

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

BODY SCIENCE LLC,)	
)	
Plaintiff,)	CIVIL ACTION NO. _____
)	
v.)	JURY TRIAL DEMANDED
)	
ST. JUDE MEDICAL, INC.,)	
)	
Defendant.)	
)	

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff BODY SCIENCE LLC (“Body Science” or “Plaintiff”) files this Original Complaint against Defendant ST. JUDE MEDICAL, INC. (“St. Jude” or “Defendant”), alleging as follows:

I. THE PARTIES

1. Plaintiff is a Texas corporation with its principal place of business at 6136 Frisco Square Boulevard, Frisco, Texas 75034.

2. Upon information and belief, Defendant is a Minnesota corporation with a principal place of business at One St. Jude Medical Drive, St. Paul, Minnesota 55117. Defendant may be served with process through an officer, a managing or general agent, including but not limited to Daniel J. Starks, CEO, at Defendant’s principal place of business.

II. JURISDICTION AND VENUE

3. This is an action for infringement of a United States patent. Federal question jurisdiction is conferred to this Court over such action under 28 U.S.C. §§ 1331 and 1338(a).

4. Upon information and belief, Defendant is subject to personal jurisdiction by this Court. Defendant has committed such purposeful acts and/or transactions in the State of Minnesota that it reasonably knew and/or expected that it could be haled into a Minnesota court as a future consequence of such activity. Defendant makes, uses, or sells infringing products within the District of Minnesota, or has a continuing presence and the requisite minimum contacts with the District of Minnesota such that this venue is a fair and reasonable one. Upon information and belief, Defendant has transacted and, at the time of the filing of this Complaint, is continuing to transact business within the District of Minnesota. For all of these reasons, personal jurisdiction exists as to Defendant and venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

III. PATENT INFRINGEMENT

5. On May 8, 2007, United States Patent No. 7,215,991 (“the ‘991 patent”) was duly and legally issued for “Wireless Medical Diagnosis and Monitoring Equipment.” A true and correct copy of the ‘991 patent is attached hereto as Exhibit “A” and made a part hereof.

6. By way of assignment, Plaintiff is the owner of all right, title and interest in and to the ‘991 patent, with all rights to enforce the ‘991 patent against infringers and to collect damages for all relevant times, including the right to prosecute this action.

7. The ‘991 patent relates generally to a medical diagnosis and monitoring system including a sensor that is capable of communicating wirelessly with an evaluator station. The sensor is operable to detect an electrical, physical, chemical, or biological property associated with a patient and convert it into an electric signal. The sensor converts the electric signal into a digital data and then transmits the data wirelessly to an evaluator station. The evaluator station may also transmit data wirelessly back to the sensor.

8. Upon information and belief, and without authority, consent, right, or license, and in direct infringement of the '991 patent, Defendant manufactures, makes, has made, uses, markets, sells and/or imports products and systems that infringe one or more claims in the '991 patent. Such conduct constitutes, at a minimum, patent infringement under 35 U.S.C. § 271(a).

9. Defendant has directly infringed at least claims 1, 17, 18 and 37 of the '991 patent and continues to infringe the '991 patent by its manufacture, use, sale, importation, and/or offer for sale of its implantable pacemakers, ICDs, CRT devices, and Merlin@home Transmitters. The infringing pacemakers, ICDs and CRT devices include, at a minimum, the ACCENT SR, Accent DR, Anthem CRT-P, Atlas II ICD, Atlas II HF CRT-D, Current RF ICD, Current Accel ICD, Current Plus ICD, Epic II ICD, Epic II HF CRT-D, Fortify ICD, Promote Accel CRT-D, Promote Plus CRT-D, and Promote RF CRT-D. The pacemakers, ICDs and CRT devices include sensors which measure heart activity and are capable of transmitting digital data wirelessly to a Merlin@home Transmitter. Conversely, the Merlin@home Transmitters are capable of transmitting data to the pacemakers, ICDs and CRT devices to change the format of data transmission by such implantable devices.

10. Plaintiff reserves the right to assert additional claims of the '991 patent.

11. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is, thus, liable to Plaintiff in an amount that adequately compensates for its infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

12. Plaintiff and its predecessor have complied with 35 U.S.C. § 287 to an extent sufficient to entitle Plaintiff to past damages as may be applicable.

IV. JURY DEMAND

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of United States Patent No. 7,215,991 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- b. Judgment that Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein;
- c. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- d. That the Court declare this an exceptional case and award Plaintiff its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285;
- e. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: November 27, 2012

Respectfully submitted,

/s/ Craig J. Lervick

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