UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

MEDICAL COMPONENTS, INC.,	:	
Plaintiff,	:	CIVIL ACTION NO. 6:17-cv-00237-RWS-JDL
v.	:	
C.R. BARD, INC., BARD PERIPHERAL VASCULAR, INC., AND BARD ACCESS SYSTEMS, INC.	:	
Defendants.	:	

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

1. Plaintiff Medical Components, Inc. ("MedComp"), by and through its undersigned counsel for its Complaint against Defendants C.R. Bard, Inc., BARD Peripheral Vascular, Inc., and Bard Access Systems, Inc. (collectively referred to herein as "Bard" or "Defendants"), hereby alleges as follows:

NATURE OF THE ACTION

2. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq*.

THE PARTIES

3. MedComp is a corporation organized under the laws of the State of Pennsylvania with a place of business at 1499 Delp Dr., Harleysville, Pennsylvania 19438.

4. MedComp does business in Texas and the Eastern District of Texas.

5. C.R. Bard, Inc., is a corporation organized under the law of the State of New Jersey with a place of business at 730 Central Ave., Murray Hill, New Jersey 07974.

6. C.R. Bard, Inc., does business in Texas and the Eastern District of Texas.

7. Bard Access Systems, Inc. (also referred to herein as "Bard Access"), is a wholly-owned subsidiary and operating division of C.R. Bard, Inc., and has a place of business located at 605 N 5600 W, Salt Lake City, Utah 84116.

8. Bard Access has a website at http://www.bardaccess.com/ that includes a copyright notice saying "© 2017 C.R. Bard, Inc. All rights reserved".

9. The Bard Access website includes PowerPort implantable ports among its product offerings.

10. Bard Access does business in Texas and the Eastern District of Texas offering for sale, selling, distributing and/or using PowerPort implantable ports and importing them into the United States and this Judicial District.

11. BARD Peripheral Vascular, Inc. (also referred to herein as "BARD Peripheral Vascular"), is a wholly owned subsidiary and operating division of C.R. Bard, Inc., and has a place of business located at 1625 West 3rd Street, Tempe, Arizona 85281.

12. The BARD Peripheral Vascular website identifies PowerPort implantable ports as being products offered for sale and/or use by BARD Peripheral Vascular at http://www.bardpv.com/ports/.

13. On information and belief, BARD Peripheral Vascular does business in Texas and the Eastern District of Texas offering for sale, selling, distributing and/or using PowerPort implantable ports and importing them into the United States and this Judicial District.

JURISDICTION AND VENUE

14. This is an action for patent infringement arising under the Patent laws of the United States, Title 35 of the United States Code.

15. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338.

16. Upon information and belief, Defendants have and are engaged in business in the Eastern District of Texas, including advertising and offering to sell their infringing PowerPort implantable ports in this Judicial District, shipping said ports directly or indirectly into or through Texas, including through this Judicial District, and having sold and/or participated in the sale of said ports in this Judicial District.

17. In addition, on information and belief, Defendants directly and/or through their coordinated distribution network regularly place their PowerPort implantable ports in the stream of commerce with the knowledge and/or understanding that such products will be sold and used in this Judicial District. Defendants are subject to the general jurisdiction of this Court because they have regular and systemic contacts with this forum such that the exercise of jurisdiction over it will not offend the traditional notions of fair play and substantial justice.

18. Further, this Court has personal jurisdiction over Defendants because Defendants have established minimum contacts with the forum such that the exercise of personal jurisdiction over Defendants will not offend the traditional notions of fair play and substantial justice.

19. In addition, this Court has personal jurisdiction over Defendants because Defendants have knowingly and actively engaged in acts that have infringed and will infringe and/or contribute, induce, aid, and/or abet the direct infringement of claims of the U.S. Patent No. 8,852,160 in this Judicial District.

20. Venue is proper pursuant to 28 U.S.C. § 1400(b) because Defendants have committed acts of infringement in this Judicial District, do business in this Judicial District, and have a regular and established place of business in this Judicial District.

FACTUAL BACKGROUND

21. MedComp develops, markets, and supports cutting-edge vascular access devices and accessories to meet the clinical needs of the medical industry.

22. MedComp is the owner of a patent related to venous access ports having a flange that includes x-ray discernable indicia, U.S. Patent No. 8,852,160 (also referred to herein as "the '160 patent"). This patent is also referred to herein as "the Patent-in-Suit".

23. A venous access port is a device that can be implanted into a patient and used for the controlled infusing and/or withdrawal of fluids.

24. MedComp's development work resulted in determining that it could be beneficial to provide a means by which a medical practitioner can identify the type of port and/or at least one attribute of the port after the port is implanted within a patient's body. The '160 patent discloses ways in which indicia can be used to allow a medical practitioner to identify at least one attribute of the port while the port is implanted in the body of the patient.

25. Bard is a developer, manufacturer, distributor, and importer of a wide variety of medical products, including venous access ports.

26. Bard makes and sells a line of PowerPort implantable ports that include the PowerPort ports identified at http://www.bardpv.com/ports/.

27. The Bard PowerPort products, marketed under Bard's corporate banner, include without limitation: (1) the PowerPort Implantable Port, (2) the PowerPort M.R.I. Implantable Port, (3) the PowerPort isp Implantable Port, (4) the PowerPort Slim Implantable Port, (5) the

PowerPort isp M.R.I. Implantable Port, (6) the PowerPort duo M.R.I. Implantable Port, (7) the PowerPort CLEARVUE isp Implantable Port, (8) the PowerPort CLEARVUE Slim Implantable Port, (9) the PowerPort VUE Implantable Port, and (10), the PowerPort VUE M.R.I. Implantable Port.

28. Bard also makes and sells a port device under the name Vaxcess. The Vaxcess device is similar in construction to the PowerPort isp M.R.I. Implantable Port, but does not have palpation points on the septum of the port.

29. Bard offers for sale, sells, distributes, and uses the PowerPort implantable ports and the Vaxcess port device in Texas and in the Eastern District of Texas.

30. The PowerPort implantable ports are identified and described by Bard via the internet at: http://www.bardaccess.com/products/ports/powerport.

31. The PowerPort implantable ports are also identified and offered for sale by C.R. Bard, Inc., via the internet via its U.S. product catalog that is provided via the C.R. Bard, Inc., website at: https://productcatalog.crbard.com/GUI/HeadNavigateDisplay.aspx.

32. C.R. Bard, Inc., also facilitates sales and offers for sale by providing product information for the PowerPort implantable ports and facilitates sales and making offers for sale via its customer service operations utilizing the toll free phone number 1-800-FOR-BARD.

33. The PowerPort implantable ports include a flange having x-ray discernable indicia as part of the port to assist a medical practitioner in identifying the type and/or the characteristic of the port while the port is implanted in the body of the patient.

34. For instance, the PowerPort CLEARVUE isp Implantable Port includes such a flange, the PowerPort CLEARVUE Slim Implantable Port includes such a flange, and the PowerPort implantable port includes such a flange.

35. The PowerPort implantable ports are described at http://www.bardaccess.com/assets/literature/MC-0030-03_PowerPort_brochure_web.pdf.

36. On information and belief, C.R. Bard, Inc., BARD Peripheral Vascular, and Bard Access utilize a common terms and conditions of sale document for sale of product that includes the PowerPort implantable ports that is available at http://www.bardpv.com/wp-content/uploads/2016/09/terms-and-conditions.pdf.

37. On information and belief, C.R. Bard, Inc., controls the activities of Bard Access, Bard Access' operational strategies, and Bard Access' objectives.

38. On information and belief, C.R. Bard, Inc., controls, oversees, and/or owns the Bard Access website, www.bardaccess.com, which markets the PowerPort implantable port products and offers these products for sale.

39. On information and belief, C.R. Bard, Inc., and Bard Access coordinate their activities relating to the making, marketing, distribution, importing, offering for sale, and/or sale of PowerPort implantable ports and the Vaxcess port device.

40. On information and belief, C.R. Bard, Inc., and Bard Access communicate with each other in connection with the making, distribution, importing, marketing, offering for sale, and/or sale of PowerPort implantable ports and services that they offer relating to the PowerPort implantable ports.

41. On information and belief, C.R. Bard, Inc., controls Bard Access to ensure Bard Access utilizes one or more of C.R. Bard Inc.'s wholly owned Mexican subsidiaries and/or wholly owned subsidiaries having manufacturing facilities in Mexico and/or C.R. Bard, Inc.'s manufacturing facilities located in Mexico to make PowerPort implantable ports in Mexico for import into the U.S. for subsequent distribution and sale in the U.S.

42. On information and belief, C.R. Bard, Inc., controls activities of BARD Peripheral Vascular including BARD Peripheral Vascular's operational strategies and objectives.

43. On information and belief, C.R. Bard, Inc., controls, oversees, and/or owns BARD Peripheral Vascular so that BARD Peripheral Vascular obtains PowerPort implantable ports via Bard Access for marketing, distribution, and/or sale throughout the U.S. including this Judicial District.

44. On information and belief, C.R. Bard, Inc., Bard Access, and BARD Peripheral Vascular coordinate their activities relating to the making, marketing, distribution, offering for sale, and/or sale of PowerPort implantable ports and the Vaxcess port device.

45. On information and belief, C.R. Bard, Inc., and BARD Peripheral Vascular collaborate with each other in connection with the making, distribution, marketing, offering for sale, and/or sale of PowerPort implantable ports and services that they offer relating to the PowerPort implantable ports.

46. On information and belief, C.R. Bard, Inc., and its operating divisions, Bard Access and BARD Peripheral Vascular, operate as an integrated enterprise, manufacturing the PowerPort implantable ports and Vaxcess port device in at least one of its manufacturing divisions that is a wholly owned Mexican subsidiary, and then importing those devices into the U.S. through Texas distribution and sale, using financial personnel in the Mexican subsidiary to serve as a logistical liaison between the divisions and corporate headquarters of C.R. Bard, Inc.

47. On information and belief, Jim C. Beasly is currently an executive officer of C.R. Bard, Inc., as a Group Vice President who has responsibility for both Bard Access and BARD Peripheral Vascular.

48. On information and belief, Jim C. Beasly, as the Group Vice President of C.R. Bard, Inc., oversees and/or manages Bard Access and BARD Peripheral Vascular' s operations, which include the making, importation, distribution, offering for sale, and/or selling of the Bard PowerPort implantable ports.

49. On information and belief, C.R. Bard, Inc., personnel are responsible for directly overseeing the manufacture, distribution, marketing, and sales activities for the PowerPort implantable ports.

50. On information and belief, BARD Peripheral Vascular personnel act as a liaison between subsidiaries of C.R. Bard, Inc., that have manufacturing plants in Mexico used to make the PowerPort implantable port products with personnel at C.R. Bard, Inc., and personnel at Bard Access to facilitate the marketing, distribution, manufacture, offer for sale, and/or sale of the PowerPort implantable port products.

