

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

HACH COMPANY, a Delaware corporation,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:12-cv-1331
)	
ADS, LLC, a Delaware corporation, and)	
ADS ENVIRONMENTAL SERVICES)	JURY TRIAL DEMANDED
CORP., a Delaware corporation,)	
)	
Defendants.)	

COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND

Plaintiff, Hach Company, for its Complaint for patent infringement against Defendants,
ADS, LLC and ADS Environmental Services Corp., states:

PARTIES

1. Plaintiff, Hach Company ("Hach"), is a corporation of the state of Delaware with a principal place of business at 5600 Lindbergh Dr., Loveland, CO 80539.
2. Upon information and belief, Defendant ADS, LLC is a corporation of the State of Delaware with a principal place of business at 4940 Research Dr., Huntsville, AL 35805.
3. Upon information and belief, Defendant ADS Environmental Services Corp. is a corporation of the State of Delaware with a principal place of business at 4940 Research Dr., Huntsville, AL 35805.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States of America, Title 35 of the United States Code. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) in that this is a civil action arising out of the U.S. patent laws.

5. This Court has personal jurisdiction over Defendants because Defendants have purposefully availed themselves of the privileges of conducting business in the State of Michigan and in this judicial district, and Plaintiff's causes of action arise directly from Defendants' business contacts in Michigan. Upon information and belief, Defendants have committed infringement of U.S. Patent 5,811,688 in the State of Michigan, have contributed to such patent infringement in the State of Michigan, and/or have induced others to commit such patent infringement in the State of Michigan. Defendants, directly and/or through intermediaries, ship, distribute, use, sell, offer for sale, and/or advertise their products in and/or into the State of Michigan and this judicial district.

6. Venue is proper in the Western District of Michigan pursuant to 28 U.S.C. §§ 1391(b), and (c) and 1400(b).

INFRINGEMENT OF U.S. PATENT NO. 5,811,688

7. The '688 patent, titled "Open Channel Flowmeter Utilizing Surface Velocity and Lookdown Level Devices," was duly and legally issued on September 22, 1998. A true and correct copy of the '688 patent is attached as Exhibit A.

8. Lawrence B. Marsh and Donald B. Heckman are the named inventors of the '688 patent. Hach owns by assignment the entire right, title, and interest in and to the '688 patent.

9. The '688 patent is valid and enforceable.

10. Defendants' flow monitor sensors sold under the name FLOWSHARK TRITON, with "Surface Combo Sensor" and its related software, is a system for measuring fluid flow through a pipe without invading the fluid. This flow monitor system is referred to as "Accused Product" or "Accused Products."

11. Upon information and belief, Defendants have infringed, and continue to infringe, one or more claims of the '688 patent, in violation of 35 U.S.C. § 271, by, among other things, making, using, offering to sell, selling and/or importing Accused Products in and/or into the United States, without authority or license from Hach.

12. Defendants have been aware of the '688 patent since at least about March 11, 2010.

13. Upon information and belief, Defendants have also contributed to the infringement of one or more claims of the '688 patent and/or actively induced others to infringe one or more claims of the '688 patent by at least selling and/or offering for sale the Accused Products and by providing and/or making available to customers promotional and instructional materials relating to the Accused Products. Upon information and belief, the Accused Products are uniquely configured by Defendants to meet the limitations of one or more claims and do not have substantial non-infringing uses. Further, upon information and belief, Defendants affirmatively sell, offer for sale, encourage and intend for its customers to use the Accused Products in a manner that infringes one or more claims of the '688 patent. Defendants are liable for their infringement of the '688 patent pursuant to 35 U.S.C. § 271(b).

14. Defendants' acts of infringement have caused and will continue to cause substantial and irreparable harm to Hach for which there is no adequate remedy at law, unless enjoined by this Court.

15. The applicable requirements of 35 U.S.C. § 287 have been satisfied.

16. As a result of the infringement of the '688 patent by Defendants, Hach has been damaged. Hach is therefore entitled to damages under 35 U.S.C. § 284 in an amount that presently cannot be pleaded but that will be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for entry of judgment against each Defendant as follows:

A. That Defendants have, directly, contributorily and/or by inducement of others, infringed one or more claims of the U.S. Patent 5,811,688 under 35 U.S.C. § 271;

B. That Defendants must provide to Plaintiff an accounting of all gains, profits and advantages derived by Defendants' infringement of the '688 patent, and that Plaintiff be awarded damages adequate to compensate them for the wrongful infringement by Defendants, in accordance with 35 U.S.C. § 284, together with pre-judgment and post-judgment interest;

C. That Plaintiff be awarded its attorneys fees pursuant to 35 U.S.C. § 285;

D. That the Court preliminarily and permanently enjoin Defendants and all those in privity with them from making, having made, selling, offering for sale, distributing and/or using products that infringe any claim of the '688 patent, and from contributorily infringing any claim of the '688 patent, and from actively inducing others to infringe any claim of the '688 patent; and

E. That Plaintiffs be awarded such other and further relief as this Court may deem just and proper, including but not limited to equitable relief and all remedies available at law.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury on all issues triable to a jury.

MILLER JOHNSON
Attorneys for Plaintiff

Dated: December 5, 2012

By /s/ David J. Gass

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