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DISTRICT OF UTAH
SALT LAKE CITY

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**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,</p> <p>Plaintiffs,</p> <p>v.</p> <p>IVERA MEDICAL CORPORATION, a California corporation,</p> <p>Defendant.</p>	<p style="text-align: center;">COMPLAINT</p> <p style="text-align: center;">JURY TRIAL DEMANDED</p> <hr/> <p>Case: 2:12-cv-01127 Assigned To : Warner, Paul M. Assign. Date : 12/11/2012 Description: Catheter Connections et al v. Ivera Medical</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 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.”

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

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

13. Ivera makes, uses and/or has made and/or used Curot Tips™, a male luer disinfecting cap to protect and disinfect the male luer and to compete with the DualCap, as shown in Figure 1 below.

The new patent-pending Curot Tips use 70% isopropyl alcohol (IPA) to passively disinfect and protect male luer connections on intravenous access devices including IV tubing and syringes.

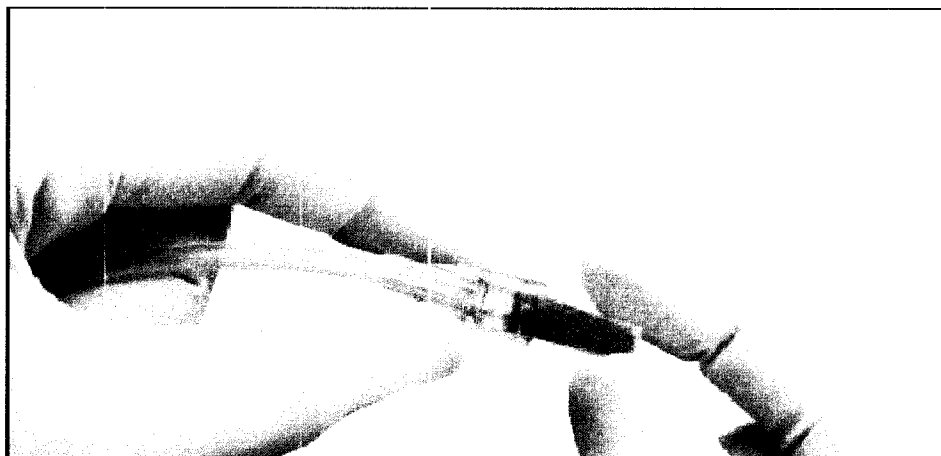


Figure 1

14. Curot Tips™ is accused of infringing the '767 Patent. Figure 1 shows Curot Tips™ as it is displayed on Ivera's website, <http://www.curot.com/products/curot-tips> (as of December 10, 2012), complete with details and product order information, as shown in Figure 2.

<ul style="list-style-type: none"> • When Curot Tips are placed on male luer connectors Tips passively bathe the connector's surface with alcohol. In three (3) minutes Tips disinfect the device, killing the organisms often associated with bloodstream infection. • Once attached, Curot Tips act to cover and protect the male luer. • Curot Tips come in a convenient strip dispenser which places five disinfecting Tips in easy reach of clinician at the point of care. • The highly visible bright green caps allow auditors to monitor caregiver disinfection practice compliance. 			
tips	Product Order No.	Units/Box	Case Quantity
	003-300	40 strips / 200 caps	10 boxes

Figure 2

15. Ivera is making, using, and/or currently offering to sell Curot Tips™, which, as illustrated in Figure 2, is identified to customers as "Product Order No. 003-300."

16. Curot Tips™ 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 8,231,587

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

18. 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 Curot Tips™, which directly infringe at least claim 1 of the '767 Patent.

19. 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: December 11th, 2012

Respectfully Submitted,

By:

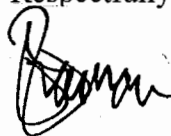


EDGAR R. CATAXINOS
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Catheter Connections, Inc.

Dated: December 11th, 2012

Respectfully Submitted,

By:



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