51. On information and belief, Bard Access personnel act as a liaison between subsidiaries of C.R. Bard, Inc., that have manufacturing plants in Mexico used to make the PowerPort implantable port products with personnel at C.R. Bard, Inc., to facilitate the marketing, distribution, manufacture, offer for sale, and/or sale of the PowerPort implantable port products.

52. On information and belief, personnel of C.R. Bard, Inc., regularly communicate with Bard Access personnel to collaborate on Bard Access operations relating to the manufacture, importation, distribution, offer for sale, and sale of the PowerPort implantable ports.

53. On information and belief, personnel of C.R. Bard, Inc., regularly communicate with BARD Peripheral Vascular personnel to collaborate on Bard Access operations relating to

the manufacture, importation, distribution, offer for sale, and sale of the PowerPort implantable ports.

54. On information and belief, Bard sells the PowerPort implantable ports and Vaxcess port device throughout Texas, uses the device throughout Texas, sells, offers for sale, and uses the device throughout the Eastern District of Texas.

55. On information and belief, Bard has the PowerPort implantable ports and Vaxcess port device made in its facilities in Mexico and imports those devices into the United States via Texas and the Eastern District of Texas.

56. On information and belief, Bard operates and maintains one or more regular and established places of business in its own right and/or in conjunction with C.R. Bard, Inc.'s wholly owned subsidiaries for the offer for sale, distribution, selling, and providing of services for the PowerPort implantable ports, Vaxcess port device, and/or other products within Texas and within the Eastern District of Texas.

57. On information and belief, C.R. Bard Inc., Bard Access, and/or BARD Peripheral Vascular employ personnel that continuously and permanently conduct regular and established business throughout the Eastern District of Texas for offering for sale, selling, distribution and/or providing services for the PowerPort implantable ports and Vaxcess port device.

58. On information and belief, Bard owns and/or operates a facility within the Eastern District of Texas.

59. For example, on information and belief, C.R. Bard Inc. and/or BARD Peripheral own a facility located at 4401 Tradition Trail, Plano, Texas 75093. On information and belief, C.R. Bard Inc. and/or BARD Peripheral have personnel who work at this facility in connection with the offer for sale, sale, and/or distribution of the PowerPort implantable ports and/or

Vaxcess port device in Texas and the Eastern District of Texas for use of these products within the Eastern District of Texas.

60. As another example, on information and belief, C.R. Bard, Inc., owns, operates, maintains, operated and/or maintained a facility located at 5068 W. Plano Parkway, Suite 140, Plano, Texas 75093 where personnel worked and/or work to offer for sale, sell, and/or distribute the PowerPort implantable ports and/or Vaxcess port device in Texas and the Eastern District of Texas for use of this product within the Eastern District of Texas. On information and belief, C.R. Bard, Inc. has a property interest in the property located at 5068 W. Plano Parkway, Suite 140, Plano, Texas 75093.

61. On information and belief, C.R. Bard Inc., Bard Access, and/or BARD Peripheral Vascular employ a direct sales force that provides direct representation for Bard throughout the Eastern District of Texas that continuously and permanently conduct regular business in the Eastern District of Texas to facilitate sale, distribution, and use of the PowerPort implantable ports and Vaxcess port device.

62. On information and belief, Bard's sales force includes personnel that are responsible for regularly and continuously conducting business within the Eastern District of Texas for visiting and/otherwise communicating with different customers and potential customers within the Eastern District of Texas to facilitate the offering for sale, selling, distribution, and use of the PowerPort implantable ports and Vaxcess port device.

63. On information and belief, Bard's PowerPort implantable port and Vaxcess port device sales force includes personnel that regularly and continuously work in the Eastern District of Texas and are responsible for processing customer complaints and returns in accordance with Bard's established procedures and policies for its customers within the Eastern District of Texas.

64. On information and belief, Bard's PowerPort implantable port and Vaxcess port device sales force includes personnel that regularly and continuously work in the Eastern District of Texas and are responsible for assisting Bard's Accounts Receivable Department with problem accounts and are responsible for following up with and resolving special product and service issues relating to the PowerPort implantable ports and/or Vaxcess port device sold and used in Texas and the Eastern District of Texas.

65. On information and belief, Bard's PowerPort implantable port and Vaxcess port device sales force includes personnel that regularly and continuously work in the Eastern District of Texas and are responsible for maintaining an automobile and/or other company property owned by C.R. Bard, Inc., Bard Access, and/or BARD Peripheral Vascular that is located within Texas and the Eastern District of Texas and is used in connection with the regular and continuous offering of sale, distribution, sale, and use of the PowerPort implantable ports and/or Vaxcess port device in Texas and the Eastern District of Texas.

66. On information and belief, Bard's PowerPort implantable port and Vaxcess port device sales force includes personnel that regularly and continuously work in the Eastern District of Texas and are responsible for completing and processing reports including but not limited to: sales summary reports, expense reports, monthly product tracking reports, careful account targeting reports, and complaint reports in accordance with Bard's established procedures and policies for the PowerPort implantable ports and/or Vaxcess port device offered for sale, sold, distributed, and/or used in Texas and the Eastern District of Texas. On information and belief, the sales for personnel include clinical specialists, associate territory managers, territory managers, and/or district managers that provide services related to the promotion, offer of sale,

sale, distribution, and use of the PowerPort implantable ports and/or Vaxcess port device in Texas and the Eastern District of Texas.

67. On information and belief, Bard's PowerPort implantable port and Vaxcess port device sales force includes personnel that regularly and continuously work in the Eastern District of Texas who are responsible for completing and submitting field reports to communicate competitive product and strategies, market trends, and complaints relating to the PowerPort implantable ports and/or Vaxcess port device offered for sale, sold, distributed, and/or used in Texas and the Eastern District of Texas.

68. On information and belief, C.R. Bard, Inc. maintains a permanent and continuous presence in the Eastern District of Texas by assigning personnel to oversee and manage the Bard sales force that is assigned to regularly and continuously work in a region that includes the Eastern District of Texas to offer for sale, distribute, and/or sell the PowerPort implantable ports and/or Vaxcess port device in the Eastern District of Texas.

69. On information and belief, Bard Access maintains a permanent and continuous presence in the Eastern District of Texas by assigning district and/or territory manager personnel to oversee and manage personnel responsible for the Bard sales force that are regularly and continuously working in a region that includes the Eastern District of Texas to offer for sale, distribute, and/or sell the PowerPort implantable ports and/or Vaxcess port device in the Eastern District of Texas.

70. On information and belief, BARD Peripheral Vascular maintains a permanent and continuous presence in the Eastern District of Texas by assigning district and/or territory manager personnel to oversee and manage personnel responsible for the Bard sales force that is assigned to regularly and continuously work in a region that includes the Eastern District of

Texas to offer for sale, distribute, and/or sell the PowerPort implantable ports and/or Vaxcess port device in the Eastern District of Texas.

71. On information and belief, Bard Access maintains a permanent and continuous presence in the Eastern District of Texas by assigning at least one associate district territory manager to be responsible for a region that includes the Eastern District of Texas to regularly and continuously offer for sale, distribute, and/or sell the PowerPort implantable ports and/or Vaxcess port device in the Eastern District of Texas.

72. On information and belief, BARD Peripheral Vascular maintains a permanent and continuous presence in the Eastern District of Texas by assigning at least one associate district territory manager to be responsible for a region that includes the Eastern District of Texas to regularly and continuously offer for sale, distribute, and/or sell the PowerPort implantable ports and/or Vaxcess port device in the Eastern District of Texas.

73. On information and belief, BARD Peripheral Vascular maintains a permanent and continuous presence in the Eastern District of Texas by assigning at least one clinical specialist to be responsible for a region that includes the Eastern District of Texas to regularly and continuously promote Bard's PowerPort implantable ports and/or Vaxcess port device to customers and potential customers through clinical support and education in the Eastern District of Texas. On information and belief, each clinical specialist provides sales support, product in-servicing, case coverage, troubleshooting, and fulfills administrative duties associated with the sale, offer for sale, distribution and use of Bard's PowerPort implantable ports and/or Vaxcess port device in the Eastern District of Texas.

74. On information and belief, Bard Access maintains a permanent and continuous presence in the Eastern District of Texas by assigning at least one clinical specialist to be

responsible for a region that includes the Eastern District of Texas to regularly and continuously promote Bard's PowerPort implantable ports and/or Vaxcess port device to customers and potential customers through clinical support and education in the Eastern District of Texas. On information and belief, each clinical specialist provides sales support, product in-servicing, case coverage, troubleshooting, and fulfills administrative duties associated with the sale, offer for sale, distribution and use of Bard's PowerPort implantable ports and/or Vaxcess port device in the Eastern District of Texas.

75. On information and belief, C.R. Bard, Inc. maintains a permanent and continuous presence in the Eastern District of Texas by assigning at least one clinical specialist to be responsible for a region that includes the Eastern District of Texas to regularly and continuously promote Bard's PowerPort implantable ports and/or Vaxcess port device to customers and potential customers through clinical support and education in the Eastern District of Texas. On information and belief, each clinical specialist provides sales support, product in-servicing, case coverage, troubleshooting, and fulfills administrative duties associated with the sale, offer for sale, distribution and use of Bard's PowerPort implantable ports and/or Vaxcess port device in the Eastern District of Texas.

76. On information and belief, Bard personnel regularly and continuously work in the Eastern District of Texas to offer for sale, sell, distribute, and otherwise facilitate sale and use of the PowerPort implantable ports and/or Vaxcess port device in the Eastern District of Texas. On information and belief, this regularly and continuously work that is performed in Texas and the Eastern District of Texas includes without limitation: attempting to protect and grow the market share of PowerPort implantable ports and/or the Vaxcess port device in the Eastern District of Texas; providing customers product information and training for the PowerPort implantable

ports and/or the Vaxcess port device in the Eastern District of Texas; informing customers of new and current pricing, backorders, and company policies relating to the PowerPort implantable ports and/or the Vaxcess port device in the Eastern District of Texas; effecting comprehensive in-service of the PowerPort implantable ports and/or the Vaxcess port device to customers and/or users of these devices in the Eastern District of Texas; working closely with Bard Access, C.R. Bard, Inc., and/or BARD Peripheral Vascular territory managers and/or district managers for the planning and prioritization of sales calls within the Eastern District of Texas for the offer of sale, distribution, sale, and use of the PowerPort implantable ports and/or the Vaxcess port device in the Eastern District of Texas; informing Bard's territory and district managers of significant changes in customer accounts for its PowerPort implantable ports and/or Vaxcess port device that take place in the Eastern District of Texas; and reporting customer complaints relating to the PowerPort implantable ports and/or Vaxcess port device in accordance with Bard complaint procedure to facilitate continued sale and use of the PowerPort implantable ports and/or Vaxcess port device in Texas and the Eastern District of Texas.

