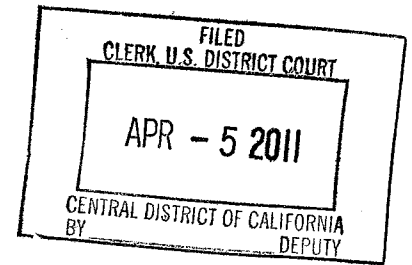


COPY

LAW OFFICES OF SEPEHR DAGHIGHIAN, P.C.
433 NORTH CAMDEN DRIVE, FOURTH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

SEPEHR DAGHIGHIAN, State Bar No. 239349
LAW OFFICES OF SEPEHR DAGHIGHIAN, P.C.
433 North Camden Drive, Fourth Floor
Beverly Hills, California 90210
Telephone: (310) 887-1333
Facsimile: (310) 887-1334
E-mail: sepehr@daghighian.com

Attorney for Plaintiff:
OCUGIENE, INC.



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

OCUGIENE, INC., a California
Corporation,

Plaintiff,

v.

ADVANCED VISION RESEARCH,
INC., a Massachusetts Corporation,

Defendant.

CV11-02862 JFW (EX)
Case No. ..

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

1 Plaintiff, OCUGIENE, INC., A California Corporation (“Ocugiene” or
2 “Plaintiff”), files this Complaint against ADVANCED VISION RESEARCH, INC.,
3 a Massachusetts Corporation, (“Advanced Vision” or “Defendant”), and demanding
4 a trial by jury, avers as follows:

5 **JURISDICTION AND VENUE**

6 1. This is a civil action for patent infringement, under the United States
7 Patent Act, 35 U.S.C. § 101 *et seq.* The Court therefore has jurisdiction over the
8 claims pursuant to 28 U.S.C. §§ 1331 and 1338.

9 2. Venue is proper in this judicial district pursuant to 28 U.S.C. §§
10 1391(b), 1391(c) and 1400(b) because the named defendant conducts business
11 activities within this District and the acts of infringement have taken place in this
12 district.

13 **THE PARTIES**

14 3. Plaintiff, OCUGIENE, INC, is a corporation organized and existing
15 under the laws of the State of California.

16 4. Upon information and belief, Defendant ADVANCED VISION
17 RESEARCH, INC is a corporation organized under the laws of the State of
18 Massachusetts and having a business address of 660 Main Street, 1st Floor, Woburn,
19 Massachusetts, 01801.

20 **FACTS COMMON TO ALL COUNTS**

21 5. This action is brought to obtain equitable and legal relief for the
22 Defendant’s infringement of Plaintiff’s United States Patents.

23 6. Plaintiff is the owner of United States Patent No. 7,513,893 entitled
24 Device and Method for Treatment of Eyelid Diseases and awarded to Dr. Abraham
25 Ebbie Soroudi (the “893 Patent”). (**Exhibit “A”**).

26 7. Plaintiff is also the owner of United States Patent No. 7,211,070
27 entitled Device and Method for Exothermic Treatment of Eyelid Diseases and
28 awarded to Dr. Abraham Ebbie Soroudi (the “070 Patent.”). (**Exhibit “B”**).

9. On information and belief, Defendant has been and is infringing, contributing to infringement, and/or inducing others to infringe the Soroudi Patents by making, using, offering for sale, selling, or importing health care products that infringe upon the Soroudi Patents.

11. Furthermore, upon information and belief, Defendant has been on notice of the Soroudi Patents.

13. Plaintiff is the owner of the Soroudi Patents. Plaintiff has complied with the provisions of the United States patent laws as 35 U.S.C. § 1 *et seq.* with respect to said patents.

COUNT I

15. Plaintiff realleges and incorporates by reference the matters alleged in the foregoing paragraphs of this Complaint as if fully set forth herein.

17. Plaintiff is informed and believes, and based thereon alleges that Defendant has infringed the Soroudi Patents by, among other things, making, using, importing, advertising, offering for sale, and selling products infringing Plaintiff's patents including, without limitation, "iHeat warming units." (**Exhibit "C"**)

- 3 -

1 U.S.C. § 284.

2 19. Unless enjoined, Defendant will continue to infringe the Soroudi
3 Patents, and Plaintiff will suffer irreparable injury as a direct and proximate result
4 of Defendant's conduct.

5 20. Plaintiff has been damaged and injured by Defendant's conduct, and
6 until an injunction issues will continue to be damaged and injured in an amount yet
7 to be determined.

8 21. On information and belief, Defendant knew or should have known of
9 the Soroudi Patents and the Plaintiff's rights to the patented structures.

10 22. Defendant proceeded to knowingly and willfully disregard Plaintiff's
11 rights and to infringe Plaintiff's patents.

12 23. Plaintiff is therefore entitled to an amount which is treble the amount
13 of Plaintiff's damages found or assessed.

14 24. Based on Defendant's willful infringement, Plaintiff believes this to be
15 an "exceptional" case, which entitles Plaintiff to attorney's fees pursuant to 35
16 U.S.C. § 285.

17 25. Defendant has caused and continues to cause irreparable injury to
18 Plaintiff by infringement of Plaintiff's patents.

19 **COUNT II**

20 **INDUCEMENT OF PATENT INFRINGEMENT**

21 26. Plaintiff realleges and incorporates by reference the matters alleged in
22 the foregoing paragraphs of this Complaint as if fully set forth herein.

23 27. Plaintiff has not authorized Defendant to make, use, offer for sale, sell
24 or import products infringing Plaintiff's patents.

25 28. Plaintiff is informed and believes, and based thereon alleges that
26 Defendant has infringed the Soroudi Patents by actively inducing its agents and
27 others to, among other things, make, use, import, advertise, offer for sale, and sell
28 products infringing Plaintiff's patents.

LAW OFFICES OF SEPEHR DAGHIGHIAN, P.C.
433 NORTH CAMDEN DRIVE, FOURTH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

29. Defendant is thereby inducing others including, without limitation, Defendant's distributors, retailers, and end users to infringe said patent, pursuant to 35 U.S.C. § 271(b).

30. Unless enjoined, Defendant will continue to induce infringement of the Soroudi Patents, and Plaintiff will suffer irreparable injury as a direct and proximate result of Defendant's conduct.

31. Plaintiff has been damaged and injured by Defendant's conduct, and until an injunction issues will continue to be damaged and injured in an amount yet to be determined.

32. On information and belief, Defendant knew or should have known of the Soroudi Patents and the Plaintiff's rights to the patented structure.

33. Defendant proceeded to knowingly and willfully disregard Plaintiff's right and to infringement Plaintiff's patents.

34. Plaintiff is therefore entitled to an amount which is treble the amount of Plaintiff's damages found or assessed.

35. Based on Defendant's willful infringement, Plaintiff believes this to be an "exceptional" case, which entitles Plaintiff to attorney's fees pursuant to 35 U.S.C. § 285.

COUNT III

CONTRIBUTORY PATENT INFRINGEMENT

36. Plaintiff realleges and incorporates by reference the matters alleged in the foregoing paragraphs of this Complaint as if fully set forth herein.

37. Plaintiff has not authorized Defendant to make, use, offer for sale, sell or import components of products that when combined with other components result in products that infringe Plaintiff's patents.

38. Plaintiff is informed and believes, and based thereon alleges that Defendant has infringed the Soroudi Patents by, among other things, selling one or more devices which comprise a material part of the patented invention especially

1 adapted for use in an infringement of Plaintiff's patents, without Plaintiff's
2 permission or authority.

3 39. Defendant is thereby contributorily infringing said patent, pursuant to
4 35 U.S.C. § 271(c).

5 40. Unless enjoined, Defendant will continue to contributorily infringe the
6 Soroudi Patents, and Plaintiff will suffer irreparable injury as a direct and proximate
7 result of Defendant's conduct.

8 41. Plaintiff has been damaged and injured by Defendant's conduct, and
9 until an injunction issues will continue to be damaged and injured in an amount yet
10 to be determined.

11 42. On information and belief, Defendant knew or should have known of
12 the Soroudi Patents and the Plaintiff's rights to the patented structure.

13 43. Defendant proceeded to knowingly and willfully disregard Plaintiff's
14 right and to infringement Plaintiff's patents.

15 44. Plaintiff is therefore entitled to an amount which is treble the amount
16 of Plaintiff's damages found or assessed.

17 45. Based on Defendant's willful infringement, Plaintiff believes this to be
18 an "exceptional" case, which entitles Plaintiff to attorney's fees pursuant to 35
19 U.S.C. § 285.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiff, Ocugiene, Inc., prays that the Court enter a
22 judgment in favor of Plaintiff as follows:

- 23 (1) That the Soroudi Patents are valid and enforceable;
24 (2) That the Soroudi Patents are infringed by the Defendant;
25 (3) That Defendant's infringement was willful;
26 (4) That Defendant and its directors, officers, employees, attorneys,
27 agents, and all persons in active concert or participation with any of the foregoing
28 be preliminarily and permanently enjoined from further acts of infringement of the

Soroudi Patents;

(5) That Defendant be required to pay Plaintiff damages according to the following:

a) In accordance with 35 U.S.C. § 284, the greater of \$1,000,000 or, actual damages, and in no event less than a reasonable royalty regarding Defendant's revenues and those of its agents from infringing sales revenues and of revenue conveyed thereby, consequential of Defendant's infringements, pursuant to 35 U.S.C. § 271(a), (b), and (c);

(6) That the foregoing damages awards be trebled, pursuant to 35 U.S.C. § 284;

(7) That this is an exceptional case and that Plaintiff be awarded its reasonable costs and attorney's fees, pursuant to 35 U.S.C. § 285;

(8) That Plaintiff be awarded interest from the date of the commencement of infringement; and

(9) That Plaintiff has such other and further relief as the Court may deem equitable.

Dated: April 1, 2011

Respectfully submitted,

LAW OFFICES OF SEPEHR DAGHIGHIAN, P.C.


SEPEHR DAGHIGHIAN, ESQ.
Attorney for Plaintiff: Ocugiene, Inc.

LAW OFFICES OF SEPEHR DAGHIGHIAN, P.C.
433 NORTH CAMDEN DRIVE, FOURTH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands a trial by jury of all issues raised by this Complaint which are triable by jury.

Dated: April 1, 2011

Respectfully submitted,
LAW OFFICES OF SEPEHR DAGHIGHIAN, P.C.



SEPEHR DAGHIGHIAN, ESQ.
Attorney for Plaintiff: Ocugiene, Inc.

LAW OFFICES OF SEPEHR DAGHIGHIAN, P.C.
433 NORTH CAMDEN DRIVE, FOURTH FLOOR
BEVERLY HILLS, CALIFORNIA 90210

EXHIBIT "A"

(12) **United States Patent**
Soroudi

(10) **Patent No.:** **US 7,513,893 B2**

(45) **Date of Patent:** **Apr. 7, 2009**

(54) **DEVICE AND METHOD FOR TREATMENT OF EYELID DISEASES**

(76) **Inventor:** **Abraham Ebbie Soroudi**, 11740 W. Sunset Blvd., Brentwood, CA (US) 90049

(*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 121 days.

(21) **Appl. No.:** **11/324,848**

(22) **Filed:** **Jan. 3, 2006**

(65) **Prior Publication Data**

US 2006/0104914 A1 May 18, 2006

Related U.S. Application Data

(63) Continuation-in-part of application No. 10/799,209, filed on Mar. 12, 2004, now Pat. No. 7,211,070.

(51) **Int. Cl.**
A61M 35/00 (2006.01)

(52) **U.S. Cl.** 604/294; 604/289

(58) **Field of Classification Search** 604/289-291, 604/294-296; 607/109

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

2,527,947 A * 10/1950 Loos 604/294
2,573,791 A 11/1951 Howells
2,765,789 A 10/1956 Schmierer
3,762,419 A * 10/1973 Walters 607/109
3,804,077 A * 4/1974 Williams 126/263.1
4,134,401 A 1/1979 Galician
4,268,272 A 5/1981 Taura
4,372,318 A 2/1983 Viesturs et al.
4,516,564 A 5/1985 Koiso et al.
4,666,441 A 5/1987 Andriola et al.

4,995,114 A 2/1991 Price, Jr.
5,389,066 A 2/1995 Rhame, Jr.
5,456,704 A 10/1995 Kilcullen
5,769,806 A 6/1998 Radow
5,879,378 A 3/1999 Usui
6,090,060 A 7/2000 Radow
6,149,615 A 11/2000 Gallamore
6,261,595 B1 7/2001 Stanley et al.
6,409,746 B1 6/2002 Igaki et al.
6,436,128 B1 8/2002 Usui
6,623,517 B1 9/2003 DeLuisa et al.
6,629,964 B1 10/2003 Ono et al.
2003/0056281 A1 3/2003 Hasegawa
2004/0074502 A1 4/2004 Abbasi
2006/0018953 A1 * 1/2006 Guillon et al. 424/443

FOREIGN PATENT DOCUMENTS

WO 93/10019 * 5/1993

* cited by examiner

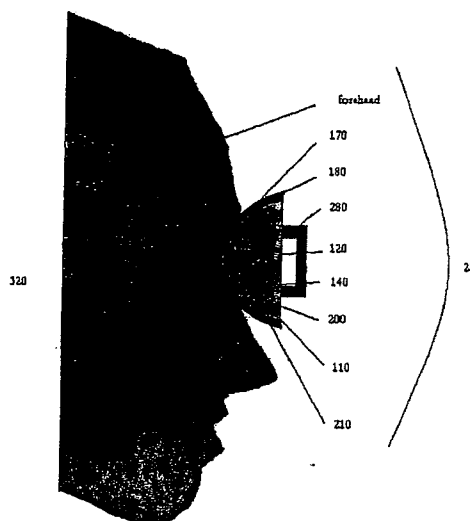
Primary Examiner—Michele Kidwell

(74) *Attorney, Agent, or Firm*—Blakely, Sokoloff, Taylor & Zafman LLP

(57) **ABSTRACT**

A container has an impermeable outer membrane sized to fit generally within the peri-orbital region and sufficiently flexible to mold to the structure of the closed eye. Heat which is generated by an exothermic reaction inside the container, which provides steady-state heat to the eyelids. A soft, non-abrasive, lint-free material is presoaked in a pH controlled (preferably antibacterial and hypoallergenic) detergent, with or without an ophthalmic antibiotic solution. The compress may also have a handle which makes holding and maneuvering the compress more feasible, while protecting the user's fingers from the heat, and preventing the contamination of the compress by the fingers. The compress may be packed in a watertight, sterile wrapper which will prevent drying of the detergent solution. Other embodiments are also described and claimed.

