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SURGICAL IRRIGATION TECHNOLOGIES INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

SURGICAL IRRIGATION
TECHNOLOGIES INC.

Plaintiff,

vs.

STRYKER CORPORATION,
Defendant.

CASE NO.

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

1 Plaintiff SURGICAL IRRIGATION TECHNOLOGIES INC. files its
2 Complaint against Defendant STRYKER CORPORATION, alleging as follows:

3 **THE PARTIES**

4 1. Plaintiff SURGICAL IRRIGATION TECHNOLOGIES INC.
5 (“Plaintiff”) is a corporation organized and existing under the laws of the State of
6 Delaware with its principal place of business located in Costa Mesa, CA.

7 2. Upon information and belief, STRYKER CORPORATION
8 (“Defendant”) is a corporation organized and existing under the laws of the State
9 of Michigan, with its principal place of business in Kalamazoo, MI. Defendant
10 sells certain arthroscopic products, including but not limited to the FloControl
11 Arthroscopy Pump, through its Stryker Endoscopy division, with its principal place
12 of business in San Jose, California. Defendant may be served with process through
13 its registered agent CT Corporation System located at 818 West Seventh Street,
14 Suite 930, Los Angeles, CA 90017.

15 **JURISDICTION AND VENUE**

16 3. This is an action for patent infringement arising under the patent laws
17 of the United States, Title 35 United States Code. This Court has exclusive subject
18 matter jurisdiction of such action under 28 U.S.C. § 1338(a).

19 4. Upon information and belief, Defendant is subject to personal
20 jurisdiction by this Court. Defendant has committed such purposeful acts and/or
21 transactions in the State of California that it reasonably knew and/or expected that
22 it could be haled into a California court as a future consequence of such activity.
23 Defendant makes, uses, and/or sells infringing products within the Central District
24 of California and has a continuing presence and the requisite minimum contacts
25 with the Central District of California such that this venue is a fair and reasonable
26 one. Upon information and belief, Defendant has transacted and, at the time of the
27 filing of this Complaint, is continuing to transact business within the Central
28

1 District of California. For all of these reasons, personal jurisdiction exists and
2 venue is proper in this Court under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

3 **THE ‘194 PATENT**

4 5. On December 19, 2000, United States Patent No. 6,162,194 (“the ‘194
5 Patent”) was duly and legally issued for “Surgical Irrigation Apparatus and Method
6 for Use.” A true and correct copy of the ‘194 Patent is attached hereto as Exhibit
7 A and made a part hereof.

8 6. By way of assignment, Plaintiff is the owner of all right, title, and
9 interest in and to the ‘194 Patent, including all rights to enforce and prosecute
10 actions for infringement and collect damages for all relevant times.

11 7. As it pertains to this lawsuit, the ‘194 Patent, very generally speaking,
12 relates to a surgical irrigation apparatus used for delivering irrigation fluid to a
13 surgical site.

14 **FIRST CLAIM FOR RELIEF**

15 **(Patent Infringement)**

16 8. Plaintiff repeats and realleges every allegation set forth above.

17 9. Upon information and belief, and without authority, consent, right, or
18 license, and in direct infringement of the ‘194 Patent, Defendant manufactures,
19 makes, has made, uses, practices, imports, provides, supplies, distributes, sells,
20 and/or offers for sale products or systems that infringe one or more claims in the
21 ‘194 Patent. Such conduct constitutes, at a minimum, patent infringement under
22 35 U.S.C. § 271(a).

23 10. More specifically, Defendants, at a minimum, have directly infringed
24 and continue to directly infringe at least Claim 18 of the ‘194 Patent because it
25 manufactures, makes, has made, uses, practices, imports, provides, supplies,
26 distributes, sells, and/or offers for sale surgical irrigation system, including at least
27 the FloControl Arthroscopy Pump, inflow and outflow tubing sets, and hand piece.
28

11. Defendant has had actual notice of the '194 Patent at least as early as the receipt of service of this Complaint.

12. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is, thus, liable to Plaintiff in an amount that adequately compensates Plaintiff for their infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

13. Upon information and belief, Defendant will continue its infringement of the '194 Patent unless enjoined by the Court. Defendant's infringing conduct has caused Plaintiff irreparable harm and will continue to cause such harm without the issuance of an injunction.

14. Plaintiff reserves the right to assert additional claims of the '194 Patent.

JURY DEMAND

15. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAAYER FOR RELIEF

Plaintiff requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of the '194 Patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- b. Judgment that Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of its infringing activities and other conduct complained of herein;
- c. That Defendant, its officers, agents, servants and employees, and those persons in active concert and participation with any of them, be permanently enjoined from infringement of the '194 Patent. In the

1 alternative, if the Court finds that an injunction is not warranted,
2 Plaintiff requests an award of post judgment royalty to compensate for
3 future infringement;

4 d. That Defendant's infringement be found to be willful from the time
5 Defendants became aware of the infringing nature of its services, and
6 that the Court award treble damages for the period of such willful
7 infringement pursuant to 35 U.S.C. § 284.

8 e. That Plaintiff be granted pre-judgment and post-judgment interest on
9 the damages caused to it by reason of Defendant's infringing activities
10 and other conduct complained of herein;

11 f. That this Court declare this an exceptional case and award Plaintiff its
12 reasonable attorney's fees and costs in accordance with 35 U.S.C.
13 § 285; and

14 g. That Plaintiff be granted such other and further relief as the Court may
15 deem just and proper under the circumstances.

16 DATED: October 8, 2015.

/s/ Victor M. Felix

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