77. On information and belief, Bard's customers who purchase PowerPort implantable ports and/or the Vaxcess port device can order such product directly from sales personnel employed by Bard Access, C.R. Bard, Inc., and/or BARD Peripheral Vascular during that personnel's regular and continuous work in the Eastern District of Texas.

78. On information and belief, Bard's sales personnel that regularly and continuously work in the Eastern District of Texas to offer for sale, distribute, and sell the PowerPort implantable ports and/or the Vaxcess port device have product samples and use those samples in the Eastern District of Texas. On information and belief, Bard's sales personnel provide those

samples to Bard's customers and potential customers to facilitate sale, distribution, and use of the PowerPort implantable ports and/or the Vaxcess port device within the Eastern District of Texas.

79. On information and belief, Bard's sales personnel that regularly and continuously work in the Eastern District of Texas to offer for sale, distribute, and sell the PowerPort implantable ports and/or the Vaxcess port device have product literature for these products and distribute that product literature in the Eastern District of Texas to facilitate the offer of sale, distribution, sale, and use of the PowerPort implantable ports and/or the Vaxcess port device in the Eastern District of Texas.

80. On information and belief, Bard has personnel that continuously and permanently conduct regular and established business throughout the Eastern District of Texas for offering for sale, selling, distributing and/or providing services for the PowerPort implantable ports and Vaxcess port device in Texas and throughout the Eastern District of Texas. On information and belief, this regular, continuous work permanently establishes Bard's business in the Eastern District of Texas. This regular, continuous work includes work performed in the Eastern District of Texas to offer for sale, distribute, sell, and use the PowerPort implantable ports and Vaxcess port device in Texas and throughout the Eastern District of Texas as discussed herein.

81. On information and belief, Bard sells and offers for sale the PowerPort implantable ports and/or Vaxcess port device to MD Anderson Cancer Center located at 15021 Katy Fwy., Ste. 100, Houston, Texas 77094.

82. On information and belief, Bard's PowerPort implantable ports and/or Vaxcess port device are distributed and used by MD Anderson Cancer Center.

83. On information and belief, Bard sells and offers for sale the PowerPort implantable ports and/or Vaxcess port device to the Harris Health System that operates in the state of Texas and/or this Judicial District.

84. For instance, on information and belief, Bard sells and offers for sale its PowerPort implantable ports and/or Vaxcess port device to the Harris Health System. These ports and devices are distributed and used by this health system at its hospitals and/or heath care service centers, including the Ben Taub Hospital located at 1504 Taub Loop, Houston, Texas 77030 and the Lyndon B. Johnson Hospital located at 5656 Kelley Street, Houston, Texas 77026.

85. On information and belief, Bard sells and offers for sale the PowerPort implantable ports and/or Vaxcess port device to Children's Health, which has a place of business located at 1935 Medical District Dr., Dallas, Texas 75235 and has healthcare facilities that operate in the state of Texas and this Judicial District, and/or renders services that take place in the state of Texas and/or this Judicial District that utilize the Bard PowerPort implantable ports and/or Vaxcess port device purchased from Bard.

86. For instance, on information and belief, Bard sells and offers for sale its PowerPort implantable ports and/or Vaxcess port device to Children's Health and these ports are distributed and used by this health system at its hospitals and/or heath care service centers, which include, for example, the Children's Medical Center Plano Texas located at 7601 Preston Road, Plano, Texas 75024, Our Children's House Dallas located at 1340 Empire Central Dallas, Texas 75247, and Children's Medical Center Dallas located at 1935 Medical District Drive, Dallas, Texas 75235.

87. On information and belief, Bard sells and offers for sale the PowerPort implantable ports and/or Vaxcess port device to Cook Children's Health Care System, which has

at least one place of business located in this Judicial District and has healthcare facilities that operate in the state of Texas and this Judicial District, and/or renders services that take place in the state of Texas and this Judicial District that utilize the Bard PowerPort implantable ports and/or Vaxcess port device purchased from Bard.

88. For instance, on information and belief, Bard sells and offers for sale its PowerPort implantable ports and/or Vaxcess port device to Cook Children's Health Care System and these ports are distributed and used by this health system at its hospitals and/or heath care service centers, which include, for example, Cook Children's Pediatric Surgery Center located at 7000 W. Plano Parkway #100, Plano, Texas 75093, Cook Children's Urgent Care and Pediatric Specialties, located at 2727 E. Southlake Blvd., Southlake, Texas 76092, and Cook Children's Northeast Hospital located at 6316 Precinct Line Rd., Hurst, Texas 76054.

89. On information and belief, Bard sells and offers for sale the PowerPort implantable ports and/or Vaxcess port device to Christus Southeast Texas Health System, which has at least one place of business located in this Judicial District and has healthcare facilities that operate in the state of Texas and this Judicial District, and renders services that take place in the state of Texas and this Judicial District that utilize the Bard PowerPort implantable ports and/or Vaxcess port device purchased from Bard.

90. For instance, on information and belief, Bard sells and offers for sale its PowerPort implantable ports and/or Vaxcess port device to the Christus Southeast Texas St. Elizabeth Hospital, which has a place of business at 2830 Calder Street, Beaumont, Texas 77702, and Christus Southeast Texas Jasper Memorial Hospital having a place of business located at 1275 Marvin Hancock Drive, Jasper, Texas 75951.

91. On information and belief, Bard sells and offers for sale the PowerPort implantable ports and/or Vaxcess port device to Christus Trinity Mother Frances Health System, which has at least one place of business located in this Judicial District and has healthcare facilities that operate in the state of Texas and this Judicial District, and renders services that take place in the state of Texas and this Judicial District that utilize the Bard PowerPort implantable ports and/or Vaxcess port device purchased from Bard.

92. For instance, on information and belief, Bard sells and offers for sale its PowerPort implantable ports and/or Vaxcess port device to the Christus Mother Frances Hospital having a place of business at 800 E. Dawson, Tyler, Texas 75701.

93. On information and belief, Bard sells and offers for sale the PowerPort implantable ports and/or Vaxcess port device to CHI St. Luke's Health Memorial Lufkin Hospital having a place of business at 1201 West Frank Street, Lufkin, Texas 75904, which is located in this Judicial District and renders services that take place in this Judicial District that utilize the Bard PowerPort implantable ports and/or Vaxcess port device purchased from Bard.

94. On information and belief, Bard sells and offers for sale the PowerPort implantable ports and/or Vaxcess port device to Christus St. Michael Health System, which has at least one place of business located in this Judicial District and has healthcare facilities that operate in the state of Texas and this Judicial District, and renders services that take place in the state of Texas and this Judicial District that utilize the Bard PowerPort implantable ports and/or Vaxcess port device purchased from Bard.

95. For instance, on information and belief, Bard sells and offers for sale its PowerPort implantable ports and/or Vaxcess port device to the Christus St. Michael Health System hospital having a place of business at 2600 St. Michael Dr., Texarkana, Texas 75503 and

the Christus St. Michael Hospital-Atlanta, having a place of business at 1007 S. William St., Atlanta, Texas 75551.

96. On information and belief, Bard sells and offers for sale the PowerPort implantable ports and/or Vaxcess port device to Christus Good Shepherd Health System, which has at least one place of business located in this Judicial District and has healthcare facilities that operate in the state of Texas and this Judicial District, and renders services that take place in the state of Texas and this Judicial District that utilize the Bard PowerPort implantable ports and/or Vaxcess port device purchased from Bard.

97. For instance, on information and belief, Bard sells and offers for sale its PowerPort implantable ports and/or Vaxcess port device to the Christus Good Shepherd Medical Center having a place of business located at 700 E. Marshall Ave., Longview, Texas 75601.

THE '160 PATENT

98. On October 07, 2014, the '160 patent entitled "Venous Access Port With Molded And/Or Radiopaque Indicia" was duly and legally issued by the United States Patent and Trademark Office.

99. A true and correct copy of the '160 patent is attached as **Exhibit A** to this Complaint.

100. MedComp is the assignee and owner of the right, title, and interest in and to the '160 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement.

101. MedComp practices the claimed invention of the '160 patent.

102. MedComp marks its products that are covered by the '160 patent.

103. On information and belief, Bard had knowledge of the ’160 patent at least through MedComp’s marking of its products.

104. On information and belief, Bard has had actual knowledge of the ’160 patent prior to the filing of this Complaint.

THE POWERPORT PRODUCTS

105. Bard Access offers a line of implantable ports under the PowerPort name.

106. BARD Peripheral Vascular also offers this line of PowerPort implantable ports.

107. The PowerPort implantable ports offered by Bard Access and BARD Peripheral Vascular are a line of implantable ports that are sold and offered for sale in this Judicial District under the PowerPort trade name. These PowerPort implantable ports include: (1) the PowerPort Implantable Port, (2) the PowerPort M.R.I. Implantable Port, (3) the PowerPort isp Implantable Port, (4) the PowerPort Slim Implantable Port, (5) the PowerPort isp M.R.I. Implantable Port, (6) the PowerPort duo M.R.I. Implantable Port, (7) the PowerPort CLEARVUE isp Implantable Port, (8) the PowerPort CLEARVUE Slim Implantable Port, (9) the PowerPort VUE Implantable Port, and (10), the PowerPort VUE M.R.I. Implantable Port.

108. On information and belief, the Vaxcess device offered by Bard is similar in construction to the PowerPort isp M.R.I. Port, but does not have palpation points on the septum of the port.

109. Because the Vaxcess device is a port that has a substantially similar construction as other PowerPort ports, it is included herein as a type of PowerPort port.

110. Bard provides literature describing features of the PowerPort port products that include the PowerPort CLEARVUE isp port, the PowerPort CLEARVUE Slim port, the PowerPort M.R.I. port, the PowerPort Implantable Port, the PowerPort isp M.R.I, the

PowerPort isp port the PowerPort Slim port, the PowerPort duo M.R.I. Implantable Port, and the other PowerPort port products and how such products are to be utilized by its customers via the internet at: http://www.bardaccess.com/assets/literature/0731485_PowerPort_IFU_web.pdf.

111. Provided herewith as **Exhibit B** is a true and correct copy of the literature available at http://www.bardaccess.com/assets/literature/0731485_PowerPort_IFU_web.pdf.

112. Bard provides literature describing features of the PowerPort products and how such products are to be utilized by its customers at: http://www.bardaccess.com/assets/literature/MC-0476-01_PowerPort_CT_Guide_web.pdf.

113. Provided herewith as **Exhibit C** is a true and correct copy of the literature available at http://www.bardaccess.com/assets/literature/MC-0476-01_PowerPort_CT_Guide_web.pdf.

114. Bard provides literature describing features of the PowerPort products and how such products are to be utilized by its customers at: http://www.bardaccess.com/assets/literature/MC-0478-01_PowerPort_CT_Wall_Chart_web.pdf.

115. Provided herewith as **Exhibit D** is a true and correct copy of the literature available at http://www.bardaccess.com/assets/literature/MC-0478-01_PowerPort_CT_Wall_Chart_web.pdf.