23 Claims, 17 Drawing Sheets



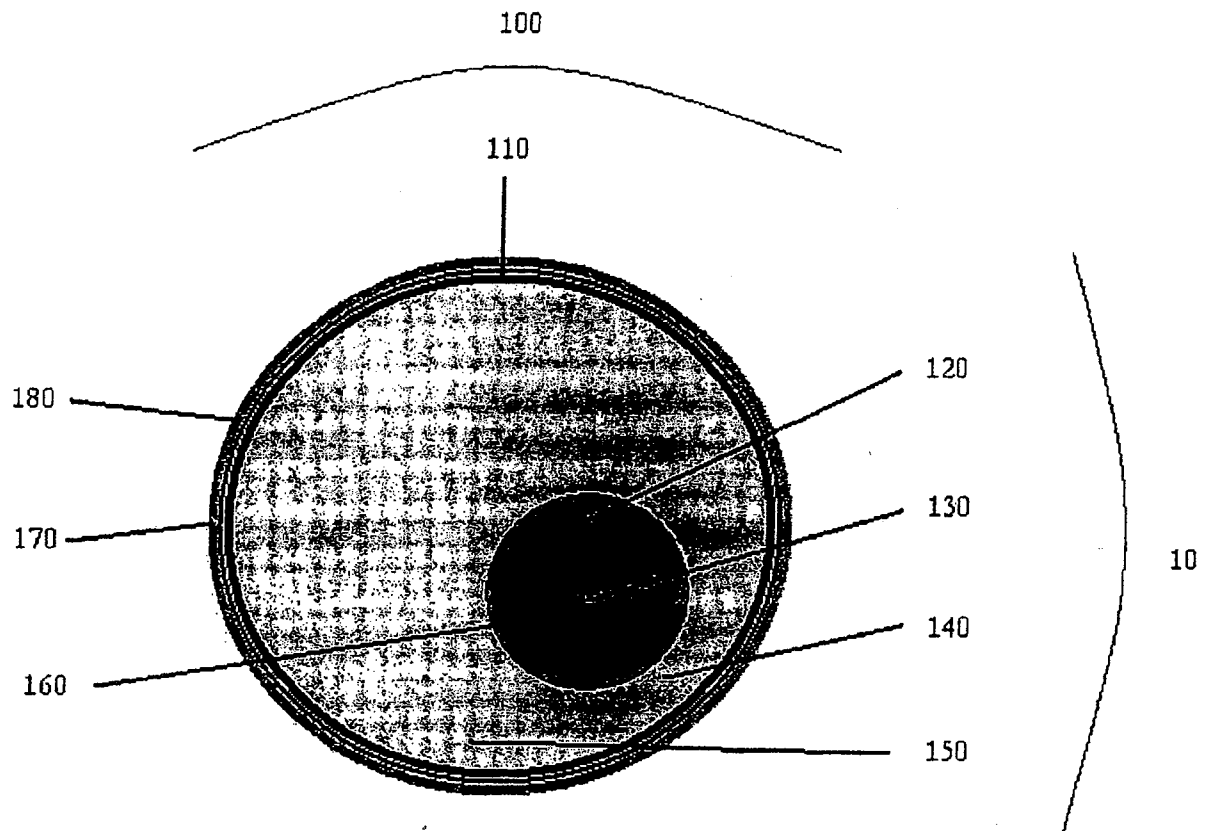


Figure 1

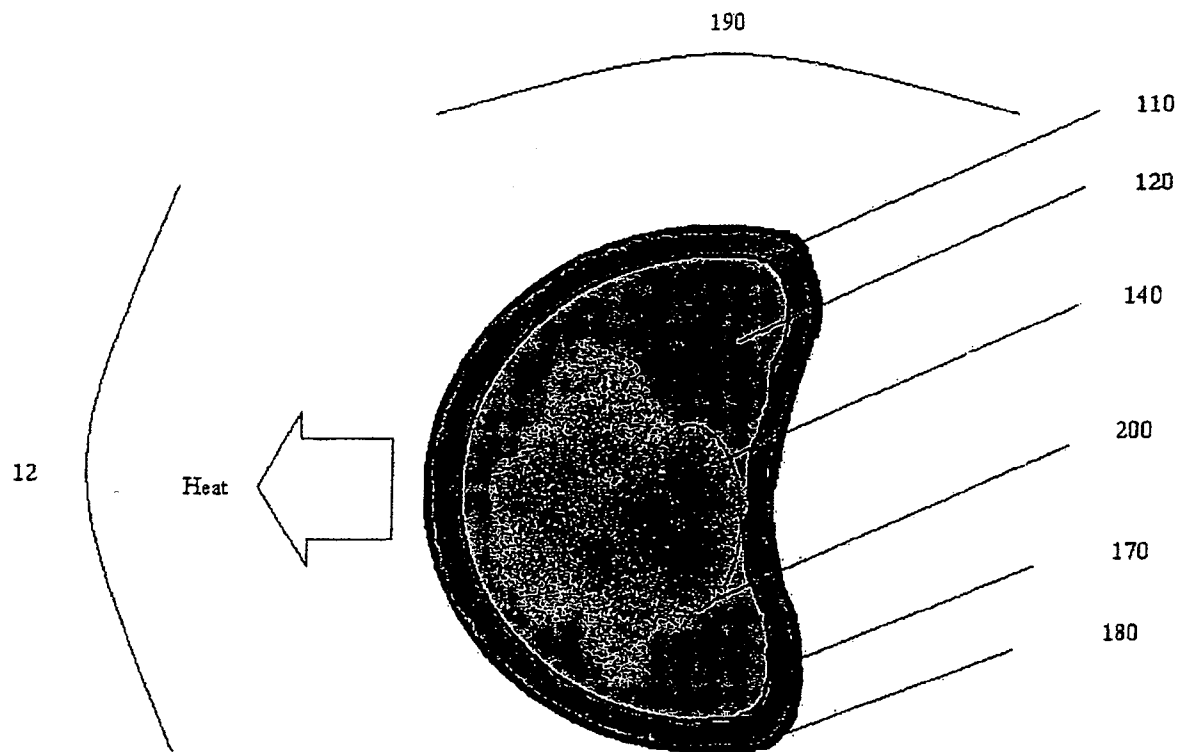


Figure 2

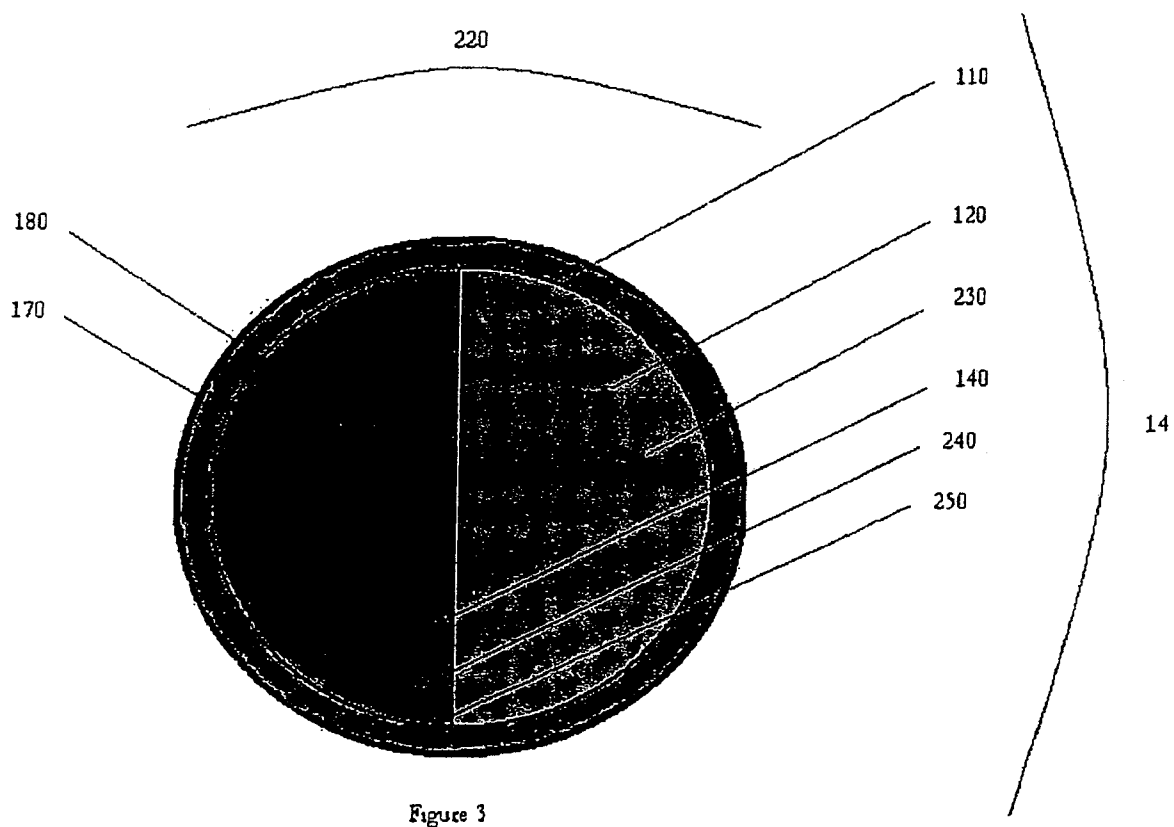


Figure 3

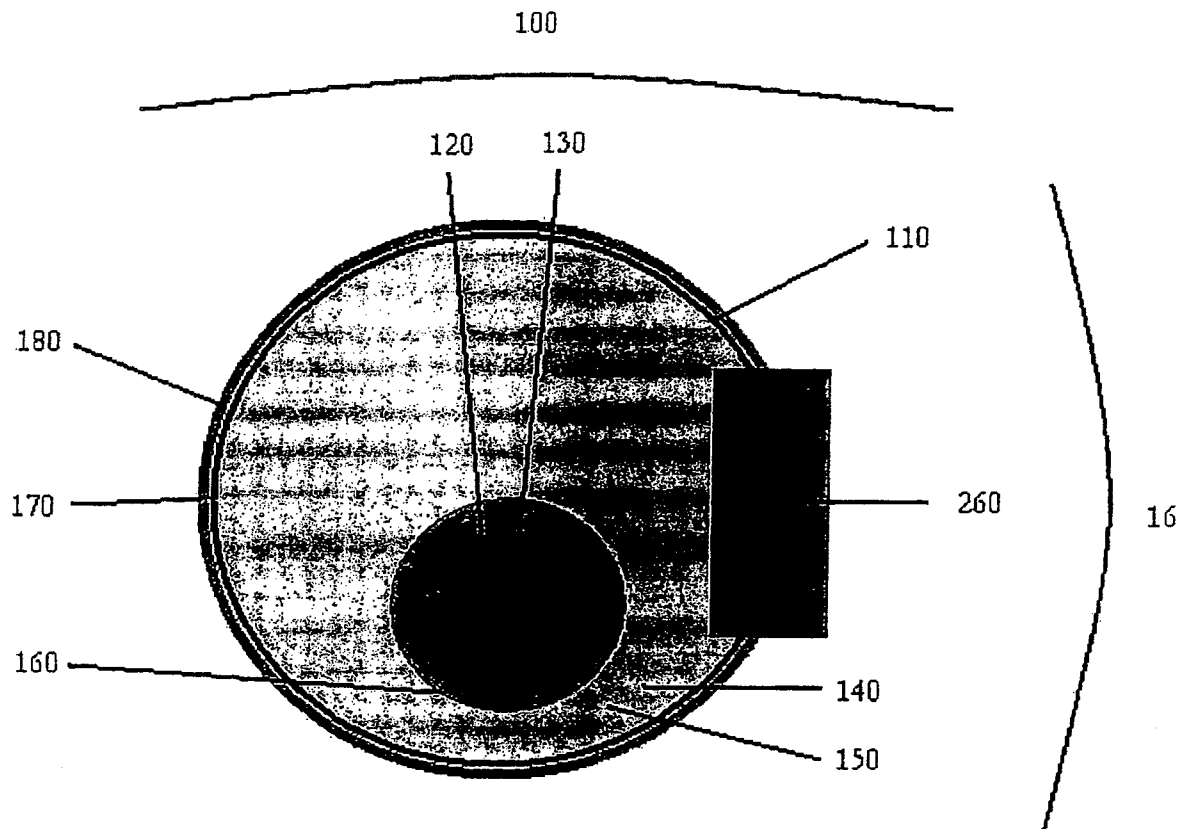


Figure 4

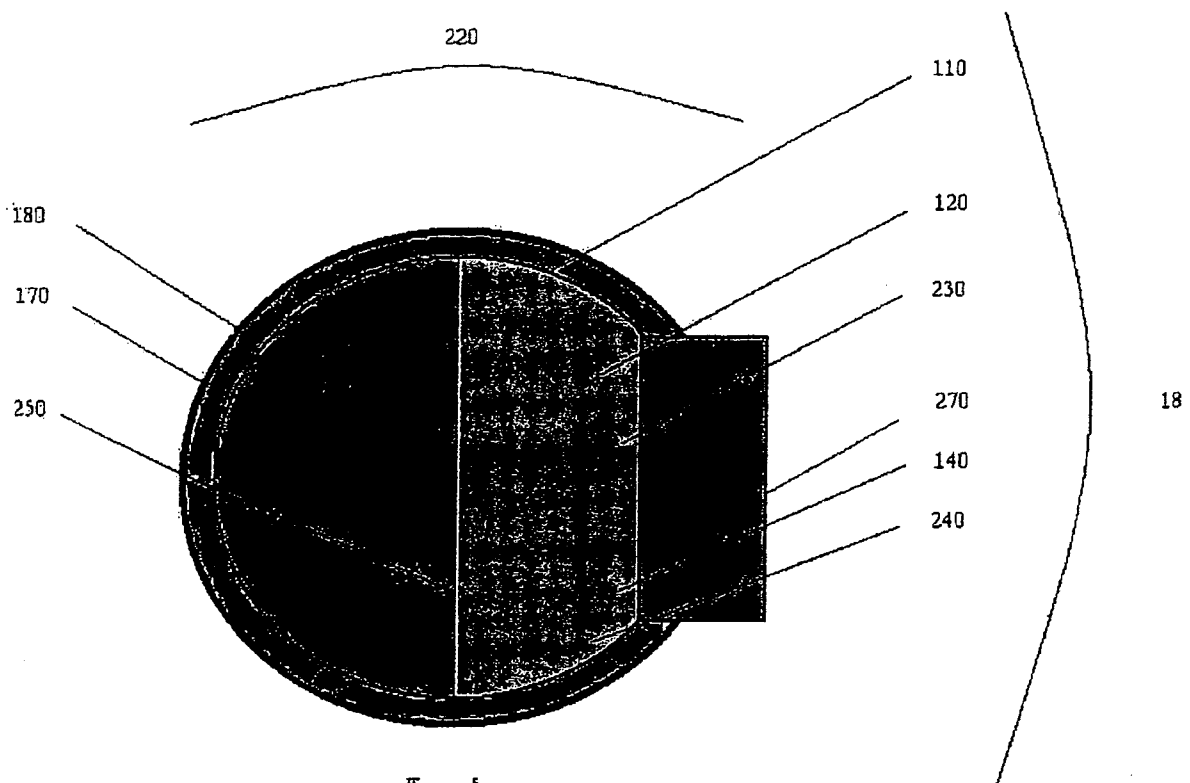


Figure 5

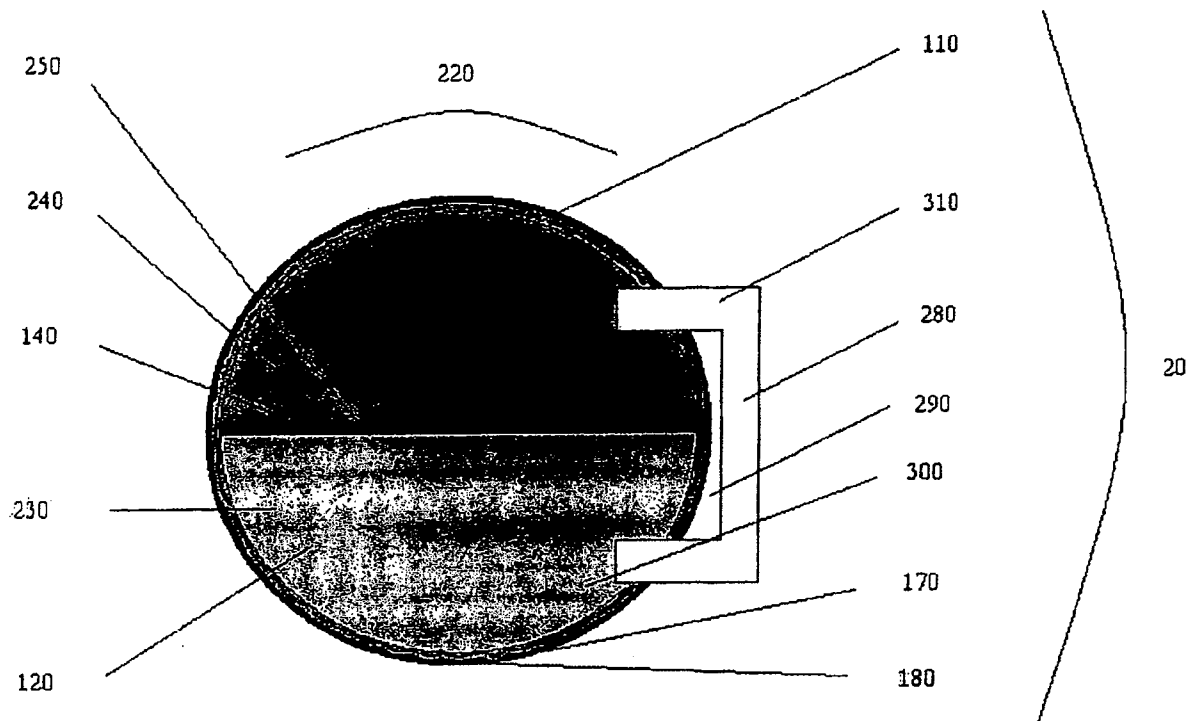


Figure 6

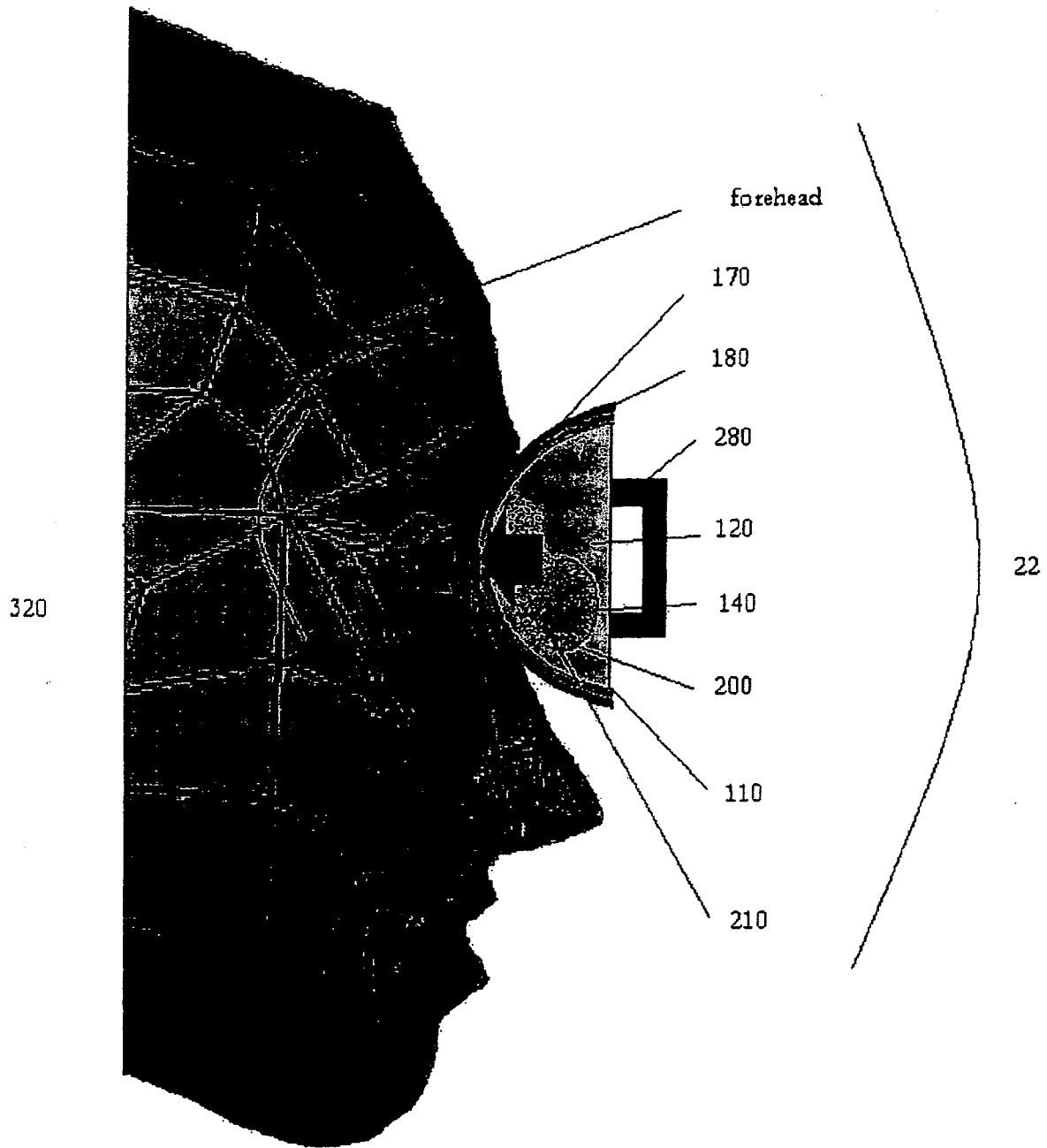


Figure 7

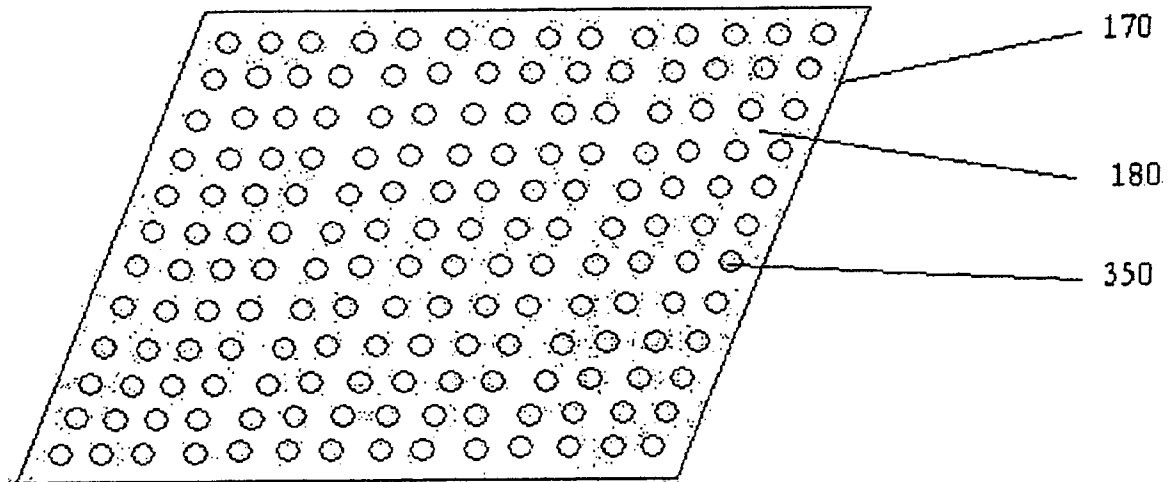


Figure 8

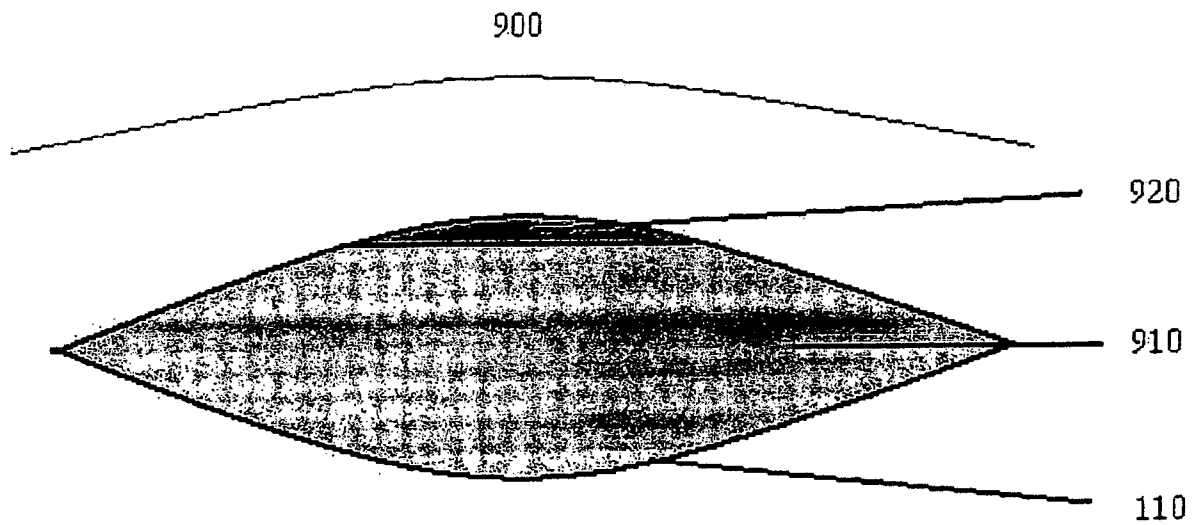
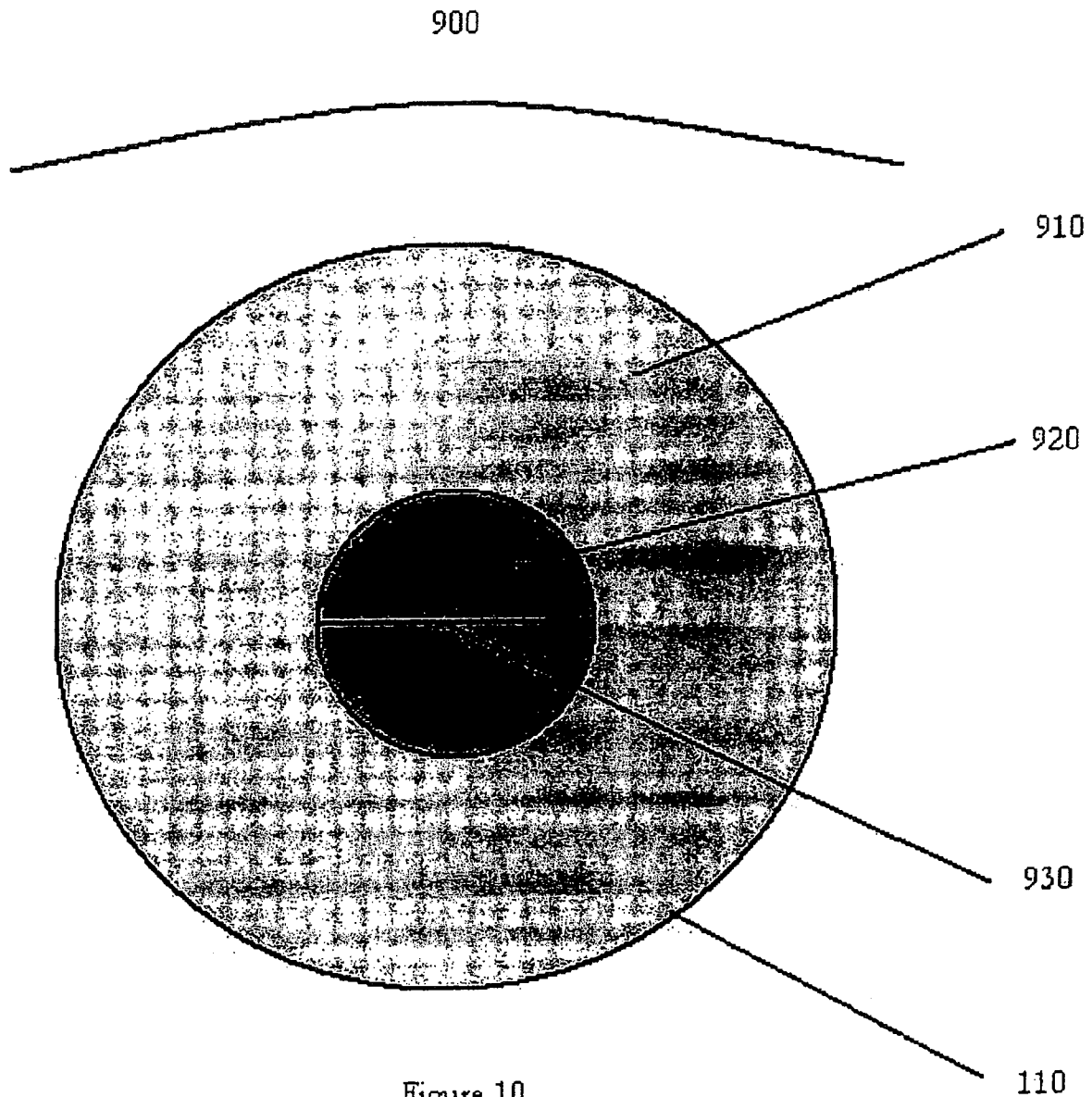


