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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 IVERA MEDICAL CORPORATION,
13 Plaintiff,
14 v.
15 CATHETER CONNECTIONS, INC.
16 Defendant.

Case No. '12CV1587 DMS NLS

COMPLAINT

JURY TRIAL DEMANDED

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20 Plaintiff Ivera Medical Corporation (“Ivera”) for its Complaint against Defendant
21 Catheter Connections, Inc. (“Catheter Connections”) avers as follows:

22 **PARTIES**

23 1. Plaintiff Ivera is a California corporation that maintains its principal place of
24 business at 3525 Del Mar Heights Road, Suite 430, San Diego, California, 92130.

25 2. Defendant Catheter Connections is a Delaware corporation with its principal
26 place of business at 615 Arapeen Drive, Suite 302a, Salt Lake City, Utah 84108.
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1 **JURISDICTION**

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

4 4. This Court has jurisdiction over the subject matter of the Complaint pursuant
5 to 28 U.S.C. §§1331 & 1338.

6 5. This Court has personal jurisdiction over Catheter Connections because, on
7 information and belief, Catheter Connections is engaged in substantial and regular business
8 in the State of California, has used the infringing product in and has purposefully directed
9 substantial ongoing efforts to sell the infringing product in the Southern District of
10 California, and is actively selling the infringing product in the State of California.

11 6. Venue is proper under 28 U.S.C. §§1391(b) and (c) and 1400(b).

12 **BACKGROUND**

13 7. Ivera manufactures, markets, and sells the Curoso® Port Protector, a device
14 that disinfects and protects the entry port on certain types of valves used with intravenous
15 lines to help reduce bloodstream infections in hospital patients.

16 8. On June 26, 2012, United States Patent No. 8,206,514 (the ‘514 patent), on
17 an invention entitled “Medical Implement Cleaning Device,” was duly and legally issued
18 by the United States Patent and Trademark Office. A copy of the ‘514 patent is attached
19 hereto as Exhibit A.

20 9. Ivera has been at all times, and still is, the owner of the entire right, title and
21 interest in and to the ‘514 patent.

22 10. Catheter Connections makes, uses, sells and/or offers to sell throughout the
23 United States a product it refers to as the DualCap Solo.

24 11. The Dual Cap Solo product infringes one or more of the claims in the ‘514
25 patent in the United States within the meaning of 35 U.S.C. §271.

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1 **FIRST CAUSE OF ACTION**

2 **COUNT I**

3 **(INFRINGEMENT OF THE ‘514 PATENT)**

4 12. Ivera realleges and incorporates the previous paragraphs of this Complaint as
5 though set forth in full herein.

6 13. Catheter Connections has made, used, offered for sale, sold, and/or imported
7 into the United States products, including at least the Dual Cap Solo, which literally and
8 under the doctrine of equivalents infringes one or more claims of the ‘514 patent in
9 violation of 35 U.S.C. §271.

10 14. Ivera has been damaged and has suffered irreparable injury due to acts of
11 infringement by Catheter Connections and will continue to suffer irreparable injury unless
12 Catheter Connections’ activities are enjoined.

13 15. Ivera has suffered and will continue to suffer substantial damages by reason
14 of Catheter Connections’ acts of patent infringement alleged above, and Ivera is entitled to
15 recover from Catheter Connections the damages sustained as a result of Catheter
16 Connections’ acts.

17 16. Catheter Connections has willfully and deliberately infringed the ‘514 patent
18 in disregard of Ivera’s rights.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Ivera prays that judgment be entered by this Court in its favor and
21 against Catheter Connections as follows:

22 A. That Catheter Connections has infringed the ‘514 patent;

23 B. Permanently enjoining and restraining Catheter Connections, its agents,
24 affiliates, subsidiaries, servants, employees, officers, directors, attorneys and those persons
25 in active concert with or controlled by Catheter Connections from further infringing the
26 ‘514 patent;

27 C. That Catheter Connections’ infringement of the ‘514 patent is willful;

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1 D. For an award of damages adequate to compensate Ivera for the damages it
2 has suffered as a result of Catheter Connections' conduct, including pre-judgment interest
3 and a trebling of such damages due to Catheter Connections' willful infringement;

4 E. That Catheter Connections be directed to withdraw from distribution all
5 infringing products, whether in the possession of Catheter Connections or its distributors
6 or retailers, and that all infringing products or materials be impounded or destroyed;

7 F. For monetary damages in an amount according to proof;

8 G. For interest on said damages at the legal rate from and after the date such
9 damages were incurred;

10 H. That this is an exceptional case and for an award of Ivera's attorney fees and
11 costs;

12 I. For such other relief as the Court may deem just and proper.

13 **DEMAND FOR JURY TRIAL**

14 Plaintiff Ivera hereby demands a jury trial as to all issues that are so triable.

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16 Dated: June 26, 2012

X-PATENTS, APC

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18 By: /s/Jonathan Hangartner
19 JONATHAN HANGARTNER

20 Attorneys for Plaintiff Ivera Medical Corporation
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