116. Bard provides literature describing features of the PowerPort products and how such products are to be utilized by its customers at: http://www.bardaccess.com/assets/literature/MC-0030-03_PowerPort_brochure_web.pdf.

117. A true and correct copy of the document available at http://www.bardaccess.com/assets/literature/MC-0030-03_PowerPort_brochure_web.pdf is provided herewith as **Exhibit E**.

118. Bard also provides documentation relating to its PowerPort implantable port products available at http://www.bardpv.com/ports/.

119. On information and belief, all of the PowerPort products sold by Bard include a needle penetrable septum, a housing, a flange, and X-ray discernable indicia.

120. For example, the Bard PowerPort products have a "Radiopaque identifier included in the flange of the port to aid in:

- Identification of the PowerPort* device under X-ray
- Identification of a flipped port under x-ray"

121. For instance, Bard's PowerPort Implantable port and PowerPort M.R.I. Port products have at least one radiopaque identifier that aids in its identification as a Bard power injectable port.

122. The radiopaque identifier of the PowerPort Implantable port and PowerPort M.R.I. Port products is visible under x-ray imaging.

123. As another example, Bard's PowerPort CLEARVUE Slim port has a flange having at least one radiopaque identifier that aids in identification as a Bard power injectable port.

124. As another example, Bard's PowerPort CLEARVUE isp port has a flange having at least one radiopaque identifier that aids in identification as a Bard power injectable port.

125. The radiopaque identifier of the PowerPort CLEARVUE Slim port is visible under x-ray imaging.

126. The radiopaque identifier of the PowerPort CLEARVUE isp port is visible under x-ray imaging.

127. Bard provides instructions for its PowerPort implantable port products that instruct users to first verify that a patient has a PowerPort implantable port (e.g., such as the PowerPort CLEARVUE isp port or PowerPort CLEARVUE Slim port) via an imaging procedure. This imaging procedure can include an x-ray imaging process.

128. Bard provides instructions for its PowerPort implantable port products that inform users that, once a patient is confirmed as having a PowerPort implantable port (e.g. such as the PowerPort CLEARVUE isp port or PowerPort CLEARVUE Slim port) by use of the x-ray discernable indicia included in the port, the port can be utilized to provide treatment to a patient in compliance with product features of the identified port and the instructions associated with the identified port.

129. The PowerPort Implantable Port product and the PowerPort M.R.I. port product include a flange.

130. The flange of the PowerPort Implantable Port product and the flange of the PowerPort M.R.I. port product includes x-ray discernable material.

131. X-ray discernable material of the PowerPort Implantable Port product and the PowerPort M.R.I. port product include one or more voids.

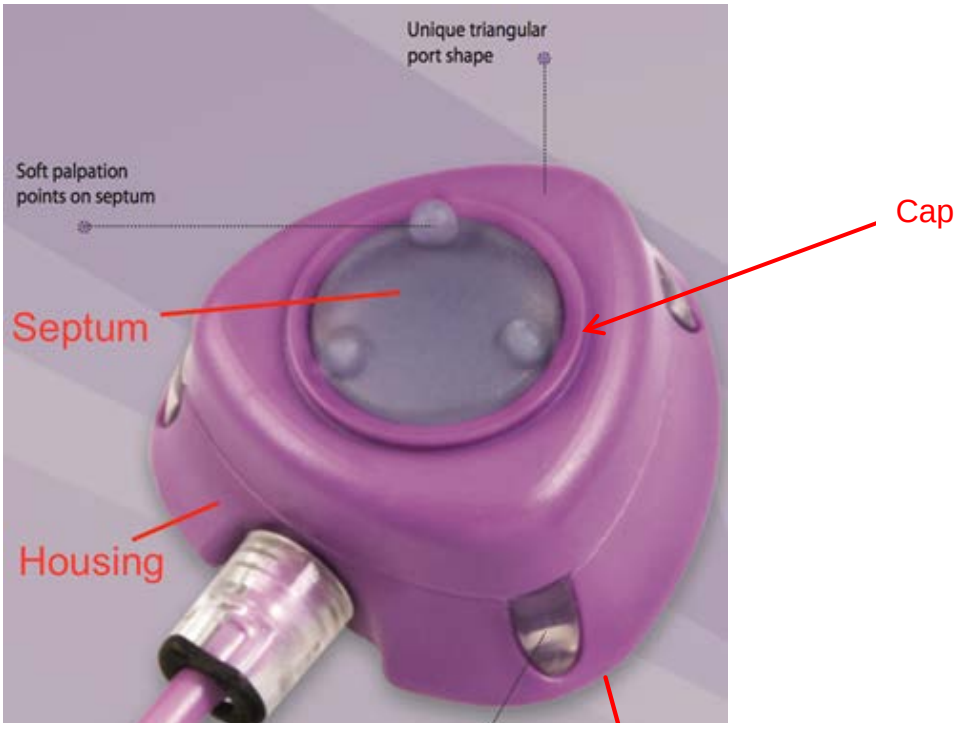
132. X-ray discernable material of the PowerPort Implantable Port product and the PowerPort M.R.I. port product include one or more voids in X-ray discernable material that are indicia that indicate a property of the product.

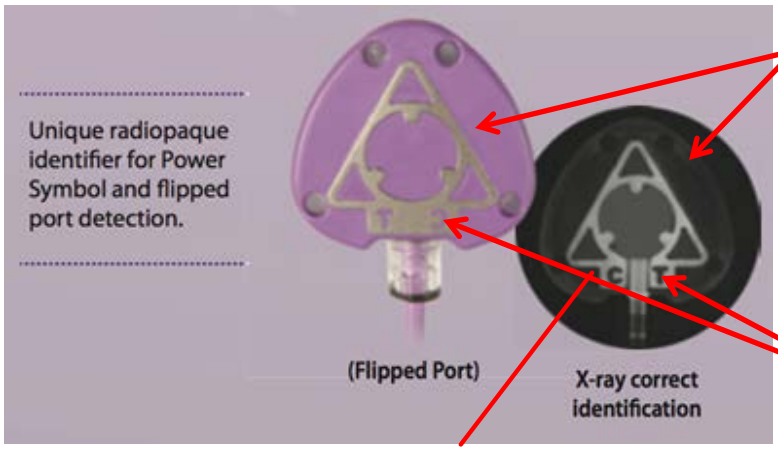
133. X-ray discernable material of the PowerPort Implantable Port product and the PowerPort M.R.I. port is configured to provide indicia indicating that the port is rated for power injection.

134. The PowerPort Implantable Port product and the PowerPort M.R.I. port product each have a housing and a needle-penetrable septum.

135. The PowerPort Implantable Port product and the PowerPort M.R.I. port product each have a cap that secures the needle-penetrable septum to the housing.

136. The below images (top and bottom views) illustrate where the needle penetrable septum, cap, housing, and flange having x-ray discernable material for the PowerPort Implantable Port product and the PowerPort M.R.I. port product can be found in these products:





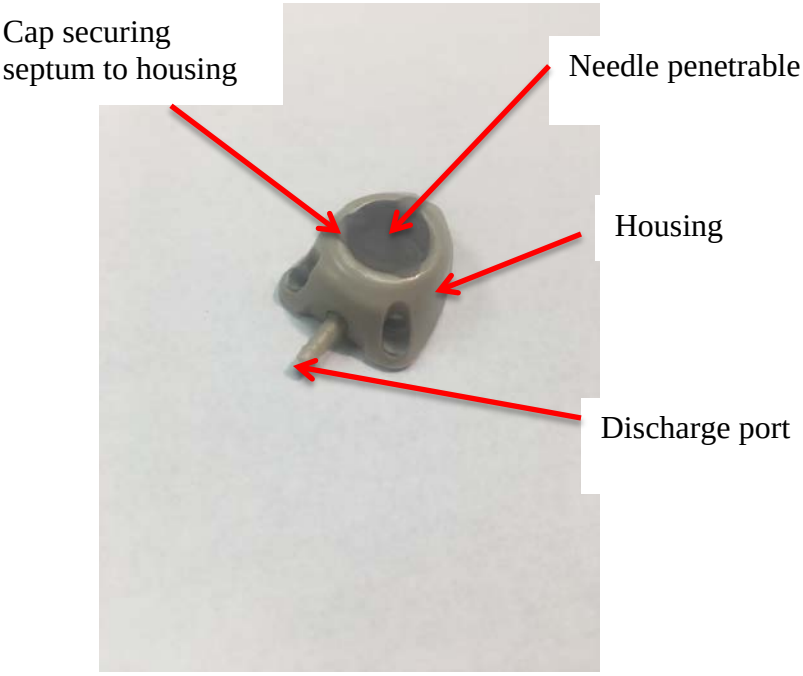
137. The flange of the PowerPort Implantable Port product and the flange of the PowerPort M.R.I. port product are adjacent to a reservoir that is adjacent to the septum. For these products, the septum is at least partially positioned in the reservoir.

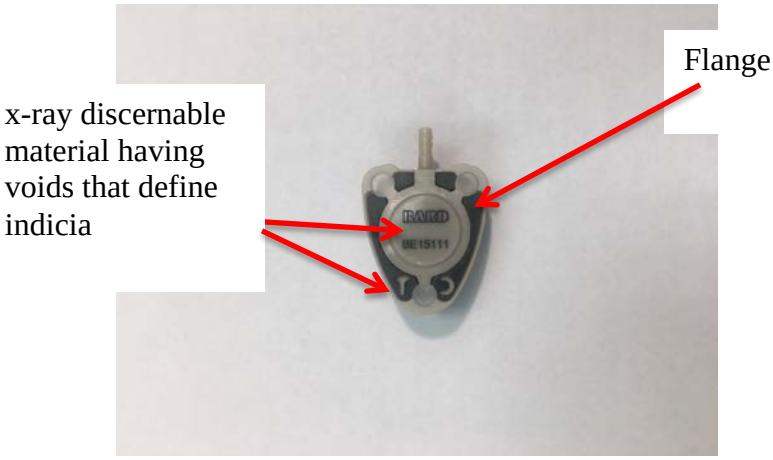
138. The PowerPort Implantable Port product and the PowerPort M.R.I. port product each include a skirt between the reservoir of the port and the flange.

139. On information and belief, the Bard PowerPort products all have configurations that are substantially similar to the PowerPort Implantable Port product and the PowerPort M.R.I. port product discussed above in paragraphs 124-133, above.

140. For example, the PowerPort CLEARVUE Slim port includes a needle penetrable septum, a housing securing the septum, a cap that secures the septum to the housing, and a flange having X-ray discernable material that includes one or more voids that define X-ray discernable indicia.