Figure 9



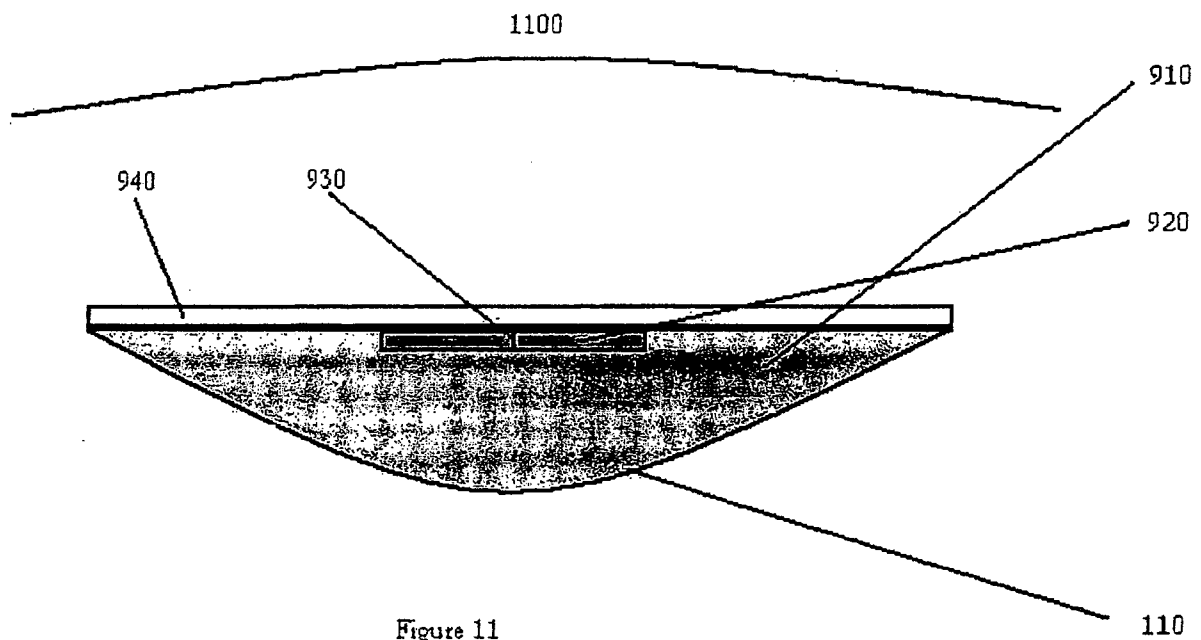


Figure 11

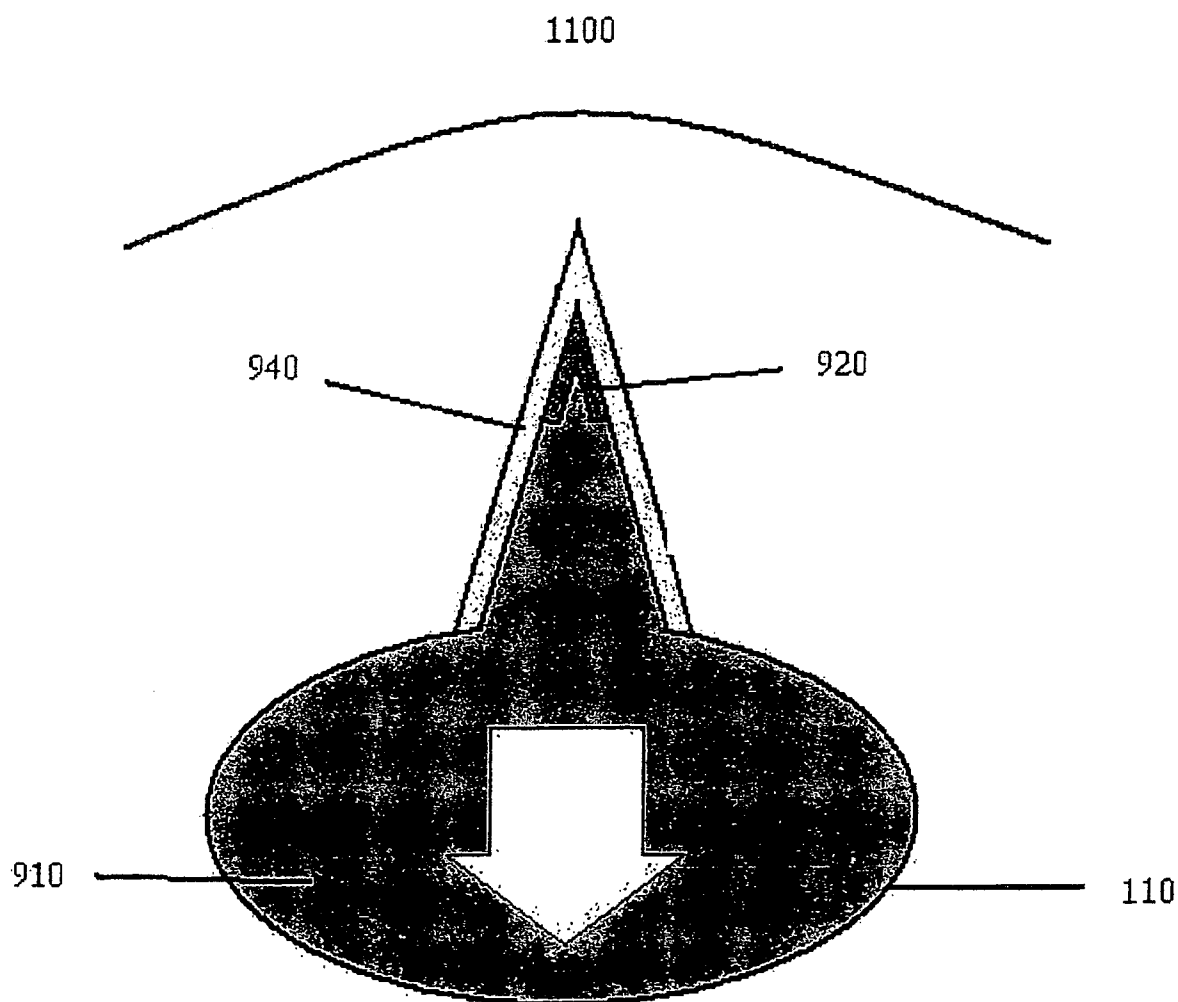


Figure 12

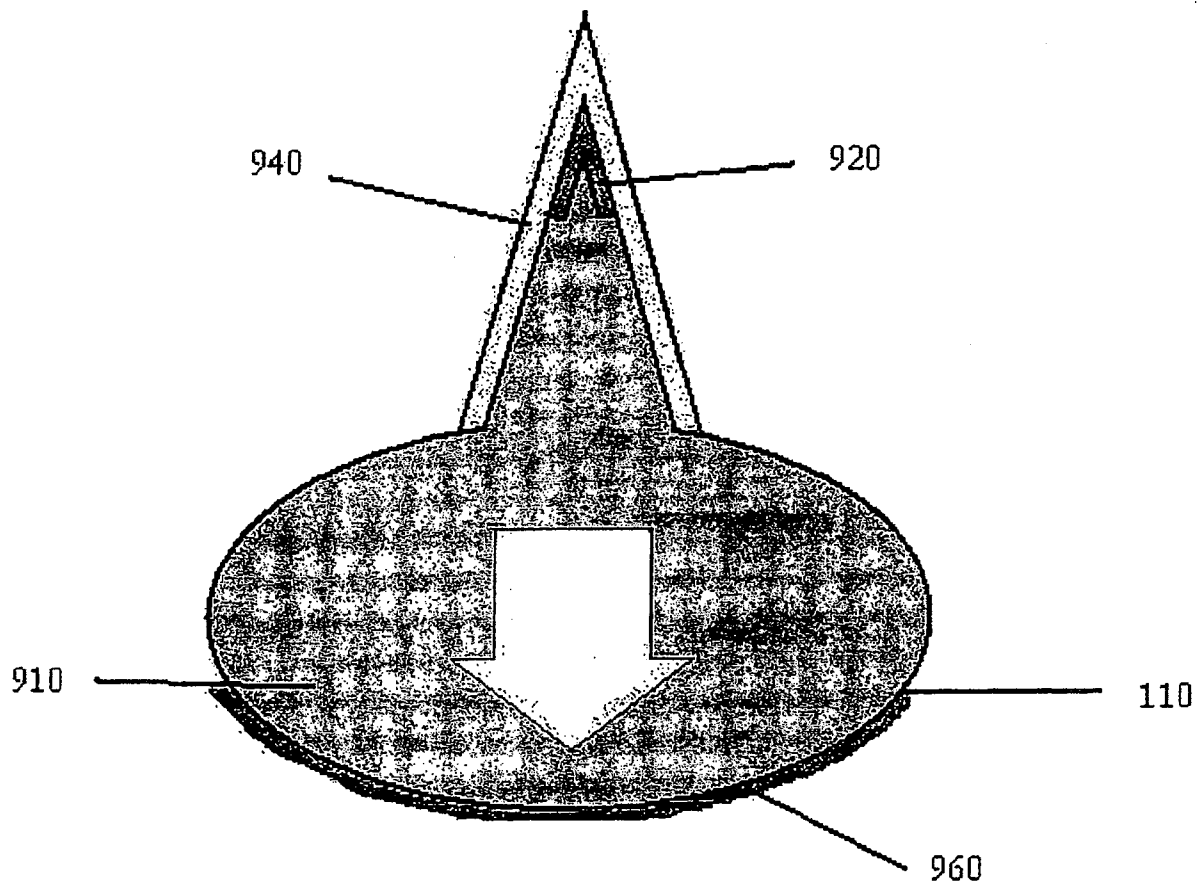


Figure 13

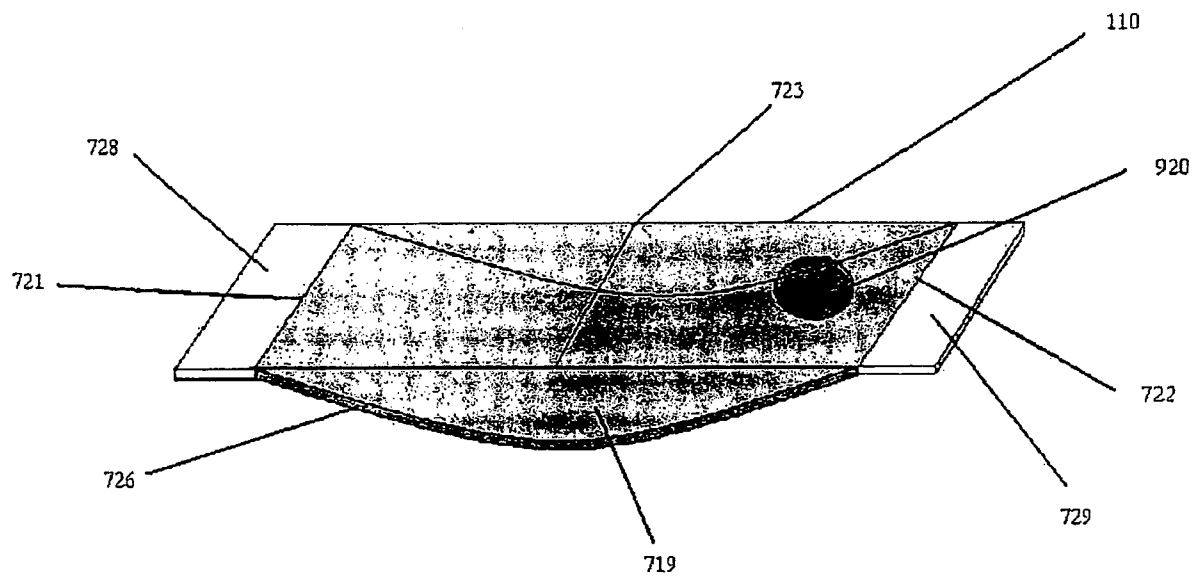


Figure 14

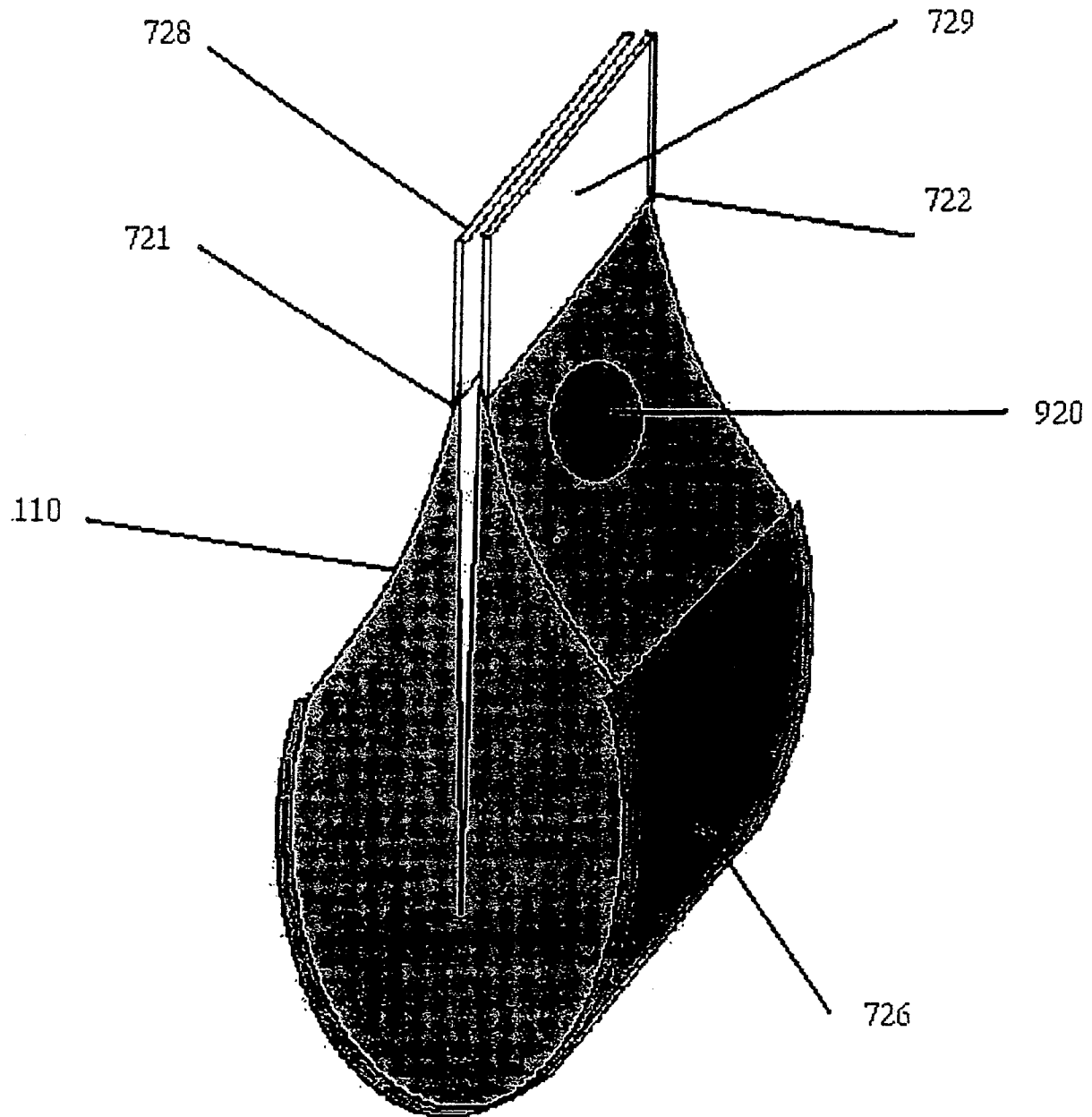


Figure 15

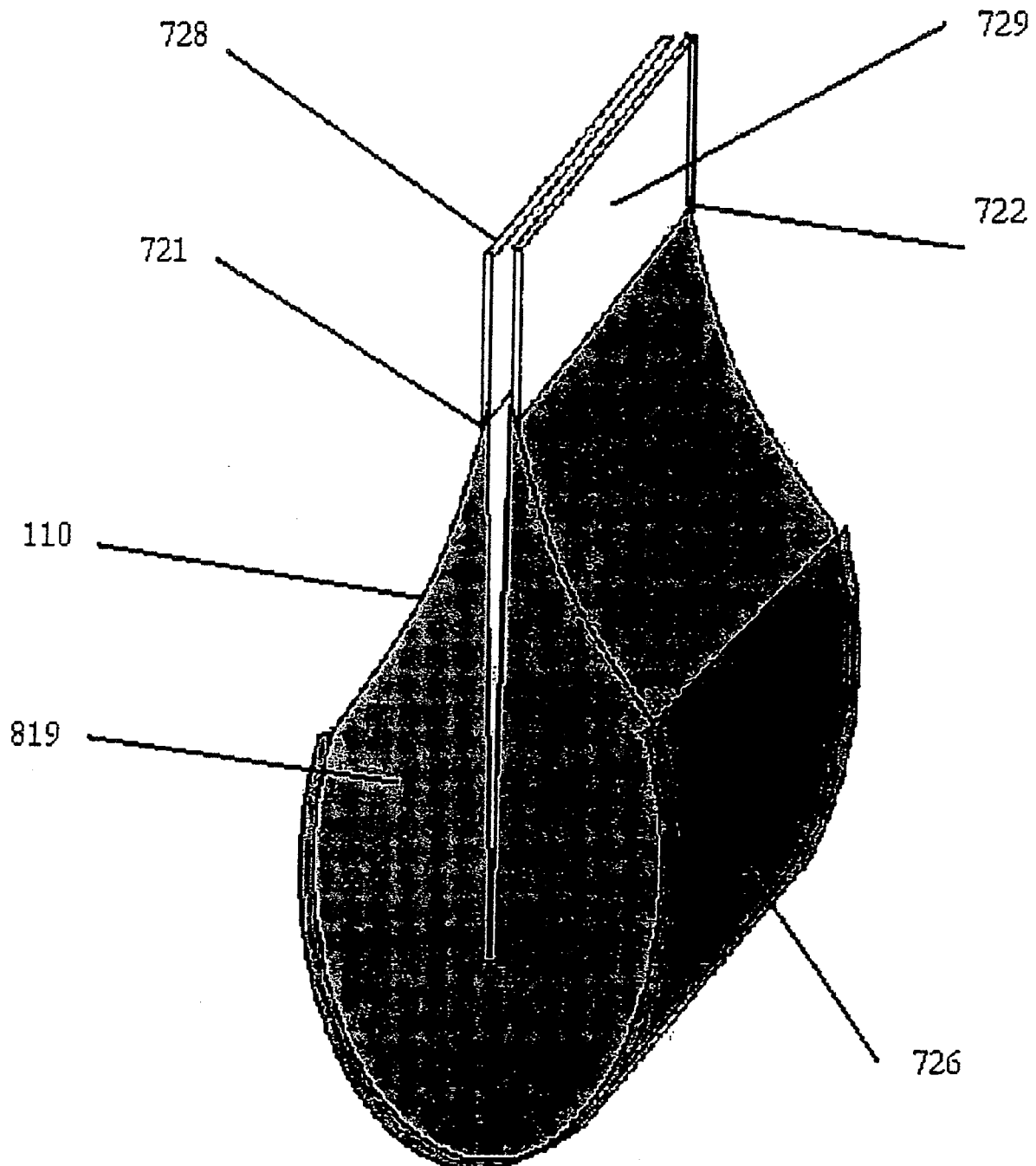


Figure 16

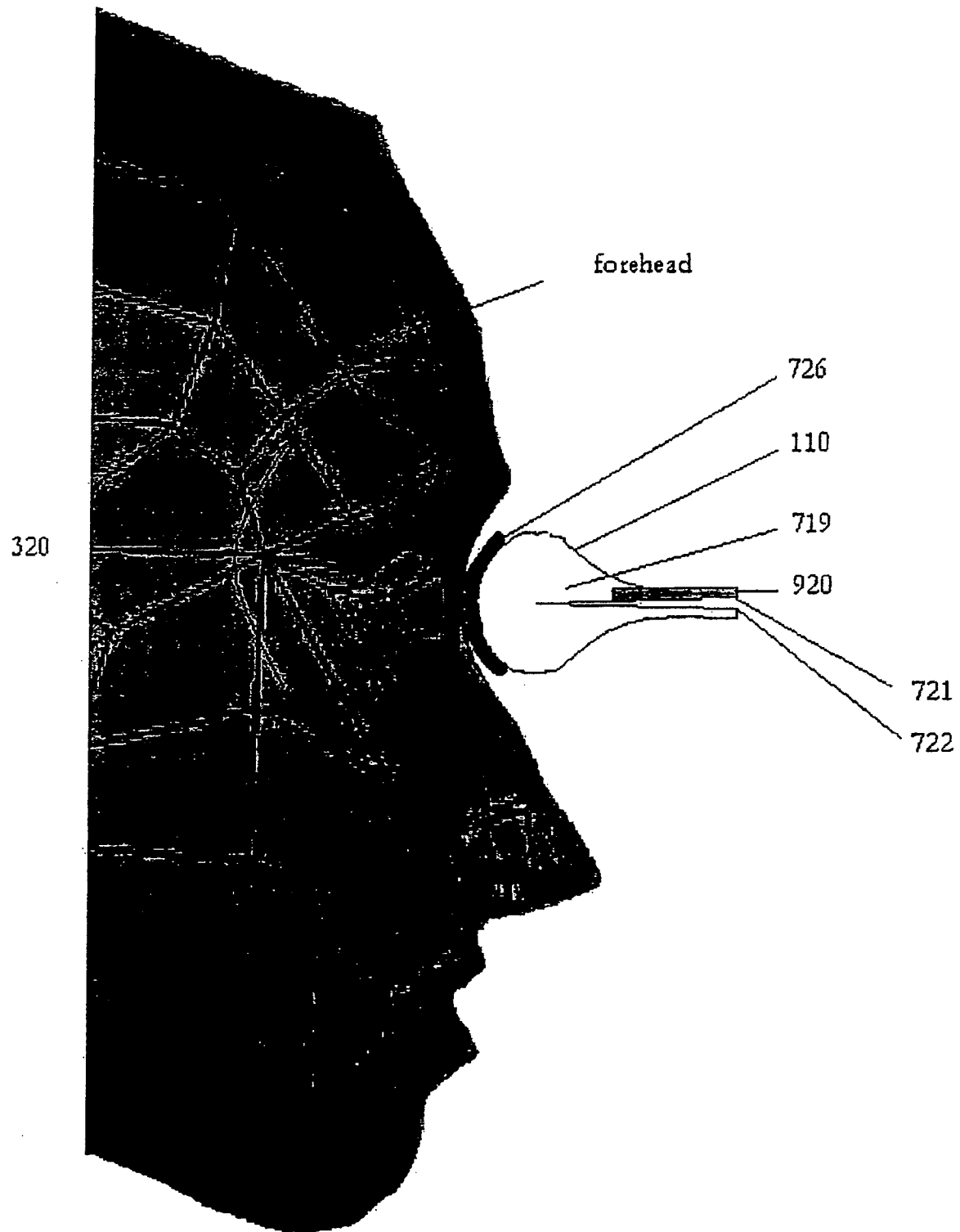


Figure 17

US 7,513,893 B2

1

DEVICE AND METHOD FOR TREATMENT OF EYELID DISEASES

This continuation-in-part application claims the benefit of the earlier filing date of U.S. patent application Ser. No. 10/799,209, filed Mar. 12, 2004, entitled "Device and Method for Exothermic Treatment of Eyelid Diseases" now U.S. Pat. No. 7,211,070.

BACKGROUND

There is a myriad of common eye disease known in the field of Ophthalmology that benefit from the use of warm compresses applied to the periocular skin. A combination of heat application and scrubbing the eyelids with a mild detergent (e.g., a pH-controlled "baby" shampoo) is the currently accepted means of achieving proper eyelid hygiene, and is the common denominator in the treatment of a variety of very common eye conditions.

Acutely inflamed internal or external hordeola or chalazia (Collectively referred to as Sties) are probably the most widely recognized and accepted indications for using warm compresses on the eyes. These conditions are extremely common, they're recurrent, and occur in children and adults alike, with equal distribution in males and females. Sties are small "lumps" that can form over or under the eyelids, or on the bases of the eyelashes. They typically result from the clogging of oil (sebaceous) or sweat glands around the eyelashes or inside the eyelid, and are thought to be brought about by bacterial overgrowth. They can cause tremendous redness, tenderness, pain, tearing and even light-sensitivity, followed by progressive swelling in a small area or the entire eyelid.

Patients often use a warm tea-bag or a towelette that they hold under warm running water, both of which lose heat within mere seconds. Some run their eyes under hot tap water or try microwave-heated compresses with resulting second-degree burns severe enough to have even been reported in the scientific literature. Some specialists advocate the use of a boiled egg or a warm potato wrapped in a thin towel (burrito) to provide heat for a longer duration of time. These methods of applying heat are often either not hot enough or not lengthy enough to be effective, and on the same token, can be hot enough to be harmful to the delicate periocular skin.

The application of heat and pH-controlled detergent (e.g., "baby shampoo") scrubs has also been advocated toward the treatment of many other ocular conditions such as blepharitis (staphylococcal vs. seborrheic), meibomian gland dysfunction, preseptal/orbital cellulitis, and dry eye syndrome.

In the case of blepharitis, the addition of a mild, broad-spectrum antibiotic (e.g., erythromycin or bacitracin), even steroids (e.g., prednisolone acetate 1% ophthalmic solution) may be supplemented with the warm pH-controlled shampoo scrubs per the discretion of the ophthalmologist.

Blepharitis refers to chronic inflammation of the eyelids, and is one of the most common disorder of the eye. Blepharitis may be anterior, e.g. staphylococcal, seborrheic or posterior, e.g. meibomian gland dysfunction.

Blepharitis is often the underlying reason for eye discomfort, redness and tearing, burning, itching, light sensitivity, and an irritating, sandy, gritty sensation that is worse upon awakening.

Warm compresses followed by lid scrubs is an element of effective blepharitis control. Many ophthalmologists recommend cotton-tip applicators be used to scrub the eyelids and lashes with a pH-controlled shampoo, before or after the application of moist heat. Not only is this exercise tedious and inconvenient for even young, healthy individuals, but is quite

2

a difficult task for children or for the elderly, especially those who suffer from arthritis, those who fatigue easily, have poor near visual acuity, or those whose hands shake. The inconvenience of this ritual is a common cause of poor compliance and treatment failure frequently encountered in clinical practice.

The recommended step-by-step treatment for sties and blepharitis is to:

- 1) cleanse the oily eyelid margin with a non-toxic (preferably antibacterial) detergent,
- 2) massage the eyelids to help "unclog" the pores, and
- 3) provide enough heat to:
 - i) help open the clogged pores,
 - ii) emulsify the lipogranulomatous component of the meibomian contents (like melting butter to turn it into fluid), which would aid drainage and absorption, and
 - iii) improve blood flow to the affected site to expedite absorption.

Acute hordeola, if not treated properly initially, can turn into chalazia, which are hard, painless eyelid masses, and require intralesional steroid injections, even surgical debridement, both of which could be easily prevented by proper and timely intervention.

On a different note, the bacterial flora residing on the eyelid margins has been known to be a source for devastating eye infections (endophthalmitis) following any type of ocular surgery, including LASIK, Corneal Transplantation, Cataract, Glaucoma, and Retinal surgery). In fact, in the face of poor eyelid hygiene or active blepharitis, it is contraindicated to perform any type of elective eye surgery. Today, pre-treatment of the eyelids with warm compresses and a pH-controlled shampoo has become a routine exercise for the thousands of people undergoing ocular surgery in the U.S. on a daily basis.

SUMMARY OF THE INVENTION

In one aspect of the present invention, the step-by-step ritual of frequent use of warm compresses and scrubbing the lids with a pH-controlled detergent (with or without the application of an antibiotic) is replaced with a much more convenient procedure which combines these steps into one.

In one embodiment, a product is provided that makes treating those affected by the aforementioned eye diseases (e.g., sties and blepharitis) more convenient and safe, thereby more effective.

In another aspect of the present invention, a convenient product promotes better eyelid hygiene by making this exercise less tedious, thereby improving patient compliance with the gold standard of treatment, while preventing the recurrence of the underlying problem (e.g., blepharitis or sties).

In yet another aspect, a convenient method for reducing the potential infectious complications of intraocular surgery is provided.

In another aspect, the invention provides pain relief to sufferers of certain conditions of the eye, such as dry eyes, or post-surgical pain.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 shows a cross sectional view of an eye pack.

FIG. 2 shows the cross sectional view of the eye pack with burst inner membrane and resulting exothermic reaction.

FIG. 3 shows an alternative cross sectional view of the exothermic heat pack.

FIG. 4 shows a cross sectional view of an exothermic heat pack with an external handle.

US 7,513,893 B2

3

FIG. 5 shows a cross sectional view of an alternative exothermic heat pack with a penetrating handle.

FIG. 6 shows a cross sectional view of an exothermic heat pack with an arcuate handle.

FIG. 7 shows an eye pad on the peri-orbital region.

FIG. 8 shows a material that contains cleansing and/or antibiotic in breakable capsules.

FIG. 9 shows a cross sectional view of an exothermic heat pack which utilizes the heat generated by the crystallization of an organic salt which initiates when a metal piece is bent inside a container.

FIG. 10 depicts a top view of the exothermic heat pack of FIG. 9.

FIG. 11 depicts a cross section view of an exothermic heat pack with an added handle attached to the outside of an outer wall, with the metal piece attached to the inside of the wall placed under and in the center of the handle.

FIG. 12 depicts the heat pack with its handle bent, and the metal piece bent inside the container.

FIG. 13 depicts the heat pack of FIG. 12 with an added pad preferably made of non-abrasive, lint-free material (e.g., gauze) attached to the outside of the container, opposite the handle.

FIG. 14 depicts a 3-dimensional view of an alternate design for the exothermic warm compress.

FIG. 15 depicts a 3-dimensional view of the example compress in FIG. 14 when bent.

FIG. 16 depicts a 3-dimensional view of a non-exothermic warm compress similar in structure to that in FIG. 14, except that the chemical with which it is filled is composed of a reheatable material (e.g., glycerin gel), and no metal piece 920 is provided.

FIG. 17 depicts a warm compress similar to that in FIG. 15 when applied to the periorbital area. The extension of the outer impermeable membrane may be used as a handle to hold and maneuver this product.

DETAILED DESCRIPTION OF THE INVENTION

In a first aspect, the disclosure shows a warm compress or eye pad (hereafter referred to as "compress") that provides controlled heat energy generated by an exothermic reaction over a non-abrasive, lint-free material pre-soaked in a pH-controlled, cleansing detergent. The compress is provided to facilitate and make safe the simultaneous application of heat and scrubbing of the eyelid margins and the lashes with the detergent, with or without an ophthalmic antibiotic formulation.)

