

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

3M Innovative Properties Company  
and 3M Purification, Inc.,

Plaintiffs,

v.

TST Water, LLC,

Defendant.

Civ. Action No. \_\_\_\_\_

**DEMAND FOR JURY TRIAL**

**COMPLAINT**

Plaintiffs complain of Defendant and allege as follows:

**NATURE OF THIS ACTION**

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, 281-285.

**THE PARTIES**

2. Plaintiff 3M Innovative Properties Company (“3M IPC”) is a corporation organized and existing under the laws of the state of Delaware, and having its principal place of business at 3M Center, St. Paul, Minnesota 55133.

3. Plaintiff 3M Purification, Inc. (“3M Purification”) is a corporation organized and existing under the laws of the state of Delaware, and having its principal place of business at 400 Research Parkway, Meriden, Connecticut 06450.

4. Defendant TST Water, LLC (“TST Water”), upon information and belief, is a corporation organized and existing under the laws of the state of California, and having its principal place of business at 42188 Rio Nedo, Temecula, CA 92590.

**JURISDICTION AND VENUE**

5. This Court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338(a), and 1367.

6. This Court has personal jurisdiction over TST Water because, *inter alia*: (1) on information and belief, TST Water has targeted and/or concentrated on Minnesota by providing infringing products in interstate commerce such that they are sold at retail stores located in the District of Minnesota; (2) TST Water has appointed at least one distributor located in this district, Discount Filter Store in Zumbrota, MN; (3) TST Water sells its products nationwide and online with the expectation that such products will be purchased by residents of the State of Minnesota; and (4) under the Minnesota Long Arm Statute, Minn. Stat. § 543.19, TST Water transacts business within Minnesota. As such, upon information and belief, TST Water has intended to benefit from doing business in the State of Minnesota.

7. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

**FIRST CLAIM FOR RELIEF**  
**INFRINGEMENT OF U.S. PATENT NO. 7,763,170**

8. On July 27, 2010, United States Patent No. 7,763,170 (“the ‘170 Patent”), entitled “Keyed Filter Assembly,” was duly and legally issued by the United States Patent and Trademark Office. 3M IPC owns the ‘170 Patent. 3M Purification is the exclusive licensee of the ‘170 Patent. A true and correct copy of the ‘170 Patent is attached as Exhibit A to this Complaint.

9. TST Water has been and is directly infringing the ‘170 Patent in this District and elsewhere under 35 U.S.C. § 271 by making, offering to sell and/or selling products that infringe

the '170 Patent, including but not limited to the Water Sentinel WSG-4 Refrigerator Replacement Filter.

10. Upon information and belief, TST Water manufactures additional filters that infringe the '170 Patent, including but not limited to the FMG-4 Refrigerator Replacement Filter advertised and offered for sale under the "HDX" brand and sold at The Home Depot.

11. Upon information and belief, TST Water will continue to infringe the '170 Patent unless and until it is enjoined by this Court.

12. TST Water has caused and will continue to cause Plaintiffs injury and damage by infringing the '170 Patent. Plaintiffs will suffer further injury unless and until TST Water is enjoined from infringing the '170 Patent.

**SECOND CLAIM FOR RELIEF**  
**INFRINGEMENT OF U.S. PATENT NO. 8,182,699**

13. On May 22, 2012, United States Patent No. 8,182,699 ("the '699 Patent"), entitled "Method of Engaging a Filter Cartridge to a Manifold and Filter Cartridge Therefor," was duly and legally issued by the United States Patent and Trademark Office. 3M IPC owns the '699 Patent. 3M Purification is the exclusive licensee of the '699 Patent. A true and correct copy of the '699 Patent is attached as Exhibit B to this Complaint.

14. TST Water has been and is directly infringing the '699 Patent in this District and elsewhere under 35 U.S.C. § 271 by making, offering to sell and/or selling products that infringe the '699 Patent, including but not limited to the Water Sentinel WSG-3 Refrigerator Filter.

15. Upon information and belief, TST Water will continue to infringe the '699 Patent unless and until it is enjoined by this Court.

16. TST Water has caused and will continue to cause Plaintiffs injury and damage by infringing the '699 Patent. Plaintiffs will suffer further injury unless and until TST Water is enjoined from infringing the '699 Patent.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request this Court:

- (1) To enter judgment that TST Water has infringed the '170 Patent and the '699 Patent;
- (2) To enter an order preliminarily and permanently enjoining TST Water and its officers, agents, servants, employees, attorneys and all persons in active concert or participation with any of them, from infringing the '170 Patent and the '699 Patent;
- (3) To award Plaintiffs damages in an amount to compensate them for TST Water's infringement of the '170 Patent and the '699 Patent, together with prejudgment interest and post judgment interest and costs, pursuant to 35 U.S.C. § 284;
- (4) To award an accounting of all TST Water's infringing sales through final judgment;
- (5) To declare this case to be "exceptional" under 35 U.S.C. § 285 and to award Plaintiffs their attorneys' fees, expenses and costs incurred in this action; and
- (6) To award Plaintiffs such other and further relief as this Court deems just and proper.

**JURY TRIAL DEMAND**

Plaintiffs hereby demand a trial by jury on all issues appropriately triable by a jury.

Dated: October 1, 2014

FISH & RICHARDSON P.C.

By: /s/ John C. Adkisson

John C. Adkisson (#266358)  
adkisson@fr.com  
Joseph A. Herriges (#390350)  
herriges@fr.com  
3200 RBC Plaza  
60 South Sixth Street  
Minneapolis, MN 55402  
Tel: (612) 335-5070  
Fax: (612) 288-9696

Geoff D. Biegler (#386563)  
biegler@fr.com  
FISH & RICHARDSON P.C.  
12390 El Camino Real  
San Diego, CA 92130  
Tel: (858) 678-5070  
Fax: (858) 678-5099

Attorneys for Plaintiffs 3M Innovative  
Properties Company and 3M Purification, Inc.

60972639.doc