141. The below images (top and bottom views) illustrate where the needle penetrable septum, housing, cap, and flange that includes x-ray discernable material of the PowerPort CLEARVUE Slim port can be found:





142. The flange of the PowerPort CLEARVUE Slim port has x-ray discernable indicia.

143. The indicia of the PowerPort CLEARVUE Slim port at least one property of the port.

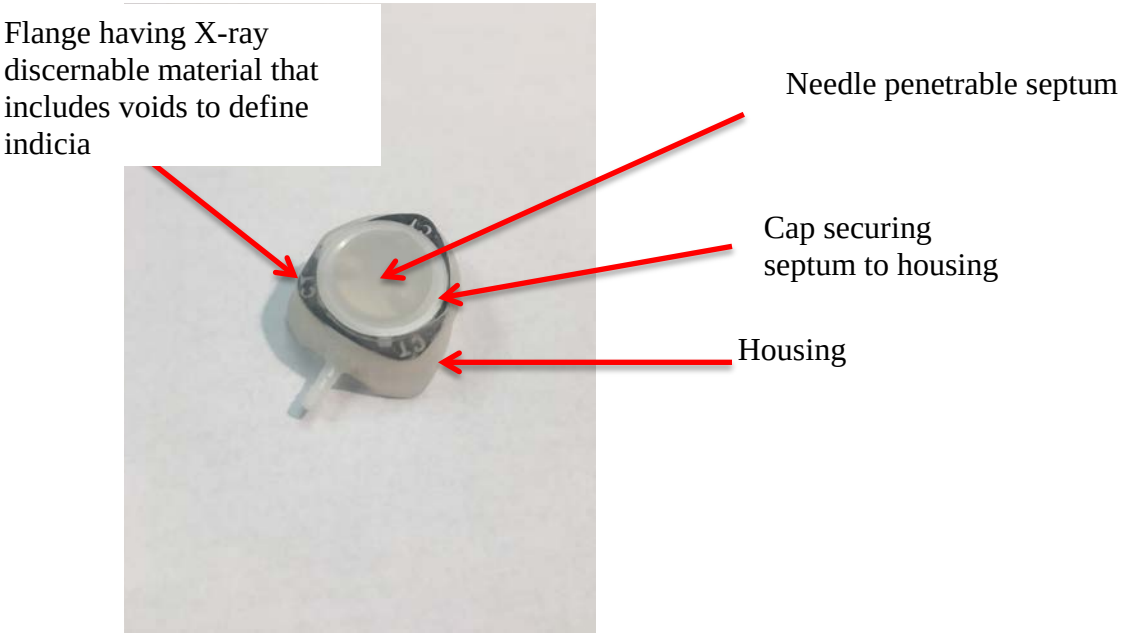
144. For example, the indicia of the PowerPort CLEARVUE Slim port indicate that the port is rated for power injection.

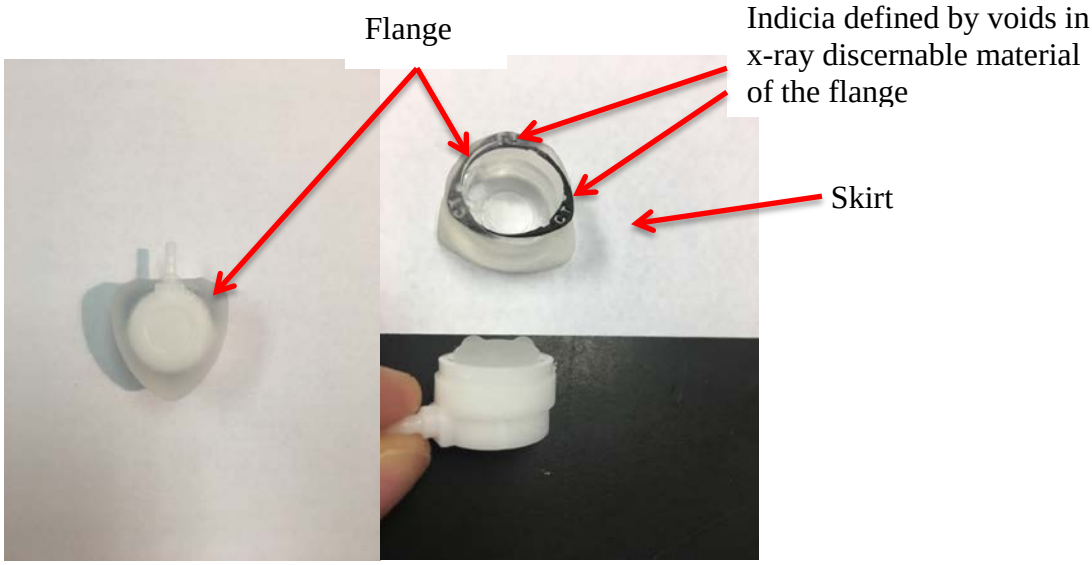
145. As another example, the x-ray indicia of the PowerPort CLEARVUE Slim port's flange includes indicia that indicate a pressure property of the port.

146. As yet another example, the x-ray indicia of the PowerPort CLEARVUE Slim port's flange include indicia that indicate that the port can withstand high pressures used for injection of contrast fluid.

147. As yet another example of the other PowerPorts of the Bard PowerPort line of ports having a substantially similar configuration to the PowerPort Implantable Port and the PowerPort M.R.I. Port, the PowerPort CLEARVUE isp port includes a needle penetrable septum, a housing securing the septum, a cap that secures the septum to the housing, a skirt, and a flange having x-ray discernable material that includes one or more voids.

148. Below are images (top, bottom, and fragmentary views) of the PowerPort CLEARVUE isp port that illustrate where the needle penetrable septum, cap, housing, skirt, flange, and x-ray discernable material of the flange can be found.



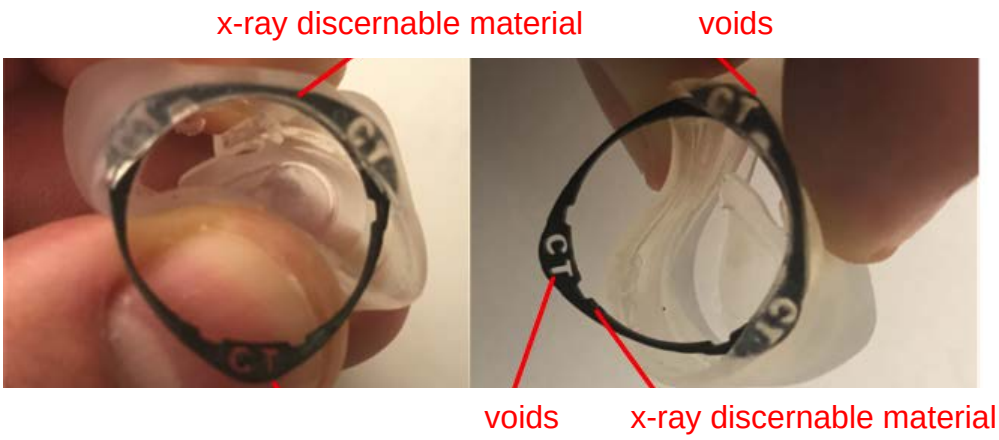


149. The flange of the PowerPort CLEARVUE isp port is adjacent to the reservoir.

150. The indicia of the flange of the PowerPort CLEARVUE isp port indicate a property of the port.

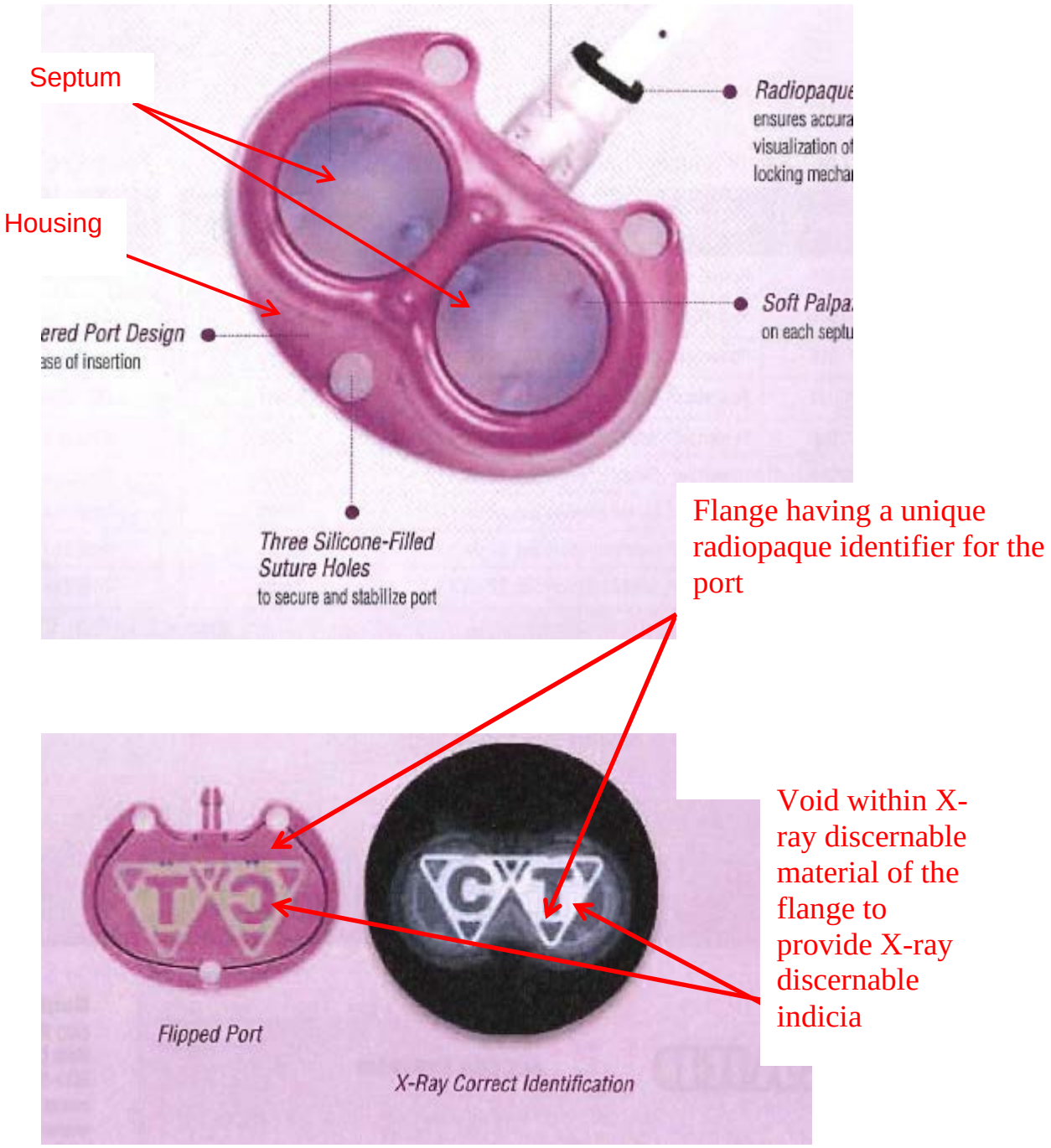
151. The indicia of the flange of the PowerPort CLEARVUE isp port indicate that the port is rated for power injection.

