



4. Jurisdiction is further proper under Missouri law and under the United States Constitution.

5. Venue in this Court is proper under 28 U.S.C. § 1391 and 28 U.S.C. § 1400.

#### **ALLEGATIONS OF INFRINGEMENT**

6. On March 13, 2001, United States Letters Patent No. 6,199,388, with named inventor, John C. Fischer, Jr. (the "Fischer Patent"), was duly and legally issued to plaintiff SEMCO for an invention in "System And Method For Controlling Temperature And Humidity" and, since that date SEMCO has been, and still is, the owner of said Fischer Patent. (A true and correct copy of said Fischer Patent is attached hereto as Exhibit 1, and incorporates by reference herein).

7. Huntair has infringed the Fischer Patent by making, using, selling, and/or offering for sale, systems and methods embodying one or more of the claims of the Fischer Patent, and/or induced others to so infringe, and/or contributed to such infringement by others, all in violation of 35 U.S.C. § 271.

8. Huntair had notice of SEMCO's rights in the Fischer Patent and of Huntair's infringement of the Fischer Patent at least as early as June 21, 2010, when Huntair received a letter dated June 16, 2010, sent by certified mail from Brian Gill, counsel for SEMCO. A true and accurate copy of the Fischer Patent was enclosed with the letter as sent by certified mail. (A copy of the said June 16, 2010, letter is attached hereto as Exhibit 2; a copy of the certified mail card showing that Huntair received the Exhibit 2 letter and the Fischer Patent is attached as Exhibit 3).

9. Despite such notice of the Fischer Patent, Huntair thereafter infringed the Fischer Patent.

10. Unless enjoined by this Court, Huntair thereafter will continue with the aforesaid infringement of the Fischer Patent.

11. The infringements of the Fischer Patent by Huntair have been committed knowingly and willfully.

12. SEMCO has been, and will continue to be, irreparably harmed by the acts of Huntair as complained of herein; wherefore SEMCO is without adequate remedy at law.

WHEREFORE, Plaintiff SEMCO prays:

- A. That Huntair, its agents, servants and all those acting in concert and/or privity with Huntair, be preliminarily and permanently enjoined from infringing (i.e. importing, making, using, selling, and/or offering to sell) any products or services covered by any or all of claims of the said Fischer Patent;
- B. That Huntair be held liable for all awards granted by this Court in favor of SEMCO;
- C. That SEMCO be awarded damages for Huntair's infringement of the Fischer Patent, together with all interest thereon including prejudgment interest, and that said damages be trebled in accordance with 35 U.S.C. § 285;
- D. Further, that this case be declared an exceptional case under 35 U.S.C. § 285, and that SEMCO be awarded its reasonable attorneys fees.
- E. That the cost of the action be assessed against Huntair; and
- F. That SEMCO be awarded all such other and further relief as the Court may deem appropriate under the circumstances.

SEMCO hereby demands trial by jury on all issues triable by jury.

POLSTER, LIEDER, WOODRUFF  
& LUCCHESI

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