The eye pad is sufficiently flexible to conform to the shape of the closed eye, yet sufficiently stiff to be rolled over that area. As used herein, the term "impermeable" means that the contents of the container that is created by the impermeable membrane cannot pass through that membrane under ordinary use of the system. The term "permeable" means that the contents of adjoining compartments separated by the permeable membrane can mix with each other by passage through the permeable membrane.

In a particular embodiment, the separating membrane is rendered permeable by breakage of the membrane. The term "membrane" refers to a flexible or inflexible barrier.

Referring now to FIG. 1 which shows eye pad system 10, multipart container 100 having impermeable outer membrane 110 is sized to fit generally within a user's peri-orbital region, and is sufficiently flexible to mold to that region of the user's face. First chemical 120 is stored in first, inner, concentric storage area 130 of multipart container 100. Second chemical 140 is stored in second, outer, concentric storage area 150 of

4

multipart container 100. The first and second chemicals have been chosen to cause an exothermic reaction when mixed. Internal membrane 160 separates the first and second chemicals in container 100. Internal membrane 160 can be rendered permeable through such actions as the application of physical force to container 100, while at the same time impermeable outer membrane 110 maintains its impermeability.

Outer wrap 170 covers at least part of impermeable outer membrane 110 and is attached at enough places to create a soft surface at least the size of the peri-orbital region. Outer wrap 170 may completely cover multipart container 100 as shown, or it may cover a smaller part of container 100, such as only the portion of impermeable outer membrane 110 that would otherwise come in contact with the user's face, as shown in FIG. 7. Outer wrap 170 is preferably made of a soft, non-abrasive, lint-free material 180 such as gauze. Material 180 is suitable for absorbing and retaining a cleansing substance suitable for cleansing the peri-orbital region. Material 180 is also suitable for absorbing and retaining a topical non-allergenic bacteriostatic or bactericidal antibiotic. Material 180 is also flexible in the region to be applied to the face so that the contained cleanser and/or antibiotic can be moved around the peri-orbital region to cleanse the region.

Referring now to FIG. 2 and eye pad system 12, container 190 having impermeable outer membrane 110 is sized to fit generally within a user's peri-orbital region, and is sufficiently flexible to mold to the eye region of the user's face. Internal membrane 200 has been rendered permeable by rupture. First chemical 120 and second chemical 140 are mixed in container 190. The first and second chemicals have been chosen to cause an exothermic reaction when mixed, releasing heat from the system 12. Impermeable outer membrane 110 remains impermeable when internal membrane 200 is rendered permeable. Outer wrap 170, which covers at least the area to be placed on the user's face (see FIG. 7), is preferably made of soft, non-abrasive, lint-free material 180 such as gauze. Material 180 is suitable for absorbing and retaining a cleansing substance suitable for cleansing the peri-orbital region. Material 180 is also suitable for absorbing and retaining a topical non-allergenic bacteriostatic or bactericidal antibiotic. Material 180 is also flexible in the region to be applied to the face so that the contained cleanser and/or antibiotic can be moved around the peri-orbital region to cleanse the region.

FIG. 3 is similar to FIG. 1, showing an eye pad system 14 having multipart container 220 with impermeable outer membrane 110 that is sized to fit generally within a user's peri-orbital region, and is sufficiently flexible to mold to the eye region of the user's face. First chemical 120 is stored in first adjacent storage area 230 of multipart container 220. Second chemical 140 is stored in second adjacent storage area 240 of multipart container 220, abutting first adjacent storage area 230. The first and second chemicals have been chosen to cause an exothermic reaction when mixed. Internal membrane 250 that can be rendered permeable, separates the first and second chemicals in container 220. Internal membrane 250 can be rendered permeable through such actions as the application of physical force to container 220 while at the same time the impermeability of outer membrane 110 is maintained. Outer wrap 170, which covers at least the area to be placed on the user's face (see FIG. 7), is made of soft, non-abrasive, lint-free material 180 such as gauze. Material 180 is suitable for absorbing and retaining a cleansing substance suitable for cleansing the peri-orbital region. Material 180 is also suitable for absorbing and retaining a topical non-allergenic bacteriostatic or bactericidal antibiotic. Material 180 is also flexible in the region to be applied to the face so that the

US 7,513,893 B2

5

contained cleanser and/or antibiotic can be moved around the peri-orbital region to cleanse the region.

Referring now to FIG. 4 and eye pad system 16, multipart container 100 having impermeable outer membrane 110 is sized to fit generally within a user's peri-orbital region, and is sufficiently flexible to mold to that region of the user's face. First chemical 120 is stored in first, inner, storage area 130 of multipart container 100. Second chemical 140 is stored in second, outer, storage area 150 of multipart container 100. The first and second chemicals have been chosen to cause an exothermic reaction when mixed. Internal membrane 160 separates the first and second chemicals in container 100. The area 130 defines a container that can move around inside the area 150. Internal membrane 160 can be rendered permeable through such actions as the application of physical force to container 100 while at the same time the impermeability of outer membrane 110 is maintained.

Outer wrap 170 covers at least part of impermeable outer membrane 110 and is attached at enough places to create a smooth surface at least the size of the peri-orbital region. Outer wrap 170 may completely cover multipart container 100, or it may cover a smaller part of container 100, such as the portion of impermeable outer membrane 110 that would otherwise come in contact with the user's face, as shown in FIG. 7. Outer wrap 170 is made of soft, non-abrasive, lint-free material 180 such as gauze. Material 180 is suitable for absorbing and retaining a cleansing substance suitable for cleansing the peri-orbital region. Material 180 is also suitable for absorbing and retaining a topical non-allergenic bacteriostatic or bactericidal antibiotic. Material 180 is also flexible in the region to be applied to the face so that the contained cleanser and/or antibiotic can be moved around the peri-orbital region to cleanse the region.

External handle 260 can be rigidly attached to impermeable outer membrane 110 to provide a convenient way for a user to hold the eye pad. External handle 260 is also useful in the manual rupture of internal membrane 160 by providing a means for grasping and pushing firmly on outer membrane 110. Likewise, external handle 260 can be useful in the manipulation of system 16, especially around the peri-orbital region.

Referring now to FIG. 5, and eye pad system 18, multipart container 220 with impermeable outer membrane 110, is sized to fit generally within a user's peri-orbital region, and is sufficiently flexible to mold to the eye region of the user's face. First chemical 120 is stored in first adjacent storage area 230 of multipart container 220. Second chemical 140 is stored in second adjacent storage area 240 of multipart container 220, abutting first adjacent storage area 230. The first and second chemicals have been chosen to cause an exothermic reaction when mixed. Interior membrane 250 that can be rendered permeable, separates the first and second chemicals in container 220. Internal membrane 250 can be rendered permeable through such actions as the application of physical force to container 220 while at the same time the impermeability of outer membrane 110 is maintained. Outer wrap 170, which covers at least the area to be placed on the user's face (see FIG. 7), is made of soft, non-abrasive, lint-free material 180 such as gauze. Material 180 is suitable for absorbing and retaining a cleansing substance suitable for cleansing the peri-orbital region. Material 180 is also suitable for absorbing and retaining a topical non-allergenic bacteriostatic or bactericidal antibiotic. Material 180 is also flexible in the region to be applied to the face so that the contained cleanser and/or antibiotic can be moved around the peri-orbital region to cleanse the region.

6

Penetrating handle 270 can be rigidly attached to impermeable outer membrane 110 to provide a convenient way for a user to hold the eye pad. The presence of a portion of penetrating handle 270 inside first storage area 230 adds further stability to penetrating handle 270. Penetrating handle 270 is useful in the manual rupture of internal membrane 250 by providing a means for grasping and pushing firmly on outer membrane 110. Likewise, penetrating handle 270 can be useful in the manipulation of system 18, especially around the peri-orbital region.