152. Below is an image illustrating that the voids that extend through the x-ray discernable material of the PowerPort CLEARVUE isp port:



153. As yet another example, the PowerPort duo M.R.I. Implantable Port includes a needle penetrable septum, a housing securing the septum, a cap that secures the septum to the housing, and a flange having X-ray discernable material that includes one or more voids that define X-ray discernable indicia.

154. The below images (top and bottom views) illustrate where the needle penetrable septum, cap, housing, and flange having X-ray discernable material that includes one or more voids that define X-ray discernable indicia for the PowerPort duo M.R.I. Implantable Port product can be found:



155. The flange of the PowerPort duo M.R.I. Implantable Port is adjacent to a reservoir.

156. The indicia of the PowerPort duo M.R.I. Implantable Port indicate a property of the port.

157. The indicia of the flange of the PowerPort duo M.R.I. Implantable Port indicate that the port is rated for power injection.

158. The indicia of the flange of the PowerPort duo M.R.I. Implantable Port is defined by voids in X-ray discernable material that indicate, under X-ray examination, that the port is rated for power injection.

BARD'S KNOWLEGDE OF THE '160 PATENT

159. MedComp has consistently and continuously marked its access ports covered by the '160 patent with the correct patent number.

160. On information and belief, Bard is aware of the '160 patent from MedComp's marking of its ports with its patent numbers in a clear, legible, and unconcealed manner.

161. On information and belief, prior to the filing of this action, Bard was aware of and analyzed the '160 patent.

162. Bard had specific knowledge of the '160 patent at least as early as July 31, 2015.

163. Bard is aware of the '160 patent and has had specific knowledge of this patent and its applicability to Bard's products because Bard filed a petition requesting *inter partes* review ("IPR") for the '160 patent with the United States Patent and Trademark Office.

164. A true and correct copy of the petition requesting IPR for the '160 patent submitted by Bard is provided herewith as **Exhibit F**.

165. On information and belief, Bard filed the petition requesting IPR of the '160 patent because it believed its products infringe claims of the '160 patent.

166. The petition requesting IPR for the '160 patent filed by Bard was denied institution in an order entered on February 4, 2016.

167. A true and correct copy of the order denying institution of an IPR for the ’160 patent is provided herewith as **Exhibit G**.

168. The order denying institution of the IPR requested for the ’160 patent that was entered on February 4, 2016 found that the Petitioner failed to meet its burden of showing that there was a reasonable likelihood that it would have prevailed in showing that any of claims 1-22 of the ’160 patent are unpatentable.

169. On information and belief, Bard has continued to make and sell its PowerPort implantable ports since the ’160 patent issued knowing that its products infringe valid claims of the ’160 patent.

170. Bard has willfully, deliberately, and intentionally continued to infringe one or more claims of the ’160 patent by making and selling its PowerPort implantable ports in reckless disregard of the claims of MedComp’s ’160 patent.

COUNT I: INFRINGEMENT OF THE ’160 PATENT

171. MedComp restates and realleges the foregoing allegations as if fully stated herein.

172. In violation of 35 U.S.C. § 271(a), Defendants have directly and continue to directly infringe, both literally and under the doctrine of equivalents, the ’160 patent by making, using, offering for sale, selling, and/or importing the implantable ports that practice and therefore infringe the subject matter in one or more claims of the ’160 patent, including but not limited to independent claims 1, 9, and 16 and dependent claims 2-8, 10-15, and 17-22, within this Judicial District without authority of MedComp.

173. In violation of 35 U.S.C. § 271(b) and (c) Defendants have indirectly infringed and continues to indirectly infringe one or more clams of the ’160 patent, including but not limited to independent claims 1, 9, and 16 and dependent claims 2-8, 10-15, and 17-22, within

this Judicial District without authority of MedComp by actively inducing such infringement with knowledge of the ’160 patent and by contributing to the infringement of such patent.

174. The implantable ports that infringe the ’160 patent include at least the PowerPort implantable port products and the Vaxcess device made, marketed, distributed, sold and/or offered for sale by Bard throughout the United States and in this Judicial District. These implantable ports include each and every limitation recited in independent claims 1, 9, and 16 and dependent claims 2-8, 10-15, and 17-22.

175. Claims 1, 9, and 16 of the ’160 patent explicitly recite that a venous access port assembly include a housing, a “flange comprising X-ray discernable material,” a needle-penetrable septum, and “one or more voids extending through the X-ray discernable material.” The “one or more voids are X-ray discernable indicia configured to indicate, under X-ray examination, that the assembly is rated for power injection” (quoting from claims 1, 9, and 16 of the ‘160 patent). Bard’s PowerPort implantable ports and Vaxcess device include these features.

176. Claim 16 of the ’160 patent also explicitly recites “a cap securing the needle-penetrable septum to the housing.” Bard’s PowerPort implantable ports and Vaxcess device include this feature.

177. For example, the PowerPort CLEARVUE Slim Implantable Port has a similar configuration to embodiments of the implantable venous access port shown in Figures 1, 3, 4, and 11 of the ’160 Patent. It includes a housing, a cap, a needle-penetrable septum, a flange that includes x-ray discernable material, and one or more voids extending through the x-ray discernable material that indicate the port is rated for power injection as illustrated below:

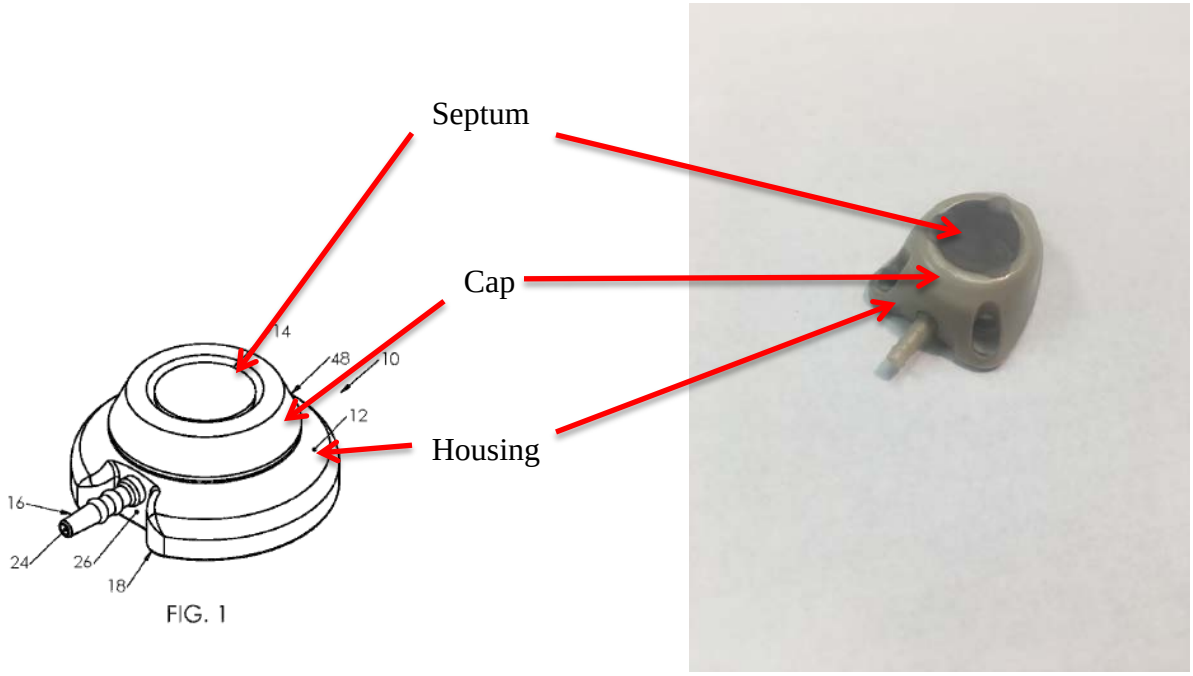


FIG. 1 of the ’160 patent

PowerPort CLEARVUE Slim Implantable Port

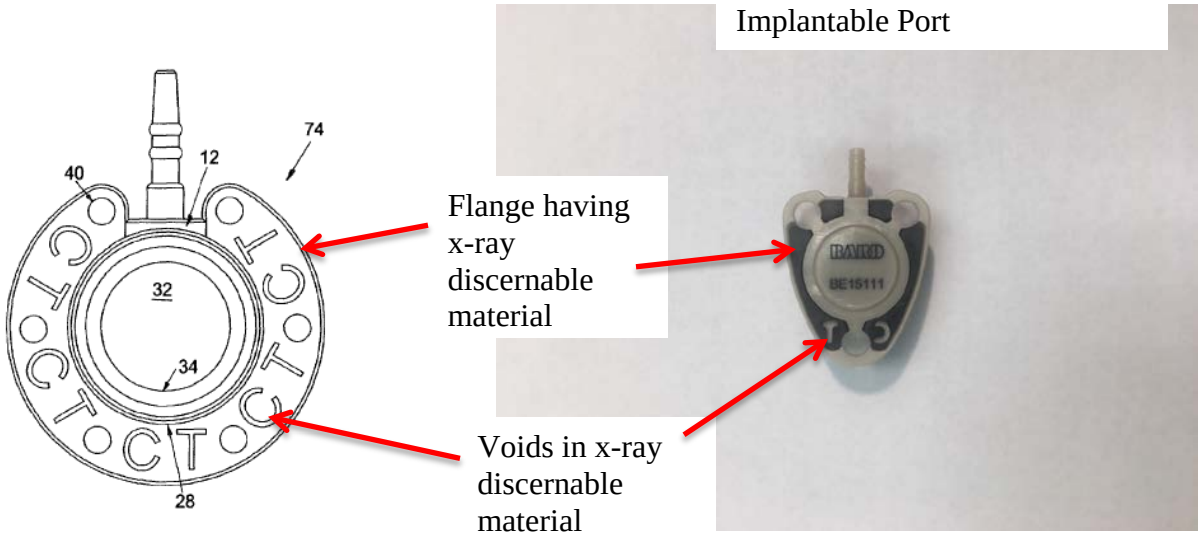


FIG. 11 of the ’160 patent

PowerPort CLEARVUE Slim Implantable Port

Flange having x-ray discernable material

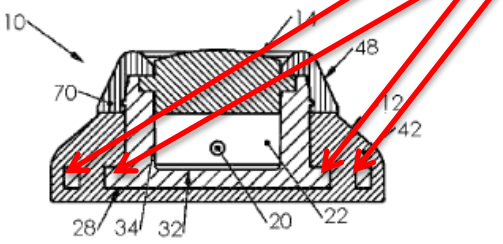
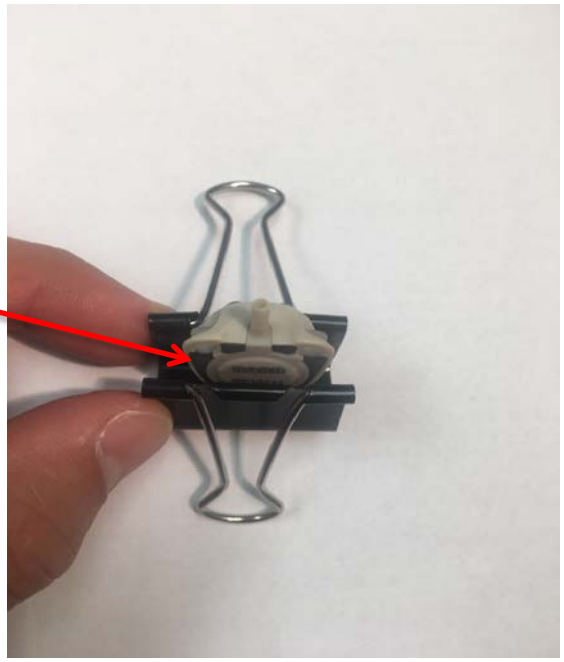


