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Attorneys for Plaintiff University of Utah Research Foundation

**IN THE UNITED STATES DISTRICT COURT,
DISTRICT OF UTAH, CENTRAL DIVISION**

<p>CATHETER CONNECTIONS, INC, a Delaware corporation; and UNIVERSITY OF UTAH RESEARCH FOUNDATION, a Utah corporation, Plaintiffs, v. IVERA MEDICAL CORPORATION, a California corporation, Defendant.</p>	<p>FIRST AMENDED COMPLAINT JURY TRIAL DEMANDED Case No.: 2:12-cv-01127-PMW Magistrate Judge Paul M. Warner</p>
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BACKGROUND

Plaintiffs Catheter Connections, Inc. (“Catheter Connections”) and the University of Utah Research Foundation (“UURF”), by and through their respective counsels, file this First Amended Complaint alleging as follows:

THE PARTIES

1. Catheter Connections is a Delaware corporation with its principal place of business in Salt Lake City, Utah.
2. UURF is a Utah non-profit corporation with its principal place of business at 615 Arapeen Drive #310, Salt Lake City, Utah 84108.
3. Ivera Medical Corporation (“Defendant”) is a California corporation, which has alleged that its principal place of business is 3525 Del Mar Heights Road, Suite 430, San Diego, California 92130.
4. Defendant has offered for sale and sold its “Curos® Port Protector” (“Curos”), a device different than the device accused of infringement herein, in Utah and throughout the United States. Defendant is currently selling Curos in Utah and conducting a product trial in Murray, Utah.

JURISDICTION AND VENUE

5. This is a civil action for patent infringement arising under the patent laws of the United States of America, 35 U.S.C. § 1, et seq.

6. This Court has jurisdiction over the patent infringement claim by virtue of 28 U.S.C. §1338(a) and 28 U.S.C. § 1331.

7. This Court has personal jurisdiction over Defendant because Defendant is engaged in regular and substantial business in the State of Utah and the District of Utah.

8. Venue is proper in this Court under 28 U.S.C. §1391(b), because Defendant has committed acts of patent infringement in, and has otherwise regularly conducted or conducts business, within the State of Utah and the District of Utah. Defendant is deemed to reside in this judicial district within the meaning of 28 U.S.C. §1391(a).

GENERAL ALLEGATIONS

9. Plaintiffs conceived, developed, and patented the DualCap System™, which includes DualCap®—the first U.S. Food and Drug Administration (FDA) 510(k)-cleared medical device that disinfects and protects the male luer connector at the end of IV tubing (“male luer”).

10. On December 11, 2012, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent 8,328,767 (“the ‘767 Patent”) for an invention titled “Disinfecting Caps for Medical Male Luer Connectors.” The ‘767 Patent is attached herewith as Exhibit A.

11. UURF is the owner by assignment of the ‘767 Patent.

12. Catheter Connections is the exclusive licensee of the ‘767 Patent.

13. Upon information and belief, as of December 11, 2012, Ivera was making, using, and/or offering to sell, and, upon information and belief, Ivera continues to make, use and/or offer to sell, in the United States, a male luer disinfecting cap (the “Ivera Cap”) to protect and disinfect the male luer and to compete with the DualCap, as shown in Figures 1 through 4 below.



Figure 1



Figure 2



Figure 3



Figure 4

14. For example, Ivera's website continues to market the Ivera Cap in a November 29, 2012 press release regarding 510(k) approval of the cap. The 510(k) specifically lists the Regulation Name of the device as "Pad, Alcohol."

15. The Ivera Cap embodies, as recited in claim 1 of the '767 Patent, a male-disinfecting cap for disinfecting a male luer-lock connector of the type including a post having a lumen through which fluid flows and an internally helically threaded skirt surrounding the post, the cap comprising:

a cap body having only one receiving portion defining only a single chamber having only a single opening, said opening being in the receiving portion, into which the post of the male luer-lock connector can be received, the chamber having a side wall comprising a taper that extends from the opening and narrows toward an interior of the chamber, the wall configured to sealingly engage the exterior surface of the post of the male luer-lock connector when the post of the male luer connector is received in the

chamber, wherein an exterior surface of the receiving portion near the opening of the chamber fits within the skirt of the male luer-lock connector when the post is received into the single opening of the chamber, the exterior surface of the receiving portion having a protrusion for engaging helical threads of the internally threaded skirt;

an absorbent material disposed in the chamber; and

a liquid antiseptic agent disposed in the absorbent material.

COUNT ONE

Infringement of U.S. Patent 8,328,767

16. The preceding paragraphs of this Amended Complaint are incorporated and reasserted herein.

17. Defendant has made, used, sold, offered for sale, and/or is still making, using, selling, and/or offering for sale, various products in the United States, including at least the Ivera Cap, which directly infringe at least claim 1 of the '767 Patent.

18. Plaintiffs have suffered damages by reason of Defendant's infringement of the '767 Patent, and will suffer additional damages and will be irreparably injured unless the Court enjoins Defendant from continuing such infringement.

PRAYER FOR RELIEF

Wherefore, Plaintiffs pray for judgment against Defendant as follows:

1. A finding that Defendant has infringed the '767 Patent.
2. For temporary, preliminary and permanent injunctive relief prohibiting Defendant, its agents, or anyone working for, in concert with or on behalf of Defendant from infringing the '767 Patent.
3. For an award of damages adequate to compensate Plaintiffs for the damages they have sustained as a result of Defendant's bad acts, including damages for Defendant's infringement, and prejudgment interest.

4. For monetary damages in an amount according to proof at trial.
5. For an Order directing Defendant to cease making, using, selling and distributing all infringing products, whether in the possession of Defendants, its distributors or retailers, and that all offending products or materials be seized or destroyed.
6. A finding that this case is an exceptional case justifying an award of attorneys' fees against Defendant. 35 U.S.C. § 285.
7. A finding that this case is an exceptional case justifying an award of treble damages against Defendant. 35 U.S.C. § 284.
8. For costs of court.
9. For such further equitable and legal relief that this Court deems reasonable and appropriate under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury on all issues properly triable by jury.

Dated: January 25th, 2013

Respectfully Submitted,

By: /s/ Brandon S. Mecham

BRANDON S. MECHAM
Attorney for Plaintiff
Catheter Connections, Inc.

Dated: January 25th, 2013

Respectfully Submitted,

By: /s/ R. Parrish Freeman

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Attorney for Plaintiff
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