Referring now to FIG. 6, and eye pad system 20, multipart container 220 with impermeable outer membrane 110, is sized to fit generally within a user's peri-orbital region, and is sufficiently flexible to mold to the eye region of the user's face. First chemical 120 is stored in first adjacent storage area 230 of multipart container 220. Second chemical 140 is stored in second adjacent storage area 240 of multipart container 220, abutting first adjacent storage area 230. The first and second chemicals have been chosen to cause an exothermic reaction when mixed. Interior membrane 250 that can be rendered permeable, separates the first and second chemicals in container 220. Internal membrane 250 can be rendered permeable through such actions as the application of physical force to container 220 while at the same time the impermeability of outer membrane 110 is maintained.

Outer wrap 170, which covers at least the area to be placed on the user's face (see FIG. 7), is made of soft, non-abrasive, lint-free material 180 such as gauze. Material 180 is suitable for absorbing and retaining a cleansing substance suitable for cleansing the peri-orbital region. Material 180 is also suitable for absorbing and retaining a topical non-allergenic bacteriostatic or bactericidal antibiotic. Material 180 is also flexible in the region to be applied to the face so that the contained cleanser and/or antibiotic can be moved around the peri-orbital region to cleanse the region.

Arcuate handle 280, having finger slot 290 allows a user's fingers to wrap around and better hold arcuate handle 280. Arcuate handle 280 can penetrate into first adjacent storage area 230 with one arm 300, and into second adjacent storage area 240 with the other arm 310. Outer membrane 110 can be sealingly attached to the sides of arcuate handle 280, to maintain the impermeability of container 220. Alternatively, the arms of arcuate handle 280 can be attached to the exterior of outer membrane 110.

FIG. 7 shows the application of an eye pad, such as described herein, to peri-orbital region 320 of a user. Referring now to eye pad system 22, an impermeable outer membrane 110 is sized to fit generally within a user's peri-orbital region 320, and is sufficiently flexible to mold to the eye region of the user's face. Internal membrane 200 has been rendered permeable by rupture. First chemical 120 and second chemical 140 are mixed in the container defined by the impermeable outer membrane 110. The first and second chemicals have been chosen to cause an exothermic reaction when mixed, releasing heat 210 from the system 22. Impermeable outer membrane 110 remains impermeable when internal membrane 200 is rendered permeable.

Outer wrap 170, which covers the area to be placed on the user's face but does not cover the complete outer membrane 110, is made of soft, non-abrasive, lint-free material 180 such as gauze. Material 180 is suitable for absorbing and retaining a cleansing substance suitable for cleansing peri-orbital region 320. Material 180 is also suitable for absorbing and retaining a topical non-allergenic bacteriostatic or bactericidal antibiotic. Material 180 is also flexible in the region to

be applied to the face so that the contained cleanser and/or antibiotic can be moved around peri-orbital region 320 to cleanse the region.

Arcuate handle 280 is attached to outer membrane 110 on the side of system 22 opposite that to be applied to the user's face. Arcuate handle 280 can aid in applying pressure to rupture an intact internal membrane 200, and can assist user in holding system 22 at or around peri-orbital region 320. To further aid the user in handling system 22, the portion of the container facing away from the facial-contact region, and to which arcuate handle 280 is affixed, can be firmer and less flexible than the facial-contact region.

FIG. 8 provides an example of an outer wrap 340. In this embodiment, small breakable capsules 350 are contained in material 180. Each capsule 350 holds cleansing material, antibiotic, or a combination thereof. Each capsule 350 can be broken, such as by the same application of pressure used to cause internal membrane 160 or 250 to be rendered permeable. Capsules 350 then release their contents into material 180, to be massaged onto the skin of the peri-orbital region 320. This embodiment is especially useful when the cleansing material and/or the antibiotic needs to be protected from the air in order to prolong its life.

FIG. 9 depicts a cross sectional view of an eye pad, compress pouch, or exothermic heat pack (container 900) which utilizes the heat generated by the crystallization of an organic salt (e.g., Sodium Acetate) 910. The salt may be liquid under ordinary conditions in room temperature, but freezes (i.e., crystallizes) rapidly when a metal piece (e.g., a stainless steel disk, rod, or other) (920) is bent inside the container, releasing steady-state heat as a byproduct. Bending the metal piece causes a molecular interaction with the chemical 910. The metal piece should have a shape and dimension that allow it to be easily bent by a person's fingers alone. A score line 930 may be added to make the piece easier to bend (see FIG. 10). The metal piece can be free floating or, as in the example shown in FIG. 9, attached to the wall of the container. The chemicals may be encased inside a non-permeable, non-breakable, preferably transparent outer membrane 110 (e.g., Vinyl).

FIG. 10 depicts a top view of the container 900.

FIG. 11 depicts another embodiment of the invention, as container 1100, which may have the same specifications as container 900 in FIGS. 9 and 10, with an added handle (940) attached (e.g., glued) to preferably the center of the outer wall (110) as shown, at one end of the container, with the metal piece (920) attached to the center of the inner wall placed under the handle. The handle is preferably made of a hard plastic that can be easily bent by a person. When this handle is bent in half (by a person's fingers alone), it will bend with it the metal piece inside the container and initiate the exothermic reaction. At the same time, this handle may protect the fingers from the heat generated by the exothermic device.

FIG. 12 depicts the heat pack with its handle bent in half. Note how this creates pressure that causes a ballooning of the outer wall of the container (at the opposite end), pushing the liquid chemical (e.g., Sodium Acetate) in a forward direction (indicated by the arrow in FIG. 12).

FIG. 13 depicts the heat pack of FIG. 12 with an added pad 960, preferably made of a non-abrasive, lint-free material (e.g., gauze). The material is preferably glued to the outside surface of the outer wall 110, opposite the handle. The material 960 may stop short of covering the entire surface of the outer wall, as shown in the example of FIG. 13, allowing a view of the crystals inside the container through a preferably transparent outer wall. As an alternative, the material 960 may be wrapped around the entire surface of the outer wall 110 (in

the case where no handle 940 is provided). This material may be pre-soaked in a hypoallergenic, antibacterial, pH-controlled detergent (e.g., baby shampoo), with or without an antibiotic formulation (e.g., erythromycin, bacitracin, or neomycin/polymyxin).

FIG. 14 depicts a 3-dimensional view of an alternate design for the exothermic warm compress. In this figure the compress is depicted in its flat configuration. Here, the metal piece 920 can be free-floating inside, or it can be attached to an inside wall (also referred to as inner wall) of the outer non-permeable membrane 110, and is in contact with another chemical 719 inside the closed bag that is formed by the outer membrane 110. The edges or ends 721, 722 of the non-permeable outer membrane 110, when moved towards each other as a portion 723 of the membrane 110 between them is bent, will serve as a handle that can be used to grab the compress between the thumb and the forefinger and/or middle finger of the user's hand (see FIG. 15, which shows the compress folded in half, and the metal piece 920 bent as a result). A piece 726 of absorptive material, presoaked in a pH-controlled detergent, with or without an ophthalmic antibiotic solution, may be attached to the central part of the outer non-permeable membrane 110 (centered between the two ends 721, 722), on its outside, as shown. This material will thus be in direct contact with the periocular skin when the compress is in use. FIG. 17 shows an instance of use of the embodiment of FIG. 14, where the far end of the folded compress is pressed against the user's peri-orbital region 320, and its near ends 721, 722 can be grasped by the user's hand (not shown). Note that handle extensions 728, 729 can be provided that extend beyond the ends 721, 722, as shown in FIG. 14.

In a preferred embodiment, the invention provides a one step treatment of a variety of conditions of the eyelid region. Instead of relying on the separate elements of heat, detergent and antibiotic, all two (or three if an antibiotic is needed) may be joined into one device, designed to:

- 1) provide steady-state heat at a safe maximum temperature (controlled by the thermodynamic nature of the reaction)
- 2) provide heat for an acceptable period of time for this heat to be effective
- 3) mold to the external surface of the eyes (over the eyelids) as to treat a desired surface area
- 4) allow for simultaneous application of a safe, pH-controlled, detergent to the eyelid margins, lashes and the meibomian orifices
- 5) provide a non-abrasive, lint free cloth which will be presoaked with the detergent and can be used to safely massage the delicate eyelid skin
- 6) provide a convenient handle which facilitates holding and maneuvering the compress, thereby making massaging the eyelids and lashes much more convenient
- 7) provide a handle which protects the fingers from burning and contaminating the sterile pad which will come in contact with the eyes.

It is thought that in treating the aforementioned conditions, the provided heat causes the clogged meibomian gland orifices (which drain behind the insertions of the eyelashes at the eyelid margin) to widen. This allows the viscous meibomian discharge to drain more easily, while drawing detergent and antibiotic into the openings of these orifices.

This exercise improves the viscosity of the oily meibomian discharge, destroys the abnormal microbacterial flora that has lead to the overall poor hygiene of these orifices, and ultimately relieves the blockage.

US 7,513,893 B2

9

Performed separately, the lid scrubs are not as effective as without the heat, the gland orifices are clogged and narrowed due to the residing abnormal bacterial flora and the resulting inflammation, and the detergent and antibiotic molecules do not penetrate as easily.

A preferred embodiment of the invention is comprised of a heat source, which utilizes an exothermic chemical reaction, supplied in a small, flexible container to be applied over the eyelids. This source of heat energy can come from a number of variety of different chemical reactions which release heat as an enthalpic byproduct. The portion of the eye pad or compress that is in contact with the user's skin (e.g., when ready to contact the skin after folding the compress) may be no larger in area than that of the peri-orbital region of an eye (between the superior and inferior orbital rims, and the medial and lateral walls of the human's orbit). Each pad may be individually packaged in a sterile container.

Such exothermic processes include, but are not limited to reactions that generate heat either when two different ingredients or chemicals are intermixed (e.g., Magnesium Sulfate and Water), or when a metal piece (e.g., stainless steel disk) is physically altered (bent) inside a container filled with a liquid organic salt (e.g., Sodium Acetate), or when a metallic powder (e.g., Iron dust) is exposed to the air using a catalyst to expedite the oxygenation (rusting) of iron. In addition, a reheatable liquid or solid chemical (by boil or microwave) (e.g., glycerin) held inside the impermeable container may also serve as a heat source for this application. In the latter scenario, no exothermic reaction inside the container is required. See, for example, the embodiment depicted in FIG. 16 which has a structure similar to that of FIGS. 14-15, except that the chemical 719 has been replaced with a reheatable chemical 819 and no metal piece 920.

In one embodiment, a small outer container is made of an air-tight bag or other flexible container, for example made from plastic, vinyl or silicone. The first container is filled with one of the two ingredients of an exothermic chemical reaction (e.g., Magnesium Sulfate). Inside this outer container, there is another smaller, tightly-sealed, breakable sack or balloon, which contains the second ingredient (e.g., water) (FIG. 1). This pack includes or may be wrapped with a soft material that is preferably lint-free and/or non-abrasive (e.g., gauze or other woven absorption material, lint-free cotton or other such absorptive material), which has been or is then pre-soaked in a mild, pH-controlled, and preferably hypoallergenic (thereby non-irritating) antibacterial detergent, with or without a topical ophthalmic antibiotic solution (pre-soaked and sold in the sterile container). Before use, the consumer applies pressure to the inner bag (through the outer container) causing it to break, thereby mixing the two necessary ingredients and initiating the exothermic reaction. (FIG. 2).

In another embodiment, the warm compress is made of an air-tight bag or other flexible, air tight container, for example made from plastic, vinyl or silicone. The container has been filled with a liquid chemical (e.g., Sodium Acetate), and contains a metal piece inside the solution (e.g., a stainless steel disk or plate). Before use, the consumer applies enough pressure to the metallic piece through the outer wall to bend it, thereby initiating a rapid exothermic crystallization process.

The heat pack is then massaged over the eyelids for the duration of the exothermic phase of the reaction. The temperature of the heat source is controlled and remains approximately the same for a desired period of time. The surface of the covering material that comes in contact with the skin includes a gentle detergent with or without an ophthalmic antibiotic solution. This solution or combination of solutions can be present on the surface when the product is unwrapped,

or one or more containers of the solution(s) can be provided, into which the unwrapped heat pack is dipped prior to use.

The combination of these elements is a flexible product for placement on the periocular region for treating or preventing a variety of the aforementioned conditions that commonly affect the eyelids.

Uses

This product may be utilized in any of the conditions of the eyelids aforementioned, in which the use of heat has been indicated by the American Academy of Ophthalmology, the National Eye Institute, and/or any of the major comprehensive texts of Ophthalmology. The etiology may be infectious (e.g., blepharitis, meibomitis, acute dacryocystitis, orbital or preseptal cellulitis); inflammatory (e.g., inflamed hordeola, chalazia, or contact dermatitis), or combinations thereof. Additionally, dry-eyes, conjunctivitis/keratitis as caused by wearing contact lenses, can be treated in this manner.

Ophthalmic infection (endophthalmitis) is a feared complication of any ocular operation (e.g., cataract extraction, corneal transplantation, refractive surgery (e.g., LASIK), glaucoma and retinal surgery). Intra-operative contamination of the surgical field with the bacteria that usually reside on the eyelashes and the eyelid margins has been found to be a major nidus for infection. As a result, proper eyelid hygiene has become a prerequisite to any intraocular procedure, and a gold standard of ophthalmic surgery today. An embodiment of the invention lies in using the heat pack to improve eyelid hygiene prior to eye surgery, and may help reduce the possibility of complications that may arise from operating on an eye with existing, poor hygiene or poorly-treated blepharitis.

The heat pack is also useful following any intra- or extraocular surgery to provide for symptomatic relief as well as to provide a clean sterile environment until the fresh wounds re-epithelialize, further reducing any chance of infection.

Eyelid edema and/or hematomas resulting from orbital contusion injuries are also thought to resolve faster with the use of the invention's warm compress (e.g., after an initial 48-hour period of using ice to minimize the initial phase of the inflammatory response).

Heat Source

The heat source is provided by a small, flexible container as described above. Both temperature and duration of the heat production are controlled so as to provide sufficient heat without damaging tissue. For instance, the maximum temperature reached should not be so high as to burn the skin. The temperature and length of time of the reaction can be controlled by the choice of chemicals used to create the reaction, and by the amount of the chemical prior to mixing. In one embodiment of the invention, the preferred temperature is as high as 55° C., in view of the amount of heat that can be transferred to the skin through e.g. a thick pledget or cloth attached to the outside surface of the container.

In a preferred embodiment, the compounds used to create the exothermic reaction are inert and/or not irritating to skin so that no injury occurs in case the impermeable outer wall breaks and releases the compounds. The compounds should also be environmentally friendly so that the products can be easily and safely disposed of after use.

In one embodiment, the heat source maybe reusable, and the only thing that will be replaced in each use is a pre-moistened cloth or other absorptive material that may be wrapped on the outside of the container. An example would be one which utilizes the crystallization phenomenon between sodium acetate and stainless steel. After the liquid freezes (crystallizes) and the heat has been released, the solid (cryst-

10

US 7,513,893 B2

11

tal) phase of the chemical may be returned to liquid form, by heating it (e.g., either bringing the pack to a boil or heating it up in a microwave oven. After the product cools, the chemical will stay in liquid form, and by disturbing the metal piece, the crystallization process starts yet again.

With respect to the embodiment in which the reheatable eye pad is filled with a chemical such as glycerin gel, the eye pad is first heated (e.g., by being placed in hot or boiling water, or by being heated in a microwave oven) in accordance with specific instructions. Thereafter, once it reaches the appropriate temperature range, the eye pad is placed in contact with the periocular region and eyelid, and pressed and/or moved around the region to massage the eyelid.

Structure

In one preferred embodiment, one pouch is contained inside of the second pouch, as is shown in FIGS. 1-3. Although these figures show the eye pad as spherical, it can take any shape as long as it is flexible enough to mold to the approximate shape of the user's periorbital region.

In the example shown in FIGS. 1-3, one of the substances is a liquid while the other is a powder, although other forms are acceptable. When the membrane between these compounds is broken, the two ingredients intermix to initiate the exothermic reaction and release adequate heat energy to rapidly raise the temperature of the eye pad to the desired level, and to maintain the reaction for the desired period of time or longer.

In another preferred embodiment, the pouches abut each other, as shown in FIG. 4. Examples of the breakable membrane include but are not limited to plastics, silicone and combinations thereof.

In another preferred embodiment, the ingredients of the reaction may be contained within the same container (e.g., liquid salt and a metal disk). Once the metal disk is physically altered (bent), it initiates a crystallization reaction which releases heat as a byproduct.

Chemical Reaction

Examples of combinations that will work in the described embodiments to create exothermic reactions include water plus magnesium sulfate, and liquid sodium acetate trihydrate plus stainless steel. Other combinations that result in the appropriate temperature and that have reactions that maintain the temperature for the desired period of time, or are reheatable by boiling or microwaving (e.g., glycerin gel) are also included.

Shape

The heat pack or pouch is sufficiently flexible to fit within the user's peri-orbital region, with little or no overlap to the rest of the face. This allows application of heat to the desired area without overlapping onto areas that do not need the treatment. Further, it allows the pouch to be more flexible, and more easily handled.

Handle

A handle, such as one made of the same material as the pouch's outer wall or membrane (e.g., vinyl/silicone), or alternatively, of a lightweight but sturdy plastic, can be used as part of the eye pad. The handle is placed away from the portion of the eye pad that will contact skin. Preferably it is placed away from any cleansing material. The handle can be of any shape or construction that enables the user to easily hold the eye pad in place for the prescribed period of time. Examples are shown in FIGS. 4, 11, 12, and 13.

The pouches are preferably disposable. They can be made of lightweight low-cost materials that need not withstand long

12

periods of use, and are therefore inexpensive and easy to handle for the user, e.g., an outer wall made of Vinyl.

Cleansing Material

In addition to the heat source, the pouch may contain a cleansing material to clean the periocular region. The material in that case would be on the outside of the pouch so as to be next to the skin. The heat pack may be wrapped in a soft, non-abrasive, lint-free material (e.g., cotton or rayon pledgettes or cloth); may have a section of such material attached to it on the side that will be in direct contact with the skin; may be composed of such material; or may have the material provided in any other manner that will allow the material to contact the peri-orbital skin.

In a preferred embodiment, a cleansing substance that is gentle to the skin yet thoroughly cleanses the area is present in the material. Alternatively, a container of such a solution can be supplied with the pouch, to be applied to the material prior to placing the pouch on the skin. In yet another embodiment, the cleanser can be packaged within the material, for example using small breakable cells containing the cleanser, and released by pressure such as is used to initiate the exothermic reaction.

Cleansing Solution

Cleansers can include, but are not limited to any detergent that has been pH controlled not to cause any ocular irritation or cause harm to the cornea if it gets into the eye, and is preferably hypoallergenic. One preferred example is a pH-controlled "baby" shampoo. Preferably the cleanser has antibacterial qualities that can improve the removal of bacterial flora from the treatment area.

Antibiotic

In another preferred embodiment, a topical ophthalmic bacteriostatic or bactericidal antibiotic is also present. As with the cleanser, the antibiotic can be supplied in or on the material or packaged within the material. Alternatively, it can be supplied separately, alone or mixed with the cleanser, to be applied to the material prior to placement of the pouch on the skin.

Any antibiotic that can reduce the number of bacterial colonies residing in the peri-ocular adnexa can be used. Antibiotic solutions can include, but are not limited to, Bacitracin, Erythromycin, Gentamicin, Polymyxin or Neomycin. Bacitracin and Erythromycin ophthalmic ointments are preferred because they have a wide spectrum of activity and are usually very well tolerated, and are the most commonly prescribed antibiotics to treat Blepharitis today. Topical fluoroquinolones, including, but not limited to, Ciprofloxacin, Norfloxacin, Ofloxacin, and Moxifloxacin may also be utilized in this product as these formulations have very broad antibiotic coverage, pose minimum chances of bacterial resistance, and are very well tolerated by patients.

Method of Use

In a preferred embodiment, the product is a small, flexible eye pad that can fit within the peri-orbital region without substantially overlapping other skin. It may have a sterile wrapping. The user preferably cleans his/her hands before unwrapping the eye pad. Prior to use, and preferably while the eye pad is still wrapped, the user massages the container to mix the detergent, with or without antibiotic, mixture and "foam" the non-abrasive material that surrounds the heat pack. S/he then breaks the barrier between the two compartments by applying digital pressure, starting the exothermic reaction. Alternatively, the user may open the wrap and bend a plastic handle that, in turn, bends a metallic disk inside the container, initiating the exothermic reaction. Alternatively,

US 7,513,893 B2

13

the user may heat the pack inside a microwave, and then apply a non-abrasive material, presoaked with the detergent over it before massaging the eyelids.

If the cleanser and/or antibiotic are also contained in breakable compartments, this action will also release these components into the non-abrasive material on the eye pad. (If the cleanser and/or antibiotic are provided separately from the heat pack, the cleanser and/or antibiotic are applied to the material after removing the wrapper.)

