

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA**

FOUR MILE BAY LLC,

Plaintiff,

v.

ZIMMER HOLDINGS, INC.,

Defendant.

Case No.

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Four Mile Bay LLC (“FMB”), by its undersigned attorneys, for its Complaint against Defendant Zimmer Holdings, Inc. (“Zimmer”), states as follows:

I. NATURE OF THE ACTION

1. This is a patent-infringement action by FMB against Zimmer, a manufacturer and marketer of reconstructive orthopedic implants, including hip implants. As detailed below, FMB has been harmed by Zimmer’s unlawful use of FMB’s patents for commercial purposes.

II. JURISDICTION AND VENUE

2. This action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.* This Court therefore has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court may exercise personal jurisdiction over Zimmer. Zimmer’s principal place of business is located in Warsaw, Indiana. Zimmer conducts continuous and systematic business in Indiana and this District.

4. Venue is proper under 28 U.S.C. §§ 1391(b)(1) and 1400(b).

III. PARTIES

Plaintiff

5. FMB is a limited liability company organized under the laws of Nevada. FMB's principal place of business is located in Wadsworth, Ohio.

Defendant

6. Zimmer is a corporation organized under the laws of Delaware, with its principal place of business located in Warsaw, Indiana. Zimmer designs, develops, manufactures, and markets, among other things, hip implants.

IV. CLAIMS OF PATENT INFRINGEMENT

7. FMB owns United States Patent No. 8,821,582 (the "'582 patent") attached hereto as Exhibit A.

8. On September 2, 2014, the '582 patent issued for an invention in a method of machining, fabricating, and attaching components of a hip implant with porous body. FMB owned the '582 patent throughout the period of Zimmer's infringing acts and still owns the '582 patent.

9. Zimmer has infringed and is still infringing the '582 patent by making, selling, and using hip implants—such as the Trabecular Metal Primary Hip Prosthesis—that embody the patented invention.

10. FMB owns United States Patent No. 8,506,642 (the "'642 patent") attached hereto as Exhibit B.

11. On August 13, 2013, the '642 patent issued for an invention of a hip implant with a porous body. FMB owned the '642 patent throughout the period of Zimmer's infringing acts and still owns the '642 patent.

12. Zimmer has infringed and is still infringing the '642 patent by making, selling, and using hip implants—such as the Trabecular Metal Primary Hip Prosthesis—that embody the patented invention.

V. JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), FMB demands a trial by jury of all claims in this Complaint so triable.

VI. REQUEST FOR RELIEF

WHEREFORE, FMB prays for the following relief against Zimmer:

- (A) Judgment that Zimmer has directly infringed claims of the '582 patent and the '642 patent;
- (B) For a reasonable royalty;
- (C) For pre-judgment interest and post-judgment interest at the maximum rate allowed by law; and
- (D) For such other and further relief as the Court may deem just and proper.

Date: February 6, 2015

Respectfully submitted,

FOUR MILE BAY LLC

A handwritten signature in black ink that reads "Matt Wawrzyn". The signature is written in a cursive style with a long, sweeping tail on the final letter.

By:
One of Plaintiff's Attorneys

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