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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF ARIZONA**

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10 _____
11 I. C. Medical, Inc.,

Case No. _____

12 Plaintiff

**COMPLAINT FOR PATENT
13 INFRINGEMENT**

14 v.

15
16
17 ConMed Corporation,

(JURY TRIAL DEMANDED)

18 Defendant
19
20 _____

21
22 Plaintiff, I.C. Medical, Inc. for its Complaint against the Defendant hereby alleges
23 as follows:

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25 **THE PARTIES**

26 1. Plaintiff, I.C. Medical, Inc., is a corporation organized under the laws of the state
27 of Arizona and has its principal place of business in Phoenix, Arizona.
28

1 the '109 Patent.

2 9. On April 9, 2013 United States Patent No. 8,414,576(the '576 Patent) was
3
4 duly and legally issued to Ioan Cosmescu. The patent has been assigned to I.C.
5 Medical, Inc.

6 10. Defendant ConMed has manufactured, used, offered to sell , and sold in the
7
8 United States and/or imported into the United States certain electrosurgical pencils that
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10 infringe one or more claims of the '576 Patent and/or which are made according to a
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12 method that infringes one or more claims of the '576 Patent. Defendant's
13
14 electrosurgical pencils are referred to as the GoldVac® electrosurgical pencils.

15 11. By letter of October 5, 2013 Plaintiff notified Defendant of its infringement
16
17 of the '576 Patent.

18 12. Despite receiving notice of its infringement, Defendant continues to
19
20 infringe the '576 Patent

21 **COUNT I – INFRINGEMENT OF THE '109 PATENT**

22 13. Plaintiff repeats and incorporates herein the allegations of paragraphs 1-12
23
24 above.

25 14. This Count states a cause of action for patent infringement under the patent
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27 laws of the United States, 35 U.S.C. § 1 *et.seq.* This Court has subject matter and
28
personal jurisdiction as set forth in paragraphs 3 and 4 above.

15. Defendant has infringed, and is infringing, one or more claims of the '109

1 Patent in violation of 35 U.S.C. § 271.

2 16. Defendant's infringement of the '109 Patent has been willful and in bad
3 faith.
4

5 17. Plaintiff has been damaged by Defendant's infringement and will continue
6 to be damaged in the future unless Defendant is enjoined from infringing the '109
7 Patent. Plaintiff is entitled to recover monetary damages under 35 U.S.C. § 284.
8

9 18. Because this is an exceptional case under 35 U.S.C. § 285, Plaintiff is
10 entitled to recover its reasonable attorneys' fees.
11

12 **COUNT II- INFRINGEMENT OF THE '576 PATENT**

13 19. Plaintiff repeats and incorporates herein paragraphs 1-17 above.

14 20. This Count states a cause of action for patent infringement under the patent
15 laws of the United States, 35 U.S.C. § 1 *et. seq.* This Court has subject matter and
16 personal jurisdiction as set forth above in paragraphs 3 and 4.
17

18 21. Defendant has infringed, and is infringing, one or more claims of the '576
19 Patent in violation of 35 U.S.C. § 271.
20

21 22. Defendant's infringement of the '576 Patent has been willful and in bad
22 faith.
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24 23. Plaintiff has been damaged by Defendant's infringement and will continue
25 to be damaged in the future unless Defendant is enjoined from infringing the '576
26 Patent. Plaintiff is entitled to recover monetary damages under 35 U.S.C. § 284.
27

28 24. Because this is an exceptional case under 35 U.S.C. § 285, Plaintiff is

1 entitled to recover its reasonable attorneys' fees.
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3
4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff prays that this Court enter an Order including, but not
6 limited to,

7
8 A) A judgment and order that Defendant has infringed the '109 and '576 Patents
9 and that Defendant has not proven the patents invalid ;

10 B) A judgment and order that Defendant pay to Plaintiff monetary damages under
11 35 U.S.C. § 284 with interests and costs;

12
13 C) An order permanently enjoining Defendant, its officers, directors, agents
14 servants, and all others acting under or through them from infringing the '109 and '576
15 Patents;

16
17 D) An award of increased damages to Plaintiff for Defendant's willful
18 infringement;

19 E) An award to Plaintiff of its attorneys' fees under 35 U.S.C. § 285.

20 F) Such other and further relief that this Court deems just and proper.
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24 I.C. Medical, Inc.

25 by /s/ Albert L. Underhill

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Attorney for I.C. Medical, Inc

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