If the compress is manufactured as a reusable heat source, the user will boil or microwave the pack, let it cool, and apply a premoistened pledget or cloth to one surface of the pad, then bend the handle to initiate the reaction; the cloth will be thrown away after use.

The user holds the compress by its handle (if provided), and gently massages the side of the eye pad having the cleanser and antibiotic around the affected peri-orbital region for a period of about 5-15 minutes as tolerated. After use, the warm pad and/or the cloth are discarded.

EXAMPLES

The following examples illustrate some embodiments of the invention.

Example 1

As depicted in FIG. 13, a soft transparent vinyl bag, about 2 inches in diameter and 1/2 inch in thickness is obtained from, for example, Emori Development Ltd. which is filled with Sodium Acetate. A small, thin metal disk about 1/2 inch in diameter, and 1/2 mm in thickness, is attached (e.g., glued) to the top center of the inner wall, or left free floating inside the bag. A sturdy round plastic handle about one inch in diameter and 1-2 mm in thickness is heat-pressed to the top center of the outer wall. A 1-2 mm thick non-woven (cotton/rayon) pledget or a soft, lint-free, non-abrasive cloth is attached to the bottom of the pack (opposite the side of the handle), which is pre-moistened with a baby shampoo formulation obtained from, for example, Neutrogena, Inc. The pledget may also include a dilute mixture of Erythromycin or Bacitracin Ophthalmic Antibiotic formulation obtained from, for example E. Fougere & Co. Melville, N.Y.). The eye pad is wrapped under sterile conditions in a plasticized paper covering which prevents the moistened pad from drying, keeps the compress sterile, and is easily removable by the user. The warm compress may be applied over the closed eye(s) by the user, grabbed by its handle, over the entire eyelid margin to scrub the eyelashes, or over an area of the eyelid affected by, for example, a sty.

Example 2

A 2 inch by 2 inch by 3 inch flexible heat pack is obtained from, for example, Hospital Marketing Services (HMS) Co, Inc. The heat pack has two compartments, one containing magnesium sulfate in powder form, and the other containing water in an inner breakable plastic balloon. A round hard plastic handle is attached to the pack on one end. The heat pack is covered with a soft, lint free material, such as a layer of polyester and several layers of gauze. The gauze surrounding the heat pack is coated with a mixture of a pH-controlled shampoo (Johnson & Johnson or Neutrogena) with or without Bacitracin Ophthalmic Ointment (E. Fougere & Co. Melville, N.Y.) or Ciloxan Ophthalmic Solution (Alcon, Inc.) in an amount sufficient to transfer to the user's skin when the eye pad is being used. A removable piece of plastic is optionally

14

placed over the coating to keep the coating in place. The eye pad is wrapped under sterile conditions in a plasticized paper covering which is easily removable by the user.

Example 3

Use of Product to Treat Chalazia

A patient presenting with a chalazion (stye) is advised to start using this product immediately after the onset of symptoms, and to follow up with his/her ophthalmologist as soon as possible. The patient foams the pack inside its sterile wrap and breaks the inner container by applying force. The patient then unwraps the heat pack, holds it by its handle. The patient then gently places the eye pad against the affected eyelid and moves the eye pad in small circles across the skin for five to ten minutes. When the treatment is finished, the patient disposes of the eye pad in the trash.

What is claimed is:

1. A compress for treating eye conditions comprising: a sealed container having an impermeable outer membrane and being sized to fit generally within the peri-orbital region, the container being sufficiently flexible to mold to the shape of the eye, the membrane being impermeable to a chemical within the sealed container; and a metal piece inside the sealed container and in contact with the chemical, the chemical to crystallize when the metal piece is physically altered thereby releasing heat as a byproduct.
2. The compress of claim 1 further comprising a piece of absorptive material to absorb an amount of a cleansing substance that does not cause corneal irritation if it comes in contact with the eye, the piece of absorptive material being attached to an outside surface of the container and sized to allow the container, despite the attached piece of absorptive material, to still fit within the peri-orbital region.
3. The compress of claim 2 further comprising a single, sterile package inside which the container, the piece of absorptive material, and the absorbed amount of the cleansing substance are sealed.
4. The compress of claim 2 further comprising an amount of an ophthalmic antibiotic solution retained in the absorptive material.
5. The compress of claim 2 further comprising a handle, attached to the outside surface of the container.
6. The compress of claim 5 wherein the handle is attached at a position that is aligned with the metal piece, and is rigid enough, so that bending the handle also bends the metal piece simultaneously.
7. A compress for treating eye conditions, comprising: a sealed container having an impermeable outer membrane and being sized to fit generally within the peri-orbital region, the container being sufficiently flexible to mold to the shape of the eye, the outer membrane being impermeable to first and second chemicals within the sealed container that are selected to have an exothermic reaction when mixed, the container having an inner membrane that is to separate the first and second chemicals but rupture when force is applied to the container thereby allowing the first and second chemicals to mix, the outer membrane to remain impermeable to the first and second chemicals while said force is applied and after the first and second chemicals have mixed.
8. The compress of claim 7 further comprising a piece of absorptive material to absorb an amount of a cleansing substance that does not cause corneal irritation if it comes in

US 7,513,893 B2

15

contact with the eye, the piece of absorptive material being attached to an outside surface of the container and sized to allow the container, despite the attached piece of absorptive material, to still fit within the peri-orbital region.

9. The compress of claim 8 further comprising a single, sterile package inside which the container, the piece of absorptive material, and the absorbed amount of the cleansing substance are sealed.

10. The compress of claim 7 further comprising an amount of an ophthalmic antibiotic solution retained in the absorptive material.

11. The compress of claim 7 further comprising a handle, attached to the outside surface of the container.

12. A compress for treating eye conditions comprising:

a sealed container having an impermeable outer membrane enclosing an interior volume of the container, the container being sized to fit generally within the peri-orbital region and sufficiently flexible to mold to the shape of the eye, a heat source disposed within the interior volume of the container to release heat via an exothermic reaction;

a piece of absorptive material attached to the outer surface of the impermeable outer membrane, said piece of material being capable of retaining therein an amount of cleansing substance suitable for use on the eye or an amount of ophthalmic antibiotic solution; and

a handle attached to the container.

13. The compress of claim 12 wherein the heat source comprises a liquid and a metal piece, the liquid to crystallize when the metal piece is physically altered thereby releasing heat via the exothermic reaction.

14. The compress of claim 12 further comprising said amount of cleansing substance retained in the piece of absorptive material.

16

15. The compress of claim 14 further comprising a sealed, sterile package in which the container, together with the attached handle, the piece of absorptive material and the retained amount of cleansing substance, are contained.

16. The compress of claim 12 further comprising said amount of ophthalmic antibiotic solution retained in the piece of absorptive material.

17. The compress of claim 16 further comprising a sealed, sterile package in which the container, together with the attached handle, the piece of absorptive material and the retained amount of ophthalmic antibiotic substance, are contained.

18. The compress of claim 12 wherein the piece of material is located away from the handle.

19. The compress of claim 18 further comprising said amount of cleansing substance retained in the piece of absorptive material.

20. The compress of claim 19 further comprising a sealed, sterile package in which the container, together with the attached handle, the piece of absorptive material and the retained amount of cleansing substance, are contained.

21. The compress of claim 18 further comprising said amount of ophthalmic antibiotic solution retained in the piece of absorptive material.

22. The compress of claim 21 further comprising a sealed, sterile package in which the container, together with the attached handle, the piece of absorptive material and the retained amount of ophthalmic antibiotic substance, are contained.

23. The compress of claim 12 further comprising said amount of cleansing substance and said amount of ophthalmic antibiotic solution, both retained in the piece of absorptive material.

* * * * *

EXHIBIT "B"

(12) **United States Patent**
Soroudi(10) **Patent No.:** **US 7,211,070 B2**(45) **Date of Patent:** **May 1, 2007**(54) **DEVICE AND METHOD FOR EXOTHERMIC TREATMENT OF EYELID DISEASES**(76) Inventor: **Abraham Ebbie Soroudi**, 11740
Sunset Blvd., Brentwood, CA (US)
90049(*) Notice: Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 324 days.

5,769,806 A	6/1998	Radow
5,879,378 A	3/1999	Usui
6,090,060 A	7/2000	Radow
6,149,615 A	11/2000	Gallamore
6,261,595 B1	7/2001	Stanley et al.
6,409,746 B1	6/2002	Igaki et al.
6,436,128 B1	8/2002	Usui
6,623,517 B1	9/2003	DeLuisa et al.
2003/0056281 A1	3/2003	Hasegawa
2004/0074502 A1	4/2004	Abbasi

FOREIGN PATENT DOCUMENTS(21) Appl. No.: **10/799,209**

WO 93/10019 * 5/1993

(22) Filed: **Mar. 12, 2004**

* cited by examiner

(65) **Prior Publication Data**

US 2005/0119629 A1 Jun. 2, 2005

Primary Examiner—Michele Kidwell(74) *Attorney, Agent, or Firm*—Blakely, Sokoloff, Taylor &
Zafman, LLP**Related U.S. Application Data**(60) Provisional application No. 60/526,251, filed on Dec.
1, 2003.(51) **Int. Cl.**
A61M 35/00 (2006.01)(52) **U.S. Cl.** 604/294; 604/289(58) **Field of Classification Search** 604/289–291,
604/294–296; 607/109

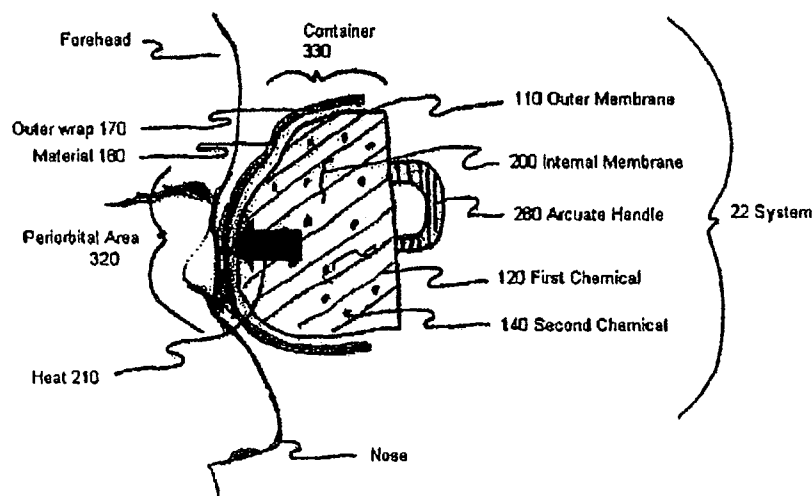
See application file for complete search history.

(56) **References Cited****U.S. PATENT DOCUMENTS**

2,573,791 A	11/1951	Howells
2,765,789 A	10/1956	Schmierer
3,762,419 A	10/1973	Walters
3,804,077 A *	4/1974	Williams 126/263.1
4,134,401 A	1/1979	Galician
4,372,318 A	2/1983	Viesturs et al.
4,666,441 A	5/1987	Andriola et al.
4,995,114 A	2/1991	Price, Jr.
5,389,066 A	2/1995	Rhame, Jr.
5,456,704 A	10/1995	Kilcullen

(57) **ABSTRACT**

Provided herein is a pad for treating eye conditions comprising a multipart container having an impermeable outer membrane sized to fit generally within the peri-orbital region and sufficiently flexible to mold to the eye; a first chemical in a first storage area in the multipart container; a second chemical in a second storage area in the multipart container, the first and second chemicals selected to have an exothermic reaction when mixed for producing a temperature suitable for treating eye conditions, the exothermic reaction providing the suitable temperature for a period of time suitable for treating eye conditions; and an inner membrane for initially separating the first and second chemicals, the inner membrane being renderable permeable, without causing the impermeable outer membrane to become permeable, to permit mixing the first and second chemicals to cause the exothermic reaction. This multipart container is covered with a soft, non-abrasive, lint-free material which is presoaked in a pH controlled antibacterial soap with or without an antibiotic.

