

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

LIFESCREEN SCIENCES LLC,

Plaintiff,

v.

CORDIS CORPORATION,

Defendant.

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CIVIL ACTION NO. _____

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff LIFESCREEN SCIENCES LLC ("Plaintiff") files this Original Complaint against Defendant CORDIS CORPORATION, alleging as follows:

I. THE PARTIES

1. Plaintiff is a corporation organized and existing under the laws of the State of Texas, with a principal place of business in Frisco, TX.

2. Upon information and belief, CORDIS CORPORATION ("CORDIS") is a corporation organized and existing under the laws of the State of Florida, with its principal place of business located at 430 Route 22, East Bridgewater, NJ 08807. CORDIS may be served with process by serving its registered agent, CT Corporation System, 1200 South Pine Island Road, Plantation, Florida 33324.

II. JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 United States Code. This Court has exclusive subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §1338(a).

4. Plaintiff maintains their principal place of business in Frisco, Texas, which is located within the Eastern District of Texas.

5. Upon information and belief, Defendant has minimum contacts within the State of Texas and within the Tyler Division of the Eastern District of Texas such that this venue is a fair and reasonable one.

6. Defendant has committed such purposeful acts and/or transactions in Texas that it reasonably knew and/or expected that it could be haled into a court as a future consequence of such activity.

7. Upon information and belief, Defendant has regularly transacted or solicited and, at the time of the filing of this Complaint, is transacting and soliciting business within the Tyler Division of the Eastern District of Texas and elsewhere in Texas.

8. Upon information and belief, Defendant engages in other persistent courses of conduct and derives substantial revenue from products provided to individuals within the Tyler Division of the Eastern District of Texas and elsewhere in Texas.

9. Upon information and belief, Defendant has committed acts of patent infringement within the Tyler Division of the Eastern District of Texas and elsewhere in Texas.

10. For these reasons, personal jurisdiction exists 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

11. On January 20, 1998, United States Patent No. 5,709,704 (“the ’704 Patent”) was duly and legally issued for a “BLOOD CLOT FILTERING.” A true and correct copy of the ’704 Patent is attached hereto as Exhibit “A” and made a part hereof.

12. On April 10, 2001, United States Patent No. 6,214,025 (“the ‘025 Patent”) was duly and legally issued for a “SELF-CENTERING, SELF-EXPANDING AND RETRIEVABLE VENA CAVA FILTER.” A true and correct copy of the ‘025 Patent is attached hereto as Exhibit “B” and made a part hereof.

13. The ‘704 Patent and the ‘025 Patent are collectively referred to herein as the Patents-in-Suit.

14. Plaintiff is the owner of all right, title and interest of the Patents-in-Suit, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patents-in-Suit. Accordingly, Plaintiff possesses the exclusive right and standing to prosecute the present action for infringement of the Patents-in-Suit by Defendant.

15. Upon information and belief, Defendant manufactures, makes, has made, uses, practices, imports, provides, supplies, distributes, sells and/or offers for sale products and/or systems that infringe one or more claims in the Patents-in-Suit.

16. Specifically, Defendant has infringed and continues to infringe at least Claims 19, 28 and 36 of the ‘025 Patent and Claim 1 of the ‘704, by its manufacture, use, sale, importation, and/or offer for sale of vena cava filters including, but not limited to, the TrapEase[®] and OptTease[®] Retrieable Vena Cava Filters.

17. As a result of Defendant’s infringing conduct, Defendant has damaged Plaintiff. Defendant is, thus, liable to Plaintiff in an amount that adequately compensates Plaintiff for its infringement, which by law in no event can be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

18. Plaintiff has been irreparably damaged as a consequence of Defendant's infringement, for which there is no adequate remedy at law, and such damage will continue without the issuance of an injunction by this Court.

19. On information and belief, Defendant has had actual notice of its infringement of the Patents-in-Suit, at least as early of their receipt of notice of this lawsuit. Defendant's continued infringement after the time it received such notice of the Patents-in-Suit is knowing and willful.

20. As a result of Defendant's knowing and willful infringement of the Patents-in-Suit, Plaintiff is entitled to increased damages as permitted by 35 U.S.C. § 284.

21. Plaintiff reserves the right to assert additional claims of the Patents-in-Suit.

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 Nos. 5,709,704 and 6,214,025 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant and/or by others to whose infringement Defendant has contributed and/or by others whose infringement has been induced by Defendant;
- b. Judgment that Defendant's infringement is willful from the time Defendant became aware of the infringing nature of its products and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284.
- c. 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;

- d. 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;
- e. 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. § 284;
- f. That Defendant be permanently enjoined from any further activity or conduct that infringes one or more claims of United States Patent Nos. 5,709,704 and 6,214,025; and
- g. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: January 23, 2013.

Respectfully submitted,

/s/ Jonathan T. Suder
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