FIG. 3 of the ’160 patent



PowerPort CLEARVUE Slim Implantable Port

Flange of x-ray discernable material

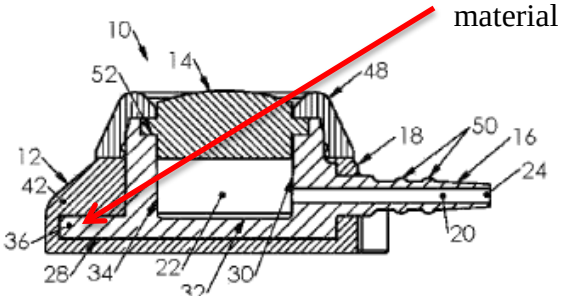
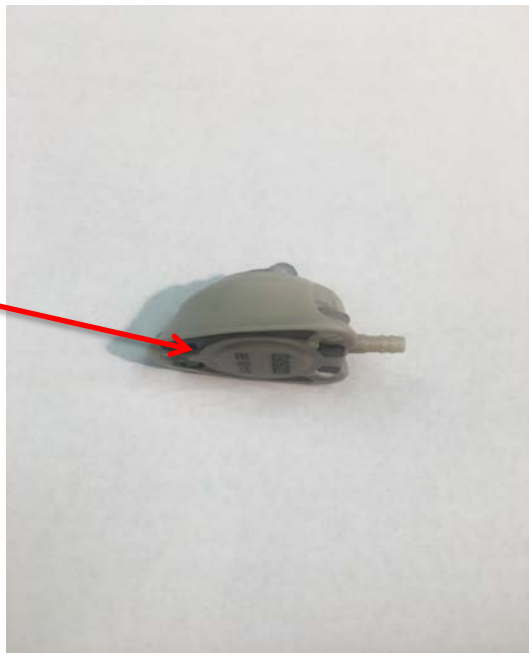


FIG. 4 of the ’160 patent



PowerPort CLEARVUE Slim Implantable Port

178. Material within the flange of the PowerPort CLEARVUE Slim Implantable Port includes an x-ray discernable material.

179. Voids are present within the X-ray discernable material of the PowerPort CLEARVUE Slim Implantable Port's flange and are configured to provide indicia that indicate, under X-ray examination, that the port is rated for power injection.

180. The x-ray discernable material of the PowerPort CLEARVUE Slim Implantable Port is configured to provide indicia that are configured to indicate that the port is rated for power injection when evaluated under X-ray examination.

181. As another example, the PowerPort CLEARVUE isp Implantable Port has a similar configuration to embodiments of the implantable venous access port shown in Figures 1, 3, 4, and 11 of the '160 Patent. It includes a housing, a needle-penetrable septum, a cap, a flange that includes x-ray discernable material, and one or more voids extending through the x-ray discernable material that indicate the port is rated for power injection as illustrated below:

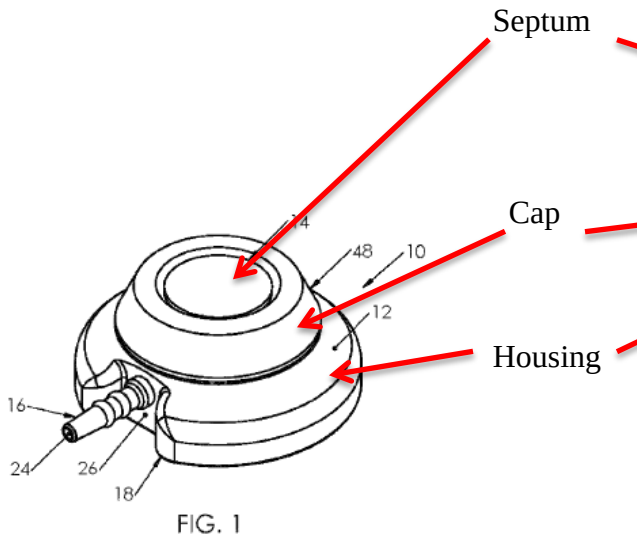
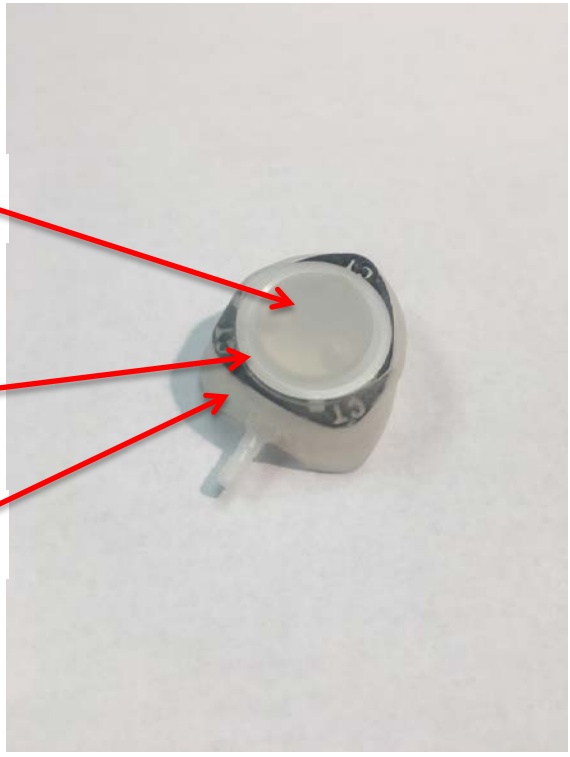


FIG. 1 of the '160 patent



PowerPort CLEARVUE isp Implantable Port

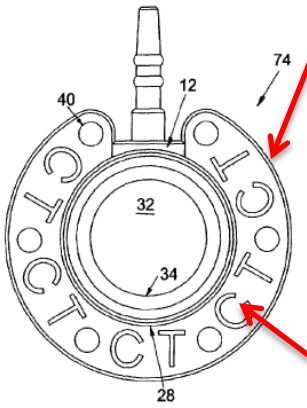
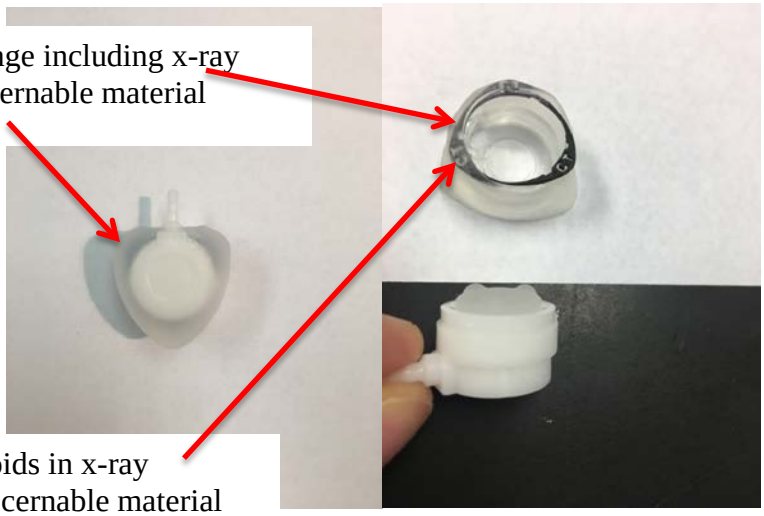


FIG. 11 of the ’160 patent



PowerPort CLEARVUE isp Implantable Port

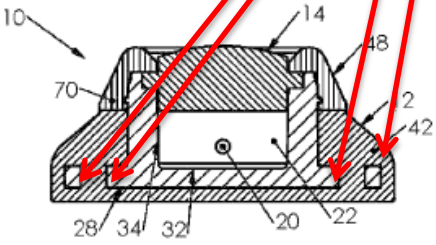


FIG. 3

FIG. 3 of the ’160 patent

PowerPort CLEARVUE isp Implantable Port

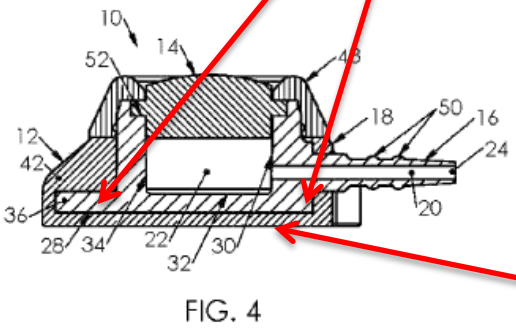
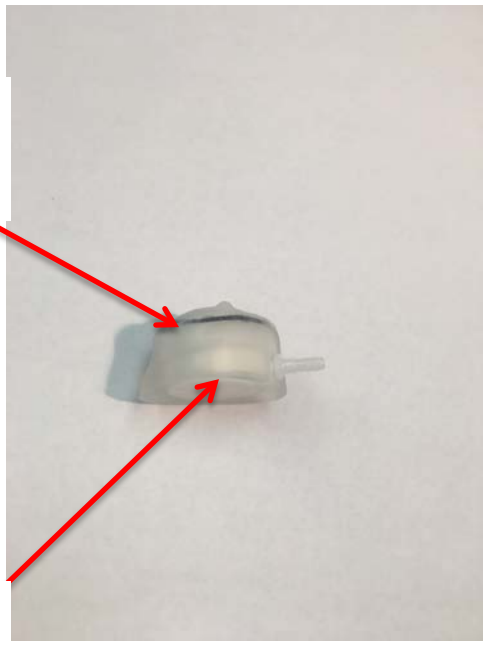


FIG. 4

FIG. 4 of the ’160 patent



PowerPort CLEARVUE isp Implantable Port

182. X-ray discernable material is included in the flange of the PowerPort CLEARVUE isp Implantable Port.

183. Voids are present within the X-ray discernable material of the PowerPort CLEARVUE isp Implantable Port’s flange and are configured to provide indicia that indicate, under X-ray examination, that the port is rated for power injection.

184. The x-ray discernable material of the PowerPort CLEARVUE isp Implantable Port is configured to provide indicia that are configured to indicate that the port is rated for power injection when evaluated under X-ray examination.