29 Claims, 3 Drawing Sheets

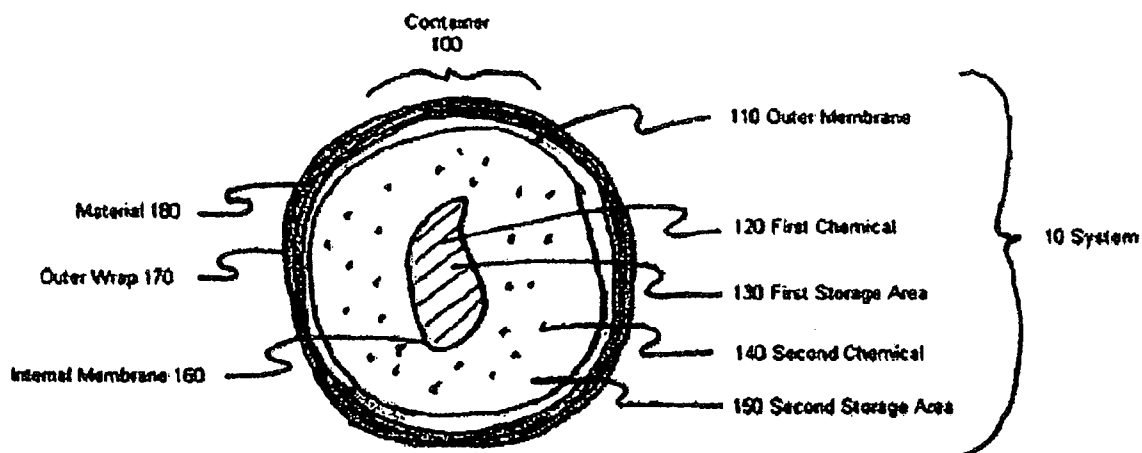


Figure 1

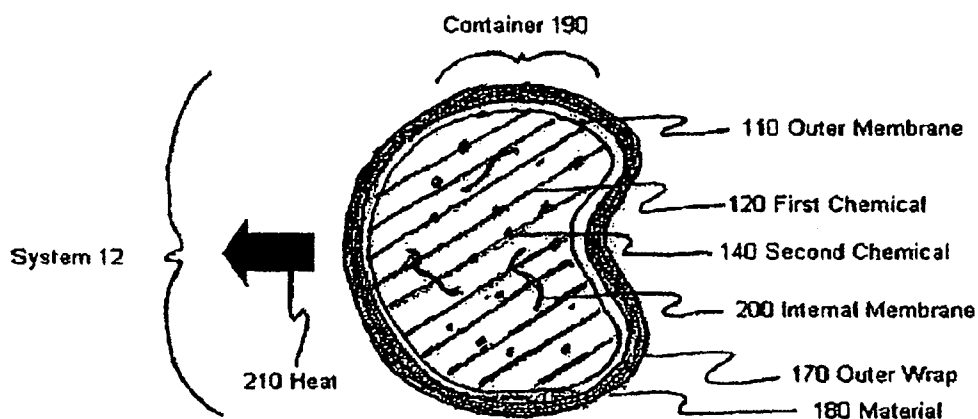


Figure 2

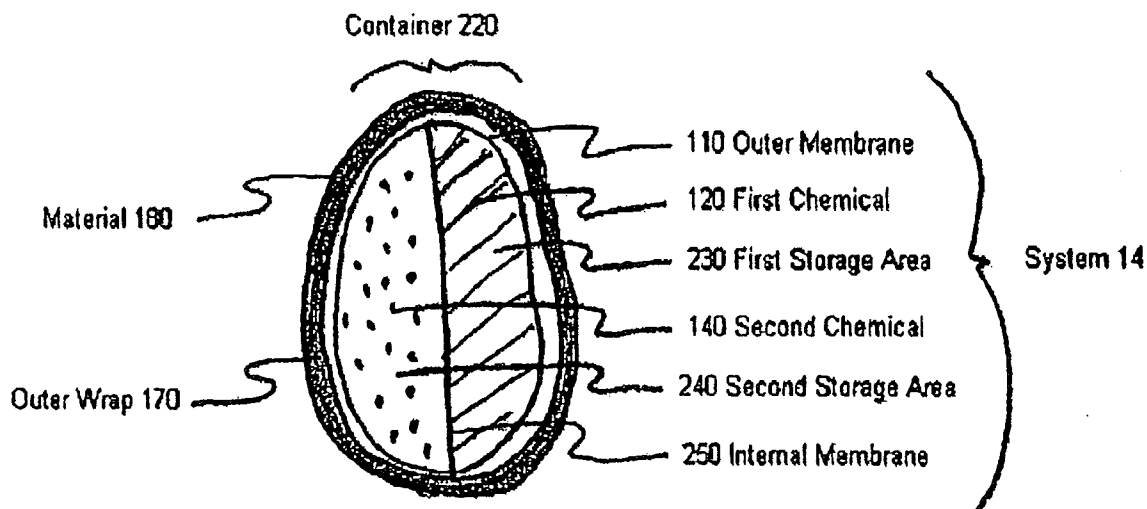


Figure 3

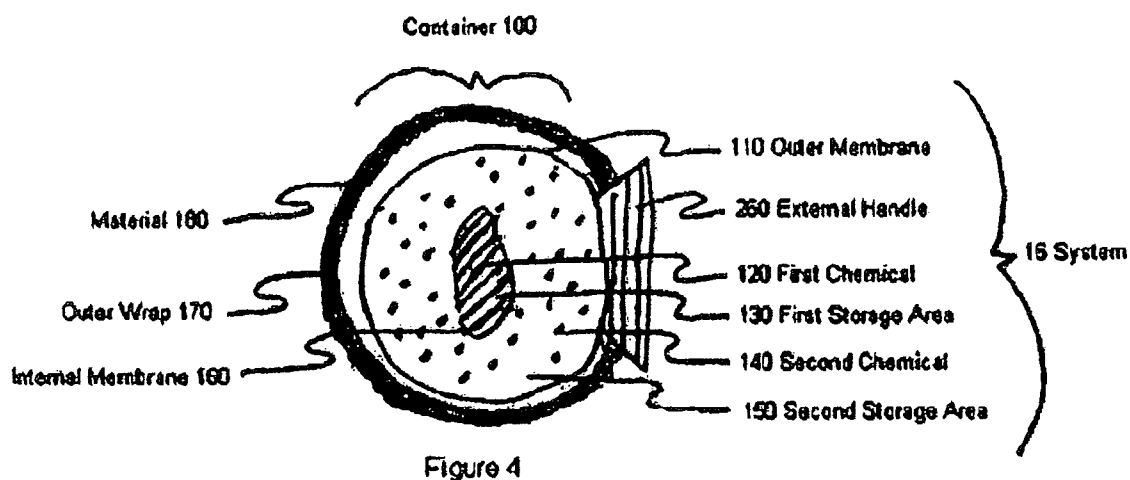


Figure 4

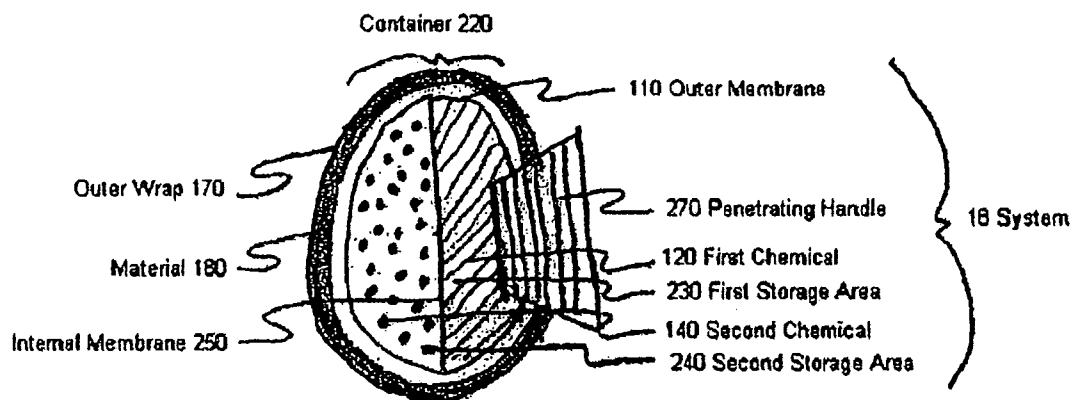


Figure 5

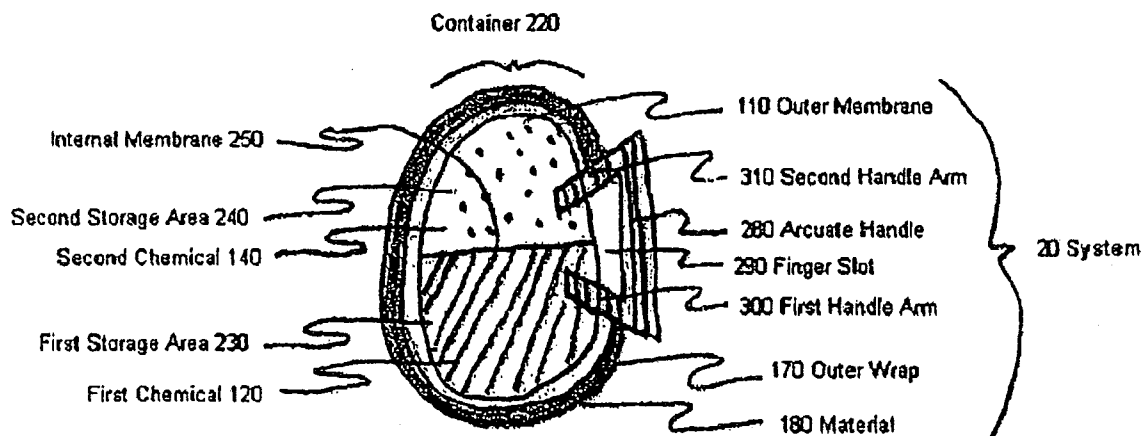


Figure 6

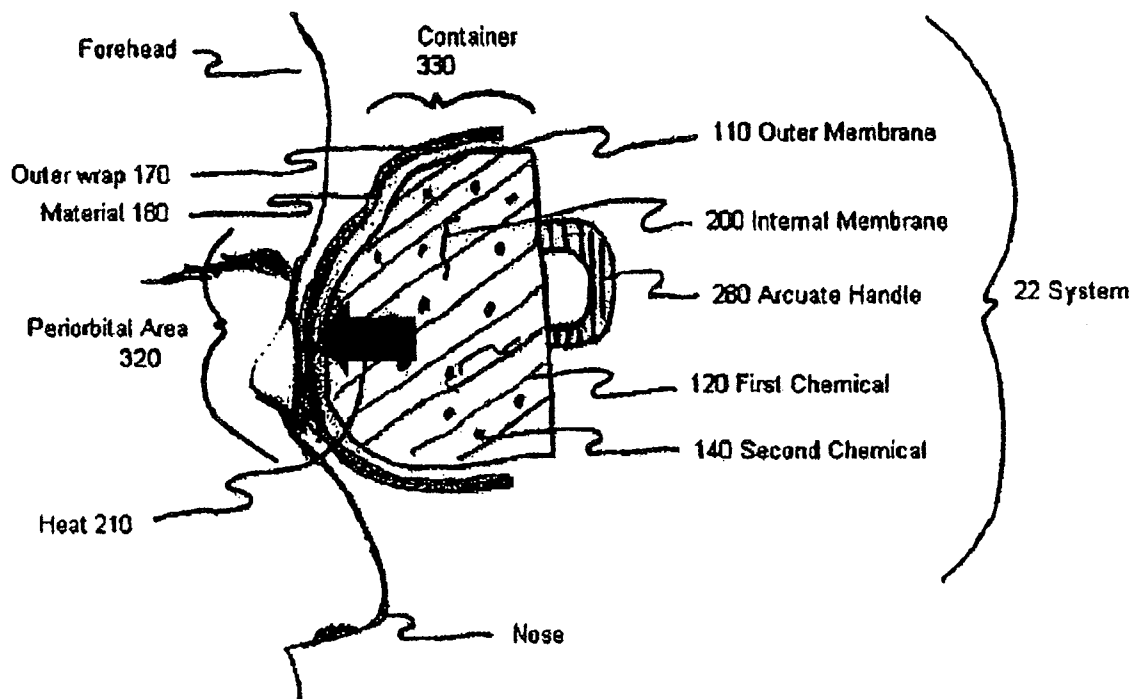


Figure 7

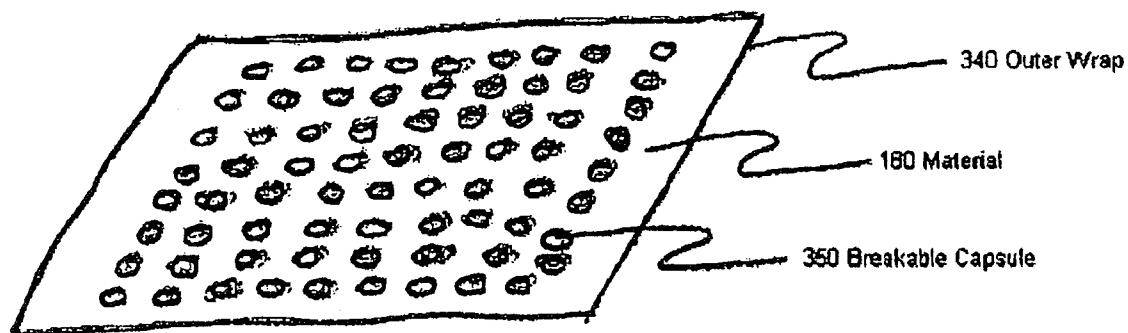


Figure 8

US 7,211,070 B2

1

DEVICE AND METHOD FOR EXOTHERMIC TREATMENT OF EYELID DISEASES

RELATED APPLICATION INFORMATION

This application claims priority to U.S. Provisional Application Ser. No. 60/526,251 filed Dec. 1, 2003, hereby incorporated by reference as if set forth fully herein.

BACKGROUND

There is a myriad of common eye diseases known in the field of Ophthalmology that necessitate the regular use of warm compresses applied to the periocular skin. The current gold standard of treatment for these conditions includes the simultaneous use of heat to unclog the openings of the eyelid sebaceous glands and increase blood flow to the affected areas, while massaging the eyelids with a non-irritating baby shampoo to wash off oily debris. A bacteriostatic antibiotic ointment is optionally used to cleanse the bacterial flora that reside at the eyelid margin and are believed to lead to these conditions. This set of steps has been proven to treat many of these conditions listed below and is currently the preferred means of achieving proper eyelid hygiene.

Eye diseases which can be treated in this manner include, but are not limited to, acutely infected/inflamed internal or external hordeola or chalazia (Styes), any form of microbial allergic disease (blepharitis, blepharoconjunctivitis, or conjunctivitis), any eyelid skin rash (e.g., as caused by Herpes Simplex/Zoster Virus, or contact dermatitis), orbital or preseptal cellulitis, acute dacryocystitis, meibomitis, dry eye syndrome, meibomian gland dysfunction, ocular rosacea, Staphylococcal hypersensitivity, contact lens related ocular irritation, cat-scratch disease, oculoglandular tularemia, and conjunctival tuberculosis or syphilis.

The inconvenience of this ritual is a common cause of poor compliance (and treatment failure) frequently encountered in clinical practice. Patients often use a warm tea-bag or a warm towelette that they hold under warm running water, both of which lose heat within mere seconds. Some run their eyes under hot tap water or try microwave-heated compresses with resulting second-degree burns severe enough that they have even been reported in the scientific literature (Eisman et al., *Ophthal. Plast. Reconstr. Surg.* 2000 July; 16(4):304-5). Needless to say, these methods of applying heat are not lengthy enough to be effective, and can be hot enough to be harmful to the delicate ocular adnexa.

Some users advocate the use of a boiled egg or a warm potato or rice wrapped in a thin towel to provide heat for a longer duration of time. This exercise is quite cumbersome, and may still burn the thin eyelid skin because of high and uncontrolled temperatures.

Also, many ophthalmologists recommend Q-tip applicators be used to scrub the eyelids and lashes with baby shampoo. Not only is this exercise tedious and inconvenient for even young, healthy individuals, but is quite a difficult task for the elderly, especially those who suffer from arthritis, those who fatigue easily, have poor near visual acuity, or those whose hands shake.

SUMMARY OF THE INVENTION

In one aspect of the present invention, the ritual of frequent use of warm compresses, scrubbing the lids with baby shampoo, and applying antibiotic ointment, is replaced with a much more convenient procedure, which combines these three steps into one. In one embodiment, a product is

2

provided that makes treating those affected by the aforementioned eye diseases more convenient, effective, and safe.

In another aspect of the present invention, a convenient product promotes better eyelid hygiene by making this exercise less tedious, thereby preventing the occurrence and/or recurrence of the underlying problem. In a preferred aspect of the present invention, compliance with the best medical treatment for these conditions is enhanced through ease of use.

In yet another aspect, a convenient method for reducing the potential infectious complications of intraocular surgery is provided.

In another preferred aspect, the invention provides pain relief to sufferers of certain conditions of the eye, such as dry eyes, or post-surgical pain.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 shows a cross sectional view of an eye pack.

FIG. 2 shows the cross sectional view of the eye pack with burst inner membrane and resulting exothermic reaction.

FIG. 3 shows an alternative cross sectional view of the exothermic heat pack.

FIG. 4 shows a cross sectional view of an exothermic heat pack with an external handle.

FIG. 5 shows a cross sectional view of an alternative exothermic heat pack with a penetrating handle.

FIG. 6 shows a cross sectional view of an exothermic heat pack with an arcuate handle.

FIG. 7 shows an eye pad on the peri-orbital region.

FIG. 8 shows a material that contains cleansing and/or antibiotic in breakable capsules.

DETAILED DESCRIPTION OF THE INVENTION

In a first aspect, the disclosure shows an eye pad that provides heat, a cleansing material, and an antibacterial substance, wherein the eye pad is sufficiently flexible to conform to the peri-orbital region, yet sufficiently stiff to be rolled over that area. As used herein, the term "impermeable" means that the contents of the container that is created by the impermeable membrane cannot pass through that membrane under ordinary use of the system. The term "permeable" means that the contents of adjoining compartments separated by the permeable membrane can mix with each other by passage through the permeable membrane. In a particular embodiment, the separating membrane is rendered permeable by breakage of the membrane. The term "membrane" refers to a flexible or inflexible barrier.

Referring now to FIG. 1 which shows eye pad system 10, multipart container 100 having impermeable outer membrane 110 is sized to fit generally within a user's peri-orbital region, and is sufficiently flexible to mold to that region of the user's face. First chemical 120 is stored in first, inner, concentric storage area 130 of multipart container 100. Second chemical 140 is stored in second, outer, concentric storage area 150 of multipart container 100. The first and second chemicals have been chosen to cause an exothermic reaction when mixed. Internal membrane 160 separates the first and second chemicals in container 100. Internal membrane 160 can be rendered permeable through such actions as the application of physical force to container 100, while at the same time impermeable outer membrane 110 maintains its impermeability.

Outer wrap 170 covers at least part of impermeable outer membrane 110 and is attached at enough places to create a

US 7,211,070 B2

3

smooth surface at least the size of the peri-orbital region. Outer wrap 170 may completely cover multipart container 100, or it may cover a smaller part of container 100, such as the portion of impermeable outer membrane 110 that would otherwise come in contact with the user's face, as shown in FIG. 7. Outer wrap 170 is made of soft, non-abrasive, lint-free material 180 such as gauze. Material 180 is suitable for absorbing and retaining a cleansing substance suitable for cleansing the peri-orbital region. Material 180 is also suitable for absorbing and retaining a topical non-allergenic bacteriostatic or bactericidal antibiotic. Material 180 is also flexible in the region to be applied to the face so that the contained cleanser and/or antibiotic can be moved around the peri-orbital region to cleanse the region.

Referring now to FIG. 2 and eye pad system 12, container 190 having impermeable outer membrane 110 is sized to fit generally within a user's peri-orbital region, and is sufficiently flexible to mold to the eye region of the user's face. Internal membrane 200 has been rendered permeable by rupture. First chemical 120 and second chemical 140 are mixed in container 190. The first and second chemicals have been chosen to cause an exothermic reaction when mixed, releasing heat 210 from the system 12. Impermeable outer membrane 110 remains impermeable when internal membrane 200 is rendered permeable. Outer wrap 170, which covers at least the area to be placed on the user's face (see FIG. 7), is made of soft, non-abrasive, lint-free material 180 such as gauze. Material 180 is suitable for absorbing and retaining a cleansing substance suitable for cleansing the peri-orbital region. Material 180 is also suitable for absorbing and retaining a topical non-allergenic bacteriostatic or bactericidal antibiotic. Material 180 is also flexible in the region to be applied to the face so that the contained cleanser and/or antibiotic can be moved around the peri-orbital region to cleanse the region.

FIG. 3 is similar to FIG. 1, showing an eye pad system 14 having multipart container 220 with impermeable outer membrane 110 that is sized to fit generally within a user's peri-orbital region, and is sufficiently flexible to mold to the eye region of the user's face. First chemical 120 is stored in first adjacent storage area 230 of multipart container 220. Second chemical 140 is stored in second adjacent storage area 240 of multipart container 220, abutting first adjacent storage area 230. The first and second chemicals have been chosen to cause an exothermic reaction when mixed. Internal membrane 250 that can be rendered permeable, separates the first and second chemicals in container 220. Internal membrane 250 can be rendered permeable through such actions as the application of physical force to container 220 while at the same time the impermeability of outer membrane 110 is maintained. Outer wrap 170, which covers at least the area to be placed on the user's face (see FIG. 7), is made of soft, non-abrasive, lint-free material 180 such as gauze. Material 180 is suitable for absorbing and retaining a cleansing substance suitable for cleansing the peri-orbital region. Material 180 is also suitable for absorbing and retaining a topical non-allergenic bacteriostatic or bactericidal antibiotic. Material 180 is also flexible in the region to be applied to the face so that the contained cleanser and/or antibiotic can be moved around the peri-orbital region to cleanse the region.

Referring now to FIG. 4 and eye pad system 16, multipart multipart container 100 having impermeable outer membrane 110 is sized to fit generally within a user's peri-orbital region, and is sufficiently flexible to mold to that region of the user's face. First chemical 120 is stored in first, inner, concentric storage area 130 of multipart container 100.

4

Second chemical 140 is stored in second, outer, concentric storage area 150 of multipart container 100. The first and second chemicals have been chosen to cause an exothermic reaction when mixed. Internal membrane 160 separates the first and second chemicals in container 100. Internal membrane 160 can be rendered permeable through such actions as the application of physical force to container 100 while at the same time the impermeability of outer membrane 110 is maintained.

Outer wrap 170 covers at least part of impermeable outer membrane 110 and is attached at enough places to create a smooth surface at least the size of the peri-orbital region. Outer wrap 170 may completely cover multipart container 100, or it may cover a smaller part of container 100, such as the portion of impermeable outer membrane 110 that would otherwise come in contact with the user's face, as shown in FIG. 7. Outer wrap 170 is made of soft, non-abrasive, lint-free material 180 such as gauze. Material 180 is suitable for absorbing and retaining a cleansing substance suitable for cleansing the peri-orbital region. Material 180 is also suitable for absorbing and retaining a topical non-allergenic bacteriostatic or bactericidal antibiotic. Material 180 is also flexible in the region to be applied to the face so that the contained cleanser and/or antibiotic can be moved around the peri-orbital region to cleanse the region.

External handle 260 can be rigidly attached to impermeable outer membrane 110 to provide a convenient way for a user to hold the eye pad. External handle 260 is also useful in the manual rupture of internal membrane 160 by providing a means for grasping and pushing firmly on outer membrane 110. Likewise, external handle 260 can be useful in the manipulation of system 16, especially around the peri-orbital region.

Referring now to FIG. 5, and eye pad system 18, multipart container 220 with impermeable outer membrane 110, is sized to fit generally within a user's peri-orbital region, and is sufficiently flexible to mold to the eye region of the user's face. First chemical 120 is stored in first adjacent storage area 230 of multipart container 220. Second chemical 140 is stored in second adjacent storage area 240 of multipart container 220, abutting first adjacent storage area 230. The first and second chemicals have been chosen to cause an exothermic reaction when mixed. Interior membrane 250 that can be rendered permeable, separates the first and second chemicals in container 220. Internal membrane 250 can be rendered permeable through such actions as the application of physical force to container 220 while at the same time the impermeability of outer membrane 110 is maintained. Outer wrap 170, which covers at least the area to be placed on the user's face (see FIG. 7), is made of soft, non-abrasive, lint-free material 180 such as gauze. Material 180 is suitable for absorbing and retaining a cleansing substance suitable for cleansing the peri-orbital region. Material 180 is also suitable for absorbing and retaining a topical non-allergenic bacteriostatic or bactericidal antibiotic. Material 180 is also flexible in the region to be applied to the face so that the contained cleanser and/or antibiotic can be moved around the peri-orbital region to cleanse the region.

Penetrating handle 270 can be rigidly attached to impermeable outer membrane 110 to provide a convenient way for a user to hold the eye pad. The presence of a portion of penetrating handle 270 inside first storage area 230 adds further stability to penetrating handle 270. Penetrating handle 270 is useful in the manual rupture of internal membrane 250 by providing a means for grasping and pushing firmly on outer membrane 110. Likewise, penetrat-

US 7,211,070 B2

5

ing handle 270 can be useful in the manipulation of system 18, especially around the peri-orbital region.

Referring now to FIG. 6, and eye pad system 20, multipart container 220 with impermeable outer membrane 110, is sized to fit generally within a user's peri-orbital region, and is sufficiently flexible to mold to the eye region of the user's face. First chemical 120 is stored in first adjacent storage area 230 of multipart container 220. Second chemical 140 is stored in second adjacent storage area 240 of multipart container 220, abutting first adjacent storage area 230. The first and second chemicals have been chosen to cause an exothermic reaction when mixed. Interior membrane 250 that can be rendered permeable, separates the first and second chemicals in container 220. Internal membrane 250 can be rendered permeable through such actions as the application of physical force to container 220 while at the same time the impermeability of outer membrane 110 is maintained.

Outer wrap 170, which covers at least the area to be placed on the user's face (see FIG. 7), is made of soft, non-abrasive, lint-free material 180 such as gauze. Material 180 is suitable for absorbing and retaining a cleansing substance suitable for cleansing the peri-orbital region. Material 180 is also suitable for absorbing and retaining a topical non-allergenic bacteriostatic or bactericidal antibiotic. Material 180 is also flexible in the region to be applied to the face so that the contained cleanser and/or antibiotic can be moved around the peri-orbital region to cleanse the region.

Arcuate handle 280, having finger slot 290 allows a user's fingers to wrap around and better hold arcuate handle 280. Arcuate handle 280 can penetrate into first adjacent storage area 230 with one arm 300, and into second adjacent storage area 240 with the other arm 310. Outer membrane 110 can be sealingly attached to the sides of arcuate handle 280, to maintain the impermeability of container 220. Alternatively, the arms of arcuate handle 280 can be attached to the exterior of outer membrane 110.

FIG. 7 shows the application of an eye pad such as described herein to peri-orbital region 320 of a user. Referring now to eye pad system 22, container 330 having an impermeable outer membrane 110 is sized to fit generally within a user's peri-orbital region 320, and is sufficiently flexible to mold to the eye region of the user's face. Internal membrane 200 has been rendered permeable by rupture. First chemical 120 and second chemical 140 are mixed in container 330. The first and second chemicals have been chosen to cause an exothermic reaction when mixed, releasing heat 210 from the system 22. Impermeable outer membrane 110 remains impermeable when internal membrane 200 is rendered permeable.

Outer wrap 340, which covers the area to be placed on the user's face but does not cover the complete outer membrane 110, is made of soft, non-abrasive, lint-free material 180 such as gauze. Material 180 is suitable for absorbing and retaining a cleansing substance suitable for cleansing peri-orbital region 320. Material 180 is also suitable for absorbing and retaining a topical non-allergenic bacteriostatic or bactericidal antibiotic. Material 180 is also flexible in the region to be applied to the face so that the contained cleanser and/or antibiotic can be moved around peri-orbital region 320 to cleanse the region.

Arcuate handle 280 is attached to outer membrane 110 on the side of system 22 opposite that to be applied to the user's face. Arcuate handle 280 can aid in applying pressure to rupture an intact internal membrane to result in internal membrane 200, and can assist user in holding system 22 at

6

or around peri-orbital region 320. To further aid the user in handling system 22, the portion of container 330 facing away from the facial-contact region, and to which arcuate handle 280 is affixed, can be firmer and less flexible than the facial-contact region.

FIG. 8 provides an example of outer wrap 340. In this embodiment, small breakable capsules 350 are contained in material 180. Each capsule 350 holds cleansing material, antibiotic, or a combination thereof. Each capsule 350 can be broken, such as by the same application of pressure used to cause internal membrane 160 or 250 to be rendered permeable. Capsules 350 then release their contents into material 180, to be massaged onto the skin of the peri-orbital region 320. This embodiment is especially useful when the cleansing material and/or the antibiotic needs to be protected from the air in order to prolong its life.

In a preferred embodiment, the invention provides a one step treatment of a variety of conditions of the eyelid region. Instead of relying on three separate elements, all three are joined into one device. As a result, when in use, the heat element can combine with the wash and antibiotic to create a better and more efficient result.

