

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

-----X)	
MILLIPORE CORPORATION)	
AND MILLIPORE S.A.S.)	Civil Action No.
)	
Plaintiffs,)	COMPLAINT
v.)	AND DEMAND FOR JURY TRIAL
)	
I.W. TREMONT CO. INC.,)	
)	
Defendant.)	
-----X)	

The plaintiffs, Millipore Corporation and Millipore S.A.S. (hereinafter collectively referred to as “Millipore”), for their complaint against the defendant, I.W. Tremont Co. Inc. (“I.W. Tremont”), state that:

NATURE OF THE ACTION

1. In this action the Millipore seeks to recover damages and to obtain 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 Millipore Corporation is a Massachusetts corporation with a place of business at 290 Concord Road, Billerica, Massachusetts 01821.

5. The plaintiff Millipore S.A.S. is a company organized under the laws of France with a place of business at 39 rte Industrielle de la Hardt, 67120 Molsheim, France.

6. Upon information and belief, the defendant, I.W. Tremont, is a New Jersey corporation with a place of business at 79 Fourth Avenue, Hawthorne, New Jersey 07506.

FACTUAL BACKGROUND

THE '874 PATENT

7. On September 12, 1995, United States Patent No. 5,448,874 (“the ’874 Patent”) entitled “Method and Apparatus for Removing Objects From Sterile Packaging” issued. A copy of the ’874 Patent is filed herewith and made a part hereof as Exhibit A.

8. The plaintiff Millipore S.A.S. owns the entire right, title, and interest in the ’874 Patent, subject to rights licensed to Millipore Corporation, and its ownership rights are confirmed by assignment documents duly recorded in the United States Patent and Trademark Office.

9. The plaintiff Millipore Corporation has exclusive U.S. license rights in the ’874 Patent, including the right to use, sell, offer for sale, and import into the United States devices that fall within the scope of the claims of the ’874 Patent.

10. The ’874 Patent discloses and claims devices for unwrapping or dispensing individual objects, such as sterile membranes or filters, contained in multipack strips of packaging, (hereinafter “dispenser devices”).

11. Upon information and belief, the defendant, I.W. Tremont, acting on its own or through affiliates or agents, makes, uses, sells, offers for sale, or imports into the United States, dispenser devices that infringe the ’874 Patent, including but not limited to its Ribbon Membrane Dispenser device.

12. The Ribbon Membrane Dispenser device is advertised on the defendant's website at www.iwtremont.com.

COUNT I

13. Millipore repeats and realleges paragraphs 1 through 12 of this Complaint, as though fully set forth.

14. Upon information and belief, the defendant, I.W. Tremont, has infringed and is infringing one or more claims of the '874 Patent by making, using, selling, offering for sale in the United States, or importing into the United States, dispenser devices that infringe the '874 Patent.

15. Upon information and belief, the defendant, I.W. Tremont, has infringed and is infringing one or more claims of the '874 Patent directly, contributorily, or by actively inducing acts of infringement by others.

16. Upon information and belief, the defendant I.W. Tremont's infringement of the '874 Patent has been and continues to be willful and deliberate, and I.W. Tremont will continue its infringing activities unless enjoined by the Court.

17. Millipore has suffered and continues to suffer damages as a result of the defendant I.W. Tremont's infringement.

18. By reason of the above acts, Millipore has suffered and will continue to suffer irreparable harm. Millipore is entitled to injunctive relief enjoining and restraining the defendant I.W. Tremont and its officers, directors, agents, servants, employees, and all entities and individuals acting in concert with them or on their behalf, from further infringement of the '874 Patent.

WHEREFORE, Millipore Corporation and Millipore S.A.S. demand judgment against the defendant, I.W. Tremont Co. Inc., as follows:

A. For judgment to be entered that the defendant I.W. Tremont has infringed the '874 Patent;

B. For injunctive relief, both preliminary and permanent, enjoining and restraining the defendant I.W. Tremont and its officers, directors, agents, servants, employees, and all entities and individuals acting in concert with them or on their behalf from further infringement of the '874 Patent;

C. For injunctive relief, both preliminary and permanent, enjoining and restraining the defendant I.W. Tremont and its officers, directors, agents, servants, employees, and all entities and individuals acting in concert with them or on their behalf from making, using, selling, offering for sale, or importing the Ribbon Membrane Dispenser device;

D. For an award of compensatory damages resulting from I.W. Tremont's infringement of the '874 Patent, plus interest, costs, and attorneys' fees;

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

F. For judgment to be entered that the defendant I.W. Tremont's infringement of the '874 Patent is willful, and for damages to be increased, pursuant to 35 U.S.C. § 284, up to three times the amount found or assessed;

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

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

THE PLAINTIFFS DEMAND A TRIAL BY JURY

The plaintiffs, Millipore Corporation and Millipore S.A.S., hereby demand a trial by jury in this action on all claims and issues triable before a jury.

MILLIPORE CORPORATION
MILLIPORE S.A.S.

By their attorneys,

/s/ Susan G. L. Glovsky
Susan G. L. Glovsky BBO# 195880
susan.glovsky@hbsr.com
Vivien J. Tannoch-Magin BBO# 666130
vivien.tannoch-magin@hbsr.com
Hamilton, Brook, Smith & Reynolds, P.C.
530 Virginia Road
P.O. Box 9133
Concord, Massachusetts 01742
Telephone: 978-341-0036
Fax: 978-341-0136

Dated: May 5, 2011