereto as Exhibit A.

7. On June 16, 2005, the United States Patent Application that issued as the '424 Patent was duly and legally published as United States Published Patent Application No. 2005/0126985 A1 (the "'985 Publication"), a copy of which is attached hereto as Exhibit B.

8. The plaintiff, Entegris, owns the entire right, title, and interest in the '424 Patent.

9. The '424 Patent discloses and claims a novel separation module and a novel fluid separation apparatus including a separation module.

10. Upon information and belief, the defendant, Pall, acting on its own or through affiliates or agents, makes, uses, sells, or offers for sale in the United States, or is importing into the United States, separation modules and fluid separation apparatus, including but not limited to its PhotoKleen™ EZD-3 Filter Assemblies, that infringe one or more claims of the '424 Patent.

11. The defendant, Pall, has previously made, used, sold, or offered for sale in the United States, and has imported into the United States, separation modules and fluid separation apparatus other than its PhotoKleen™ EZD-3 Filter Assembly product that would infringe one or more claims of the '424 Patent if those separation modules and fluid separation apparatus were made, used, sold, or offered for sale in the United States, or imported into the United States, during the term of the '424 Patent.

COUNT I

12. Entegris repeats and realleges paragraphs 1 through 11 of this Complaint, as though fully set forth herein.

13. The defendant, Pall, is infringing one or more claims of the '424 Patent by making, using, selling, offering for sale in the United States, or importing into the United States, separation modules and fluid separation apparatus, including but not limited to its PhotoKleen™ EZD-3 Filter Assemblies, that infringe one or more claims of the '424 Patent.

14. Pall is infringing one or more claims of the '424 Patent directly, contributorily, or by actively inducing acts of infringement by others.

15. Pall's infringement of the '424 Patent, if it continues, will be willful and deliberate, and upon information and belief Pall will continue its infringing activities unless enjoined by the Court.

16. By reason of the above acts, Entegris is suffering and will continue to suffer irreparable injury, which cannot be adequately compensated or measured in money. Entegris has no adequate remedy at law. Entegris is entitled to injunctive relief enjoining and restraining Pall and its respective officers, directors, agents, servants, employees, and all their entities and individuals acting in concert with them or on their behalf from further infringement of the '424 Patent.

17. Pall's infringement of the '424 patent is causing substantial injury to Entegris, including lost profits from the lost sales of separation modules, manifold assemblies, and lost sales of fluid processing systems, including pumps, for which Entegris is entitled to damages adequate to compensate it for the infringement.

COUNT II

18. Entegris repeats and realleges paragraphs 1 through 17 of this Complaint, as though fully set forth herein.

19. During the period beginning on June 16, 2005, when the '985 Publication was published, and ending on May 2, 2006, when the '424 Patent was issued, the defendant, Pall, made, used, offered for sale, or sold in the United States, or imported into the United States, the invention as claimed in the '985 Publication.

20. Upon information and belief, the defendant Pall had actual notice of the '985 Publication on or about June 16, 2005.

21. The invention as claimed in the '424 Patent is substantially identical to the invention as claimed in the '985 Publication.

WHEREFORE, the plaintiff, Entegris, demands judgment against the defendant, Pall, as follows:

- A. For judgment to be entered that Pall has infringed the '424 Patent;
- B. For injunctive relief, both preliminary and permanent, enjoining and restraining Pall, its officers, directors, agents, servants, employees, and all their entities and individuals acting in concert with them or on their behalf from further infringement of the '424 Patent;
- C. For injunctive relief, both preliminary and permanent, enjoining and restraining Pall and its officers, directors, agents, servants, employees, and all their entities and individuals acting in concert with them or on their behalf from making, using, selling, offering for sale in the United States, or importing into the United States, the PhotoKleen™ EZD-3 Filter Assembly; and separation modules for Pall's EZD-3 or EZD-2 Assemblies.
- D. For an award of damages adequate to compensate for Pall's infringement of the '424 Patent, as alleged in Count I of this complaint.
- E. For an award of a reasonable royalty from Pall for making, using, offering for sale or selling the invention as claimed in the '985 Publication, or importing such an invention,

during the period beginning on the date of publication of the '985 Publication and ending on the date the '424 Patent issued, as alleged in Count II of the complaint;

F. For an award of pre-judgment interest on any damages awarded;

G. For judgment to be entered that Pall's infringement of the '424 Patent is willful, and increasing Entegris's damages up to three times the amount found or assessed;

H. For a declaration that this is an exceptional case under 35 U.S.C. § 285, and for an award of increased damages, attorneys' fees, and costs; and

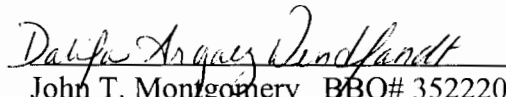
I. For such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

The plaintiff, Entegris, hereby demands a trial by jury in this action on all claims and issues triable before a jury.

ENTEGRIS, INC.

By its attorneys,


John T. Montgomery BBO# 352220
Dalila Arguez Wendlandt BBO# 639280
Ropes & Gray LLP
One International Place
Boston, Massachusetts 02110
(617) 951-7000

Dated: August 23, 2006