185. As yet another example, the PowerPort implantable port and the PowerPort M.R.I. Port have similar configurations to embodiments of the implantable venous access port shown in Figures 1 and 11 of the ’160 Patent. These ports includes a housing, a needle-penetrable septum, a cap, a flange that includes x-ray discernable material, and one or more

voids extending through the x-ray discernable material that indicate the port is rated for power injection as illustrated below:

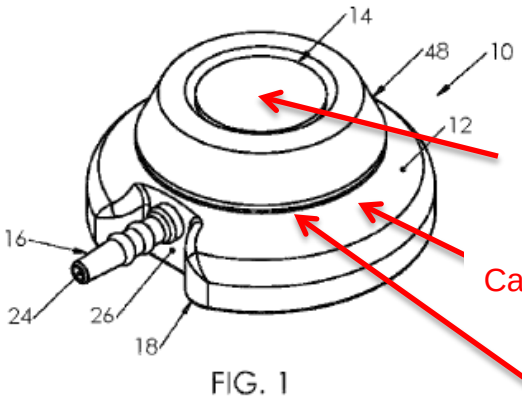


FIG. 1

FIG. 1 of the ’160 patent

PowerPort implantable port

Flange having x-ray discernable indicia

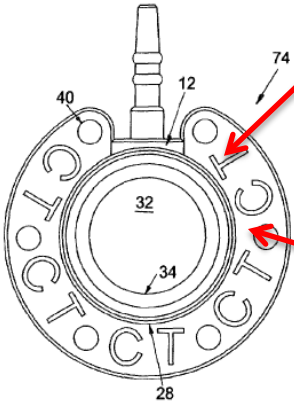
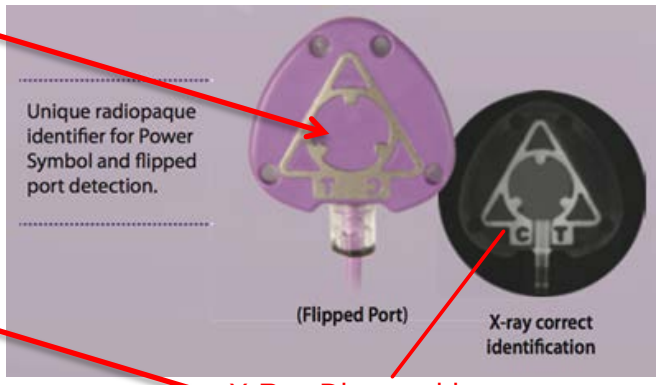


FIG. 11 of the ’160 patent



PowerPort implantable port

186. The flange of the PowerPort implantable port and the PowerPort M.R.I. Port includes indicia that visually indicate the port is rated for power injection.

187. The flange of the PowerPort implantable port and the PowerPort M.R.I. Port includes an X-ray discernable material.

188. The x-ray discernable indicia of the PowerPort implantable port and the PowerPort M.R.I. Port are at least partially defined by voids defined in the x-ray discernable material of the flange.

189. As yet another example, the PowerPort duo M.R.I. Port has a substantially similar configuration to embodiments of the implantable venous access port shown in Figures 1 and 11 of the '160 Patent. The PowerPort duo M.R.I. Port includes a housing, a needle-penetrable septum, a cap, a flange that includes x-ray discernable material, and one or more voids extending through the x-ray discernable material that indicate the port is rated for power injection as illustrated below:

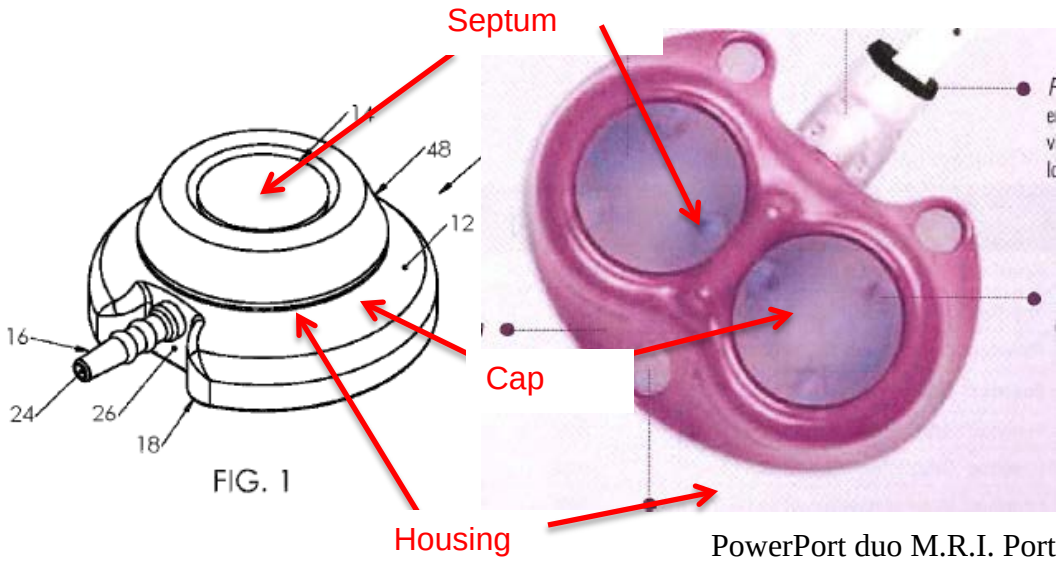


FIG. 1 of the '160 patent

Flange having x-ray discernable material

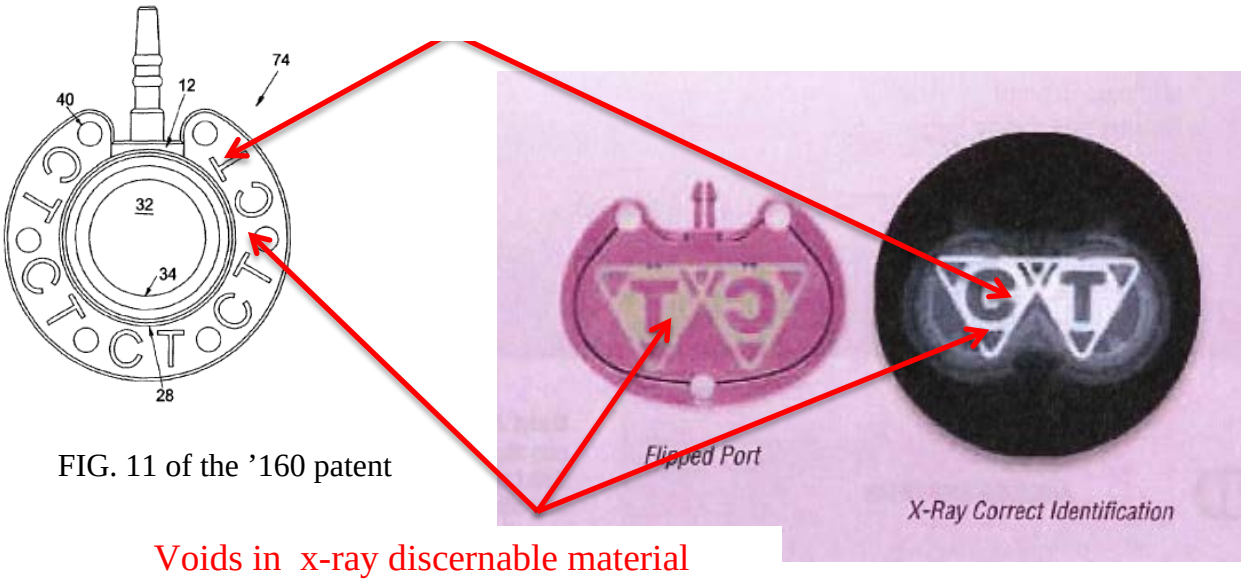


FIG. 11 of the '160 patent

Voids in x-ray discernable material indicate port is rated for power injection

PowerPort duo M.R.I. Port

190. The flange of the PowerPort duo M.R.I. Port includes indicia that visually indicate the port is rated for power injection.

191. The flange of the of the PowerPort duo M.R.I. Port includes an X-ray discernable material.

192. The x-ray discernable indicia of the PowerPort duo M.R.I. Port art at least partially defined by voids defined in the x-ray discernable material of the flange.

193. The voids in the x-ray discernable material of the flange of the PowerPort duo M.R.I. Port provide indicia that indicate the port is rated for power injection.

194. MedComp has been, and continues to be, damaged and irreparably harmed by Defendants' infringement, which will continue unless the Court enjoins that infringement and for which there is no adequate remedy at law.

195. MedComp under 35 U.S.C. § 284, is entitled to recover damages adequate to compensate for Defendants' infringement.

196. The infringement of the ’160 patent by Defendants have been, and continues to be, deliberate, willful, and knowing.

197. The Court should declare this an exceptional case under 35 § U.S.C. 285, entitling MedComp to recover treble damages and attorneys’ fees.

198. Pursuant to 35 U.S.C. § 287, the filing of this action constitutes notice to Defendants of their infringement of the ’160 patent.

DEMAND FOR JURY TRIAL

199. MedComp demands a trial by jury under Rule 39 of the Federal Rules of Civil Procedure for all issues triable by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that the Court grant the relief requested in the Prayer for Relief below.

(a) That Defendants be adjudged to have infringed, contributed to, and/or induced the infringement of one or more claims of the ’160 patent;

(b) That Defendants’ be adjusted to have engaged in willful infringement of the ’160 patent;

(c) That Plaintiff be awarded damages for infringement of the ’160 patent, including damages adequate to compensate Plaintiff for Defendants’ past infringement of the ’160 patent including lost profits or a reasonable royalty, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses, and an accounting of all infringing acts including, but not limited to, those not presented at trial;

(d) That Defendants pay an ongoing royalty in an amount to be determined for any continued infringement of the ’160 patent after the date the judgment is ordered;

(e) That this case be declared an exceptional case under 35 U.S.C. § 285;

(f) That Plaintiff’s damages be trebled pursuant to 35 U.S.C. § 284;

(g) That Plaintiff’s be awarded its attorneys’ fees and costs pursuant to 35 U.S.C. § 285;

(h) That this Court permanently enjoin Defendants, their officers, directors, principals, agents, servants, employees, successors, assigns, affiliates, and all that are in active concert or participation with Defendants, or any of them, from further infringement of the ’160 patent and that Defendant be permanently enjoined from infringing the ’160 patent and from making, using, selling, offering to sell, or distributing the Defendants’ infringing implantable ports;

(i) That Plaintiff be awarded pre- and post-judgment interest on all damages;

(j) That Plaintiff be awarded all its costs and expenses in this action; and

(k) That Plaintiff be awarded such further and other relief as the Court may deem just and proper.

Dated: June 7, 2017

Respectfully submitted,

By: */s/ Michael E. Jones*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on June 7, 2017.

/s/ Michael E. Jones