



**PATENT INFRINGEMENT**

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2 4. Hudson owns all right, title and interest in, has the sole and exclusive right to  
3 enforce, and has standing to sue and recover damages for, infringement of U.S. Patent  
4 No. 7,967,822, entitled “Methods and Apparatus for Orthopedic Implants” (“the ’822 patent”).  
5 A copy of the ’822 patent is attached as Exhibit 1.

6 5. The ’822 patent was issued by the United States Patent and Trademark Office on  
7 June 8, 2011.

8 6. S&N has designed, made, marketed, provided, distributed, offered for sale, sold  
9 and otherwise promoted and encouraged the use of instruments for use in minimally invasive  
10 total knee arthroplasty including tibial cutting blocks for its Profix, Genesis II, Legion and  
11 Journey BCS total knee systems. These include at least the following S&N product numbers:  
12 7151-3322; 7151-3323; 7151-3324; 7151-3325; 7151-3326; 7151-3327; 7144-1136; 7144-  
13 1137; 7401-7411; 7401-8411; and Visionaire Patient Matched tibial cutting blocks. These are  
14 collectively referred to as the “S&N TKA instruments.”

15 7. S&N has designed, made, marketed, provided, distributed and otherwise  
16 promoted and encouraged the use of surgical techniques for minimally invasive total knee  
17 arthroplasty using the S&N TKA instruments including, but not limited to, the following  
18 surgical techniques: “Minimally Invasive TKA Profix Distal Cut First”; “Genesis II Anterior  
19 Cut First”; “Extramedullary Tibial Preparation”; and “Visionaire Patient Matched Surgical  
20 Procedure.” These surgical techniques are collectively referred to as the “S&N TKA surgical  
21 techniques.”

22 8. The S&N TKA instruments were designed, made and adapted, and have been  
23 marketed, promoted, provided, distributed, offered for sale and sold, for use in performing the  
24 S&N TKA surgical techniques and are not staple articles or commodities of commerce suitable  
25 for substantial non-infringing use.

26 9. The S&N TKA surgical techniques were designed, made and adapted, and have  
27 been marketed, promoted, provided and distributed, for use with the S&N TKA instruments

1 and are not staple articles or commodities of commerce suitable for substantial non-infringing  
2 use.

3 10. S&N has designed, made, marketed, provided, distributed and otherwise  
4 promoted and encouraged the use of implants for implantation using the S&N TKA instruments  
5 and the S&N TKA surgical techniques. These implants are collectively referred to as the  
6 “S&N implants.”

7 11. S&N has been aware of Hudson’s patent rights in the field of MIS TKA for  
8 many years. S&N has been aware of the ’822 patent and its direct application to the S&N TKA  
9 instruments, the S&N TKA surgical techniques and the S&N implants since June 28, 2011.  
10 S&N has acted with at least willful blindness with respect to Hudson’s patent rights.

11 12. S&N has directly infringed at least claims 2, 4, 10, 13, 15, 23, 25, 26 and 27 of  
12 the ’822 patent by, among other activities, making, using, offering to sell, selling, importing,  
13 exporting, providing and distributing S&N TKA instruments, S&N TKA surgical techniques  
14 and S&N implants to hospitals, surgeons and others throughout the United States, including in  
15 this judicial district.

16 13. S&N has actively induced hospitals, surgeons, distributors, sales representatives,  
17 sales agents and others to infringe at least claims 1, 3, 10, 13, 14, 23, 25, 26 and 27 of the ’822  
18 patent under 35 U.S.C. § 271(b) by, among other activities, designing and making S&N TKA  
19 instruments, S&N TKA surgical techniques and S&N implants; by offering for sale, selling,  
20 importing, exporting, providing and distributing these instruments, techniques and implants to  
21 hospitals, surgeons, distributors, sales representatives, sales agents and others throughout the  
22 United States, including in this judicial district; and by aiding, assisting and encouraging  
23 hospitals, surgeons, distributors, sales representatives, sales agents and others to practice the  
24 steps of these claims throughout the United States, including in this judicial district.

25 14. S&N has contributed to the infringement of at least claims 1, 3, 10, 13, 14, 23,  
26 25, 26 and 27 of the ’822 patent by hospitals, surgeons, distributors, sales representatives, sales  
27 agents and others under 35 U.S.C. § 271(c) by, among other activities, designing and making

1 S&N TKA instruments, S&N TKA surgical techniques and S&N implants; by offering for sale,  
2 selling, importing, exporting, providing and distributing these instruments, techniques and  
3 implants to hospitals, surgeons, distributors, sales representatives, sales agents and others  
4 throughout the United States, including in this judicial district; and by encouraging hospitals,  
5 surgeons, distributors, sales representatives, sales agents and others to practice the steps of  
6 these claims throughout the United States, including in this judicial district.

7 15. S&N has actively induced hospitals, surgeons and others to infringe at least  
8 claims 2, 4, 10, 13, 15, 23, 25, 26 and 27 of the '822 patent under 35 U.S.C. § 271(b) by,  
9 among other activities, designing and making S&N TKA instruments, S&N TKA surgical  
10 techniques and S&N implants; by offering for sale, selling, importing, exporting, providing and  
11 distributing these instruments, techniques and implants to hospitals, surgeons, distributors, sales  
12 representatives, sales agents and others throughout the United States, including in this judicial  
13 district; and by aiding, assigning and encouraging hospitals, surgeons and others to practice the  
14 steps of these claims throughout the United States, including in this judicial district.

15 16. S&N has contributed to infringement by hospitals, surgeons and others to  
16 infringe at least claims 2, 4, 10, 13, 15, 23, 25, 26 and 27 of the '822 patent under 35 U.S.C.  
17 § 271(c) by, among other activities, designing and making S&N TKA instruments, S&N TKA  
18 techniques and S&N implants; by offering for sale, selling, importing, exporting, providing and  
19 distributing these instruments, techniques and implants to hospitals, surgeons, distributors, sales  
20 representatives, sales agents and others throughout the United States, including in this judicial  
21 district; and by aiding, assisting and encouraging hospitals, surgeons and others to practice the  
22 steps of these claims throughout the United States, including in this judicial district.

23 17. S&N's unlawful acts of infringement of the '822 patent will continue unless  
24 enjoined by this Court.

25 18. Hudson has complied with the marking and notice requirements of 35 U.S.C.  
26 § 287.  
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1 DATED this 18<sup>th</sup> day of August, 2011.

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