It is thought that in treating the aforementioned conditions, the provided heat causes the clogged meibomian gland orifices (which drain behind the insertions of the eyelashes at the eyelid margin) to widen. This allows the viscous (infected) meibomian discharge to drain more easily, while drawing detergent and antibiotic into the openings of these orifices. This exercise improves the viscosity of the oily meibomian discharge, destroys the abnormal microbacterial flora that has lead to the overall poor hygiene of these orifices, and ultimately relieves the blockage. Performed separately, the lid scrubs are not as effective as without the heat, the gland orifices are clogged and narrowed due to the residing abnormal bacterial flora and the resulting inflammation, and the detergent and antibiotic molecules do not penetrate as easily.

A preferred embodiment of the invention is comprised of a heat source, which utilizes an exothermic chemical reaction, supplied in a small, flexible container to be applied over the eyelids; the exothermic reaction produces heat when two different ingredients contained within the container are intermixed.

In one embodiment, a small outer container is made of an air-tight bag or other flexible container, for example made from plastic or silicone. The first container is filled with one of the two ingredients of an exothermic chemical reaction. Inside this outer container, there is another smaller, tightly-sealed, breakable sack, which contains the second ingredient (FIG. 1). This pack includes or is wrapped with a soft material that is preferably lint-free and/or non-abrasive (e.g. gauze, lintfree cotton or other such material), which has been or is then presoaked in a mild, non-irritating antibacterial detergent and a topical non-allergenic bacteriostatic or bactericidal antibiotic.

Before use, the consumer applies pressure to the inner bag (through the outer container) causing it to break, thereby mixing the two necessary ingredients and initiating the exothermic reaction. (FIG. 2). The heat pack is then massaged over the eyelids for the duration of the exothermic phase of the reaction. The temperature of the heat source is controlled and remains approximately the same for a desired period of time. The surface of the covering material that comes in contact with the skin includes a gentle detergent and/or an antibacterial solution. This solution or combination of solutions can be present on the surface when the

US 7,211,070 B2

7

product is unwrapped, or one or more containers of the solution(s) can be provided, into which the unwrapped heat pack is dipped prior to use.

The combination of these elements is a flexible product for placement on the periocular region for treating or preventing a variety of the aforementioned conditions that commonly affect the eyelids.

Uses

This product may be utilized in any of the conditions of the eyelids in which the use of heat has been indicated. The etiology may be infectious (e.g., blepharitis, meibomitis, acute dacryocystitis, orbital or preseptal cellulitis); inflammatory (e.g., inflamed hordeola, chalazia, or contact dermatitis), or combinations thereof. Additionally, dry-eyes, such as caused by wearing contact lenses, can be treated in this manner.

Ocular infection (endophthalmitis) is the most feared complication of any ocular operation (e.g., cataract extraction, corneal transplantation, laser in-situ keratomileusis (LASIK), or glaucoma surgery) (Aaberg T M Jr., et al., *Ophthalmology* 1998 June; 105(6):1004-1010). Intra-operative contamination of the surgical field with the bacteria that usually reside on the eyelashes and the eyelid margins has been found to be a major nidus for infection (Speaker M G et al., *Ophthalmology* 1991 May; 98(5):639-49). As a result, proper eyelid hygiene has become an absolute prerequisite to any intraocular procedure, and a gold standard of ophthalmic surgery today. The various products of the invention are applicable toward this end, and help reduce the possibility of complications that may arise from operating on an eye with existing, poorly-treated blepharitis.

The products are also useful following any intra- or extraocular surgery to provide for symptomatic relief as well as to provide a clean sterile environment until the fresh wounds re-epithelialize, further reducing any chance of infection.

Eyelid edema and/or hematomas resulting from orbital contusion injuries are resolved faster with the use of any of the products of the invention (after an initial 48-hour period of using ice to minimize the initial phase of the inflammatory response).

Heat Source

The heat source is provided by a small, flexible container as described above. Both temperature and duration of the heat production are controlled so as to provide sufficient heat without damaging tissue. For instance, it is extremely important that the maximum temperature reached not be so high as to burn the skin. The temperature and length of time of the reaction can be controlled by the choice of chemicals used to create the reaction, and by the amount of the chemical in each pouch prior to mixing. For the present embodiment of the invention, the preferred temperature is 100-108 degrees Fahrenheit (38-42° C.), as this is the maximum threshold temperature not to cause any thermal injury to the skin (a total delivery of less than 16 J/cm²).

Additionally, in the present embodiment, the temperature remains within the desired range for a minimum period of about 5 minutes, preferably about 10-15 minutes. This period of time increases the tear lipid layer thickness by 80%. It is important, however, that the duration of heat application be longer than a mere 20-60 seconds, which is what is available in prior art methods.

In a preferred embodiment, the compounds used to create the exothermic reaction are inert and/or not irritating to skin so that no injury occurs in case the impermeable outer membrane breaks and releases the compounds. It is also

8

preferred strongly that the compounds be environmentally friendly so that the products can be easily and safely disposed of after use.

Structure

In one preferred embodiment, one pouch is contained inside of the second pouch, as is shown in FIGS. 1-3. Although these figures show the eye pad as spherical, it can take any shape as long as it is flexible enough to mold to the approximate shape of the user's periorbital region.

In the example shown in these figures, one of the substances is a liquid while the other is a powder, although other forms are acceptable. When the membrane between these compounds is broken, the two ingredients intermix to initiate the exothermic reaction and release adequate heat energy to rapidly raise the temperature of the eye pad to the desired level, and to maintain the reaction for the desired period of time or longer.

In another preferred embodiment, the pouches abut each other, as shown in FIG. 4. Examples of the breakable membrane include but are not limited to plastics, silicone and combinations thereof.

Chemical Reaction

Examples of combinations that will work in the described embodiments to create exothermic reactions include water plus magnesium sulfate, and liquid sodium acetate trihydrate plus stainless steel (aluminum). Other combinations that result in the appropriate temperature and that have reactions that maintain the temperature for the desired period of time are also included.

Shape

The pouch is sufficiently flexible to fit within the user's peri-orbital region, with little or no overlap to the rest of the face. This allows application of heat to the desired area without overlapping onto areas that do not need the treatment. Further, it allows the pouch to be more flexible, and more easily handled.

A handle, such as one made of lightweight but sturdy plastic, can be used as part of the eye pad. The handle is placed away from the portion of the eye pad that will contact skin. Preferably it is placed away from any cleansing material. The handle can be of any shape or construction that enables the user to easily hold the eye pad in place for the prescribed period of time. Examples are shown in FIG. 4.

The pouches are preferably disposable. They can be made of lightweight low-cost materials that need not withstand long periods of use, and are therefore inexpensive and easy to handle for the user.

Cleansing

In addition to the heat source, the pouch contains a cleansing material to clean the periocular region. The material is present on the outside of the pouch so as to be next to the skin. The pouch may be wrapped in a soft, non-abrasive, lint-free material; may have a section of such material attached to it on the side that will be in direct contact with the skin; may be composed of such material; or may have the material provided in any other manner that will allow the material to contact the peri-orbital skin.

In a preferred embodiment, a cleansing substance that is gentle to the skin yet thoroughly cleanses the area is present in the material. Alternatively, a container of such a solution can be supplied with the pouch, to be applied to the material prior to placing the pouch on the skin. In yet another embodiment, the cleanser can be packaged within the mate-

rial, for example using small breakable cells containing the cleanser, and released by pressure such as is used to initiate the exothermic reaction.

Cleansers can include, but are not limited to any detergent that has been pH controlled not to cause any ocular irritation or cause harm to the cornea if it gets into the eye. One preferred example is baby shampoo. Preferably the cleanser has antibacterial qualities that can improve the removal of bacterial flora from the treatment area.

Antibiotic

In another preferred embodiment, a topical bacteriostatic or bactericidal antibiotic is also present. As with the cleanser, the antibiotic can be supplied in or on the material or packaged within the material. Alternatively, it can be supplied separately, alone or mixed with the cleanser, to be applied to the material prior to placement of the pouch on the skin.

Any antibiotic that can reduce the number of bacterial colonies residing in the peri-ocular adnexa can be used. Antibiotic solutions can include, but are not limited to, Bacitracin, Erythromycin, Gentamicin, Neomycin, Chloramphenicol, and combinations thereof, as the eyelid bacterial flora has been found to be most susceptible to these agents (Dougherty J M et al. *Br. J. Ophthalmol.* 1984 68:524). Bacitracin and Erythromycin ophthalmic ointments are preferred because they have a wide spectrum of activity and are usually very well tolerated. Topical fluoroquinolones, such as, but not limited to, Ciprofloxacin, Norfloxacin, Ofloxacin, and Moxifloxacin may also be utilized in this product as these formulations have very broad antibiotic coverage, pose minimum chances of bacterial resistance, and are very well tolerated by patients (Bloom P A et al. *Eur. J. Ophthalmol.* 1994 4:6; Miller I M et al. *Am. J. Ophthalmol.* 1992 113:638; Gwon A. *Arch. Ophthalmol.* 1992 110:1234).

Antibiotic resistance has been reported with the use of Sulfonamides or Tetracycline, and as such these agents are usable but not preferred for this product in their present state (McCulley J P *Int. Ophthalmol. Clin.* 1984 24:65).

Method of Use

In a preferred embodiment, the product is a small, flexible eye pad that can fit within the peri-orbital region without substantially overlapping other skin. It is wrapped in a sterile wrapping. The user preferably cleans his/her hands before unwrapping the eye pad. Prior to use, and preferably while the eye pad is still wrapped, the user massages the container to mix the detergent, with or without antibiotic, mixture and "foam" the non-abrasive material that surrounds the heat pack. S/he then breaks the barrier between the two compartments by applying pressure, starting the exothermic reaction. If the cleanser and/or antibiotic are also contained in breakable compartments, this action will also release these components into the non-abrasive material on the eye pad. (If the cleanser and/or antibiotic are provided separately from the heat pack, the cleanser and/or antibiotic are applied to the material after removing the wrapper.)

The user then unwraps the eye pad, holds it by its handle (if provided), and gently massages the side of the eye pad having the cleanser and antibiotic around the affected peri-orbital region for a period of about 5-15 minutes as tolerated. After about ten to fifteen minutes, the user stops the treatment and discards the eye pad.

EXAMPLES

The following examples illustrate some embodiments of the invention.

Example 1

Construction of Product

A 2 inch by 2 inch by 3 inch flexible heat pack is obtained from, for example, Hospital Marketing Services (HMS) Co, Inc. The heat pack has two compartments, one containing magnesium sulfate in powder form, and the other containing water in an inner breakable plastic bag. A round hard plastic handle is attached to the pack on one end. The heat pack is covered with a soft, lint free material, such as a layer of polyester and several layers of gauze. The gauze surrounding the heat pack is coated with a mixture of baby shampoo (Johnson & Johnson or Neutrogena) with or without Bacitricin Ophthalmic Ointment (E. Fougera & Co. Melville, N.Y.) or Ciloxan Ophthalmic Solution (Alcon, Inc.) in an amount sufficient to transfer to the user's skin when the eye pad is being used. A removable piece of plastic is optionally placed over the coating to keep the coating in place. The eye pad is wrapped under sterile conditions in a plasticized paper covering which is easily removable by the user.

Example 2

Use of Product to Treat Chalazia

A patient presenting with a chalazion (stye) is advised to start using this product immediately after the onset of symptoms, and to follow up with his/her ophthalmologist as soon as possible. The patient foams the pack inside its sterile wrap and breaks the inner container by applying force. The patient then unwraps the heat pack, holds it by its handle. The patient then gently places the medicated side of the eye pad against the affected eyelid and moves the eye pad in small circles across the skin for ten minutes. When the treatment is finished, the patient disposes of the eye pad in the trash.

Example 3

Use of Product on Post-Surgical Wound

The procedures of example 2 are followed, except that the bandage is removed from the eye prior to treatment, and a clean bandage is reapplied to the eye after treatment.

I claim:

1. A pad for treating eye conditions comprising:

a multipart container having an impermeable outer membrane sized to fit generally within a single peri orbital region without extending to the rest of the face and sufficiently flexible to mold to the eye within the peri orbital region;

a first chemical in a first storage area in the multipart container;

a second chemical in a second storage area in the multipart container, the first and second chemicals selected to have an exothermic reaction when mixed for producing a temperature suitable for treating eye conditions, the exothermic reaction providing the suitable temperature for a period of time suitable for treating eye conditions; and

an inner membrane for initially separating the first and second chemicals, the inner membrane being render-

US 7,211,070 B2

11

able permeable, without penetration of the impermeable outer membrane, to permit mixing the first and second chemicals to cause the exothermic reaction.

2. The invention of claim 1 wherein the second storage area surrounds the first storage area.

3. The invention of claim 1 wherein the second storage area is adjacent to the first storage area.

4. The invention of claim 1 wherein the inner membrane is breakable by application of pressure to the outside of the multipart container.

5. The invention of claim 1, further comprising:

a material attached to at least part of the impermeable outer membrane on the outside of the multipart container, said material suitable for absorbing and retaining a cleansing substance suitable for cleansing the eye and for rubbing the eye.

6. The invention of claim 5 further comprising:

a cleansing substance retained in or on the soft material, the cleansing substance suitable for cleansing the peri-orbital region.

7. The invention of claim 6 wherein the cleansing substance is pH controlled so as not to cause ocular irritation.

8. The invention of claim 6 wherein the cleansing substance is present in the soft material in breakable containers.

9. The invention of claim 8 wherein the cleansing substance breakable containers are breakable by a quick application of pressure to the outside of the device.

10. The invention of claim 6 further comprising:

an antibacterial antibiotic retained in or on the soft material, the antibacterial antibiotic suitable for killing bacteria in the peri-orbital region.

11. The invention of claim 10 wherein the antibiotic is present in a mix with the cleansing substance.

12. The invention of claim 10 wherein the antibiotic is selected from the group consisting of Bacitracin, Erythromycin, Gentamicin, Neomycin, Chloramphenicol, optical fluoroquinolones and combinations thereof.

13. The invention of claim 12 wherein the optical fluoroquinolones are selected from the group consisting of Ciprofloxacin, Norfloxacin, Ofloxacin, Moxifloxacin and combinations thereof.

14. The invention of claim 5 wherein the soft material is non-abrasive.

15. The invention of claim 5 wherein the soft material is lint free.

16. The invention of claim 5 wherein the soft material is comprised of gauze.

12

17. The invention of claim 5 wherein the soft material covers at least the part of the multipart container that is to touch a user's peri-orbital region.

18. The invention of claim 1 wherein the suitable temperature is in a range of 100–108 degrees Fahrenheit.

19. The invention of claim 18 wherein the suitable time period is at least 5 minutes.

20. The invention of claim 18 wherein the suitable time period is at least 10 minutes.

21. The invention of claim 18 wherein the suitable time period is at least 15 minutes.

22. The invention of claim 1 further comprising a handle attached to the multipart container.

23. The invention of claim 22 wherein the handle is attached opposite the portion of the multipart container that is to be applied to a user's peri-ocular region.

24. An article of manufacture for treating eye conditions, comprising:

an airtight bag sized to fit generally within a single peri orbital region and sufficiently flexible to mold to the eye within the peri orbital region without extending to the rest of the face; and

a heat source in the bag to produce an exothermic chemical reaction using two ingredients in the bag, the exothermic reaction to provide the bag with a temperature suitable for treating eye conditions and for a period of time suitable for treating eye conditions.

25. The article of manufacture of claim 24 further comprising a sterile wrapping in which the bag is held.

26. The article of manufacture of claim 24 further comprising a piece of material attached to the outside of the bag and pre-soaked with a detergent suitable for contact with and treatment of eyelids.

27. The article of manufacture of claim 26 further comprising the piece of material attached to the outside of the bag being pre-soaked with an antibiotic suitable for eyelid treatment.

28. The article of manufacture of claim 24 wherein the two ingredients are liquid sodium acetate and stainless steel.

29. The article of manufacture of claim 24 further comprising:

a handle attached to the outside of the bag.

* * * * *

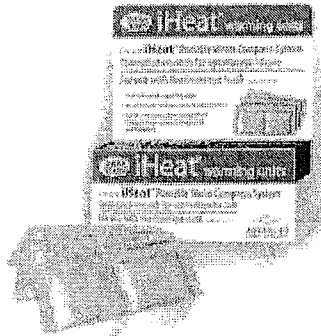
EXHIBIT "C"


[Contact us](#)
[For practitioners](#)
[Company overview](#)
[Site map](#)
[Sign In](#) [My Profile](#) [View Cart](#) [Checkout](#)

Shopping Cart: 0 Items In Cart Total: \$0.00

[Home](#)
[What is dry eye?](#)
[What causes dry eye?](#)
[How TheraTears can help](#)
[Which TheraTears is right for you?](#)
[TheraTears Nutrition for Dry Eye with omega-3s](#)
[SteriLid Eyelid Cleanser](#)
[Online store](#)
[Success stories](#)
[About the inventor](#)
[Store Home](#) > [Clearance items](#)

Product Name: iHeat Warming Units -10 Units



Product ID: OS-IHEAT-WMU

Manufacturer: Advanced Vision Research

Category: Clearance items

Warm Compress System

Price: \$40.98

Clearance Price: \$5.98

(Savings: \$5.00)

Order Options:

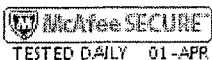
Qty:
[Add to Cart](#)
[Add to Saved Cart](#)
[Email a Friend](#)

TheraTears was developed by



Description:

Search:

[Advanced Search](#)
[Browse](#)


ABOUT SSL CERTIFICATES

[Browse by Category](#)
[Clearance items](#)
[Contact lens wear](#)
[Dry Eye relief](#)
[Eye nutrition](#)
[Eyelid hygiene](#)
[Vision and Health](#)
[Warm Compress System](#)

Quantity Discount: Purchase 4 or more boxes of iHeat Warming Units and receive an additional 20% discount. While supplies last.

Features: -Self-activated warming units -No additional heat source or water required -Up to 5 min of un-interrupted temperature-controlled warm and comfort -Each box contains 10 warming units; 1 warming unit used per side of iHeat Eye Mask

Uses: Provides temporary warmth that may aid the health of skin structures surrounding the eye. Used in conjunction with the iHeat Eye Mask (sold separately).

Directions: Press side of warming unit with the non-solid contents firmly to force the liquid into side containing solid contents. Immediately after activating, fold warming unit in half on crease. Insert in to one side of iHeat eye mask (not-included) with empty liquid side toward eye. If applying to both eyes, activate a second warming unit and insert in to the other side of iHeat eye mask. Place no more than one warming unit into one side of iHeat eye mask at any one time. Place iHeat eye mask on area of eyes and adjust headband to keep firmly in place. For maximum effectiveness, we recommend you wear iHeat eye mask containing activated warming units for 3-5 minutes. Discard warming units following single use. iHeat eye mask may be reused. ASK YOUR EYECARE SPECIALIST BEFORE USE

WHEN USING THIS PRODUCT check skin frequently for signs of burns or blisters-if found, stop use. If product feels too hot-stop use. Do not place extra pressure over the product. Do not use if warming unit is ruptured.

DO NOT USE on unhealthy, numb, damaged or broken skin; on people unable to follow use instructions; with other forms of heat; on people unable to remove the product, including children, infants and some elderly.

STOP USE AND ASK A DOCTOR if you experience any discomfort, burning, pain or other changes in your skin that persist where the warming unit and eye mask were worn.

PLEASE READ ALL INSTRUCTIONS AND WARNINGS BEFORE USE. ADDITIONAL WARNINGS ARE INCLUDED IN THE PACKAGE INSERT. TO REDUCE THE RISK OF BURNS AND PERSONAL INJURY, THIS PRODUCT MUST BE USED IN ACCORDANCE WITH THE USE INSTRUCTIONS AND WARNINGS.

WARNING: THIS PRODUCT CAN CAUSE BURNS. CHECK SKIN FREQUENTLY DURING USE. IF YOU FIND IRRITATION, A BURN, OR EXPERIENCE DISCOMFORT, REMOVE IHEAT EYE MASK IMMEDIATELY.

55 OR OLDER: YOUR RISK OF BURNING INCREASES AS YOU AGE

DO NOT MICROWAVE

ADDITIONAL WARNINGS: Each warming unit contains magnesium, which can be harmful if ingested. If ingested, rinse mouth with water and call a Poison Control Center immediately. If warming unit contents come in contact with your skin or eyes, rinse right away with water. Never heat product in a microwave or attempt to reheat, as warming unit could catch fire. Keep out of reach of children and pets.

[Contact Us](#)[For practitioners](#)[Company overview](#)[Sitemap](#)

Copyright © 2006 Advanced Vision Research, Inc. All rights reserved.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge John F. Walter and the assigned discovery Magistrate Judge is Charles Eick.

The case number on all documents filed with the Court should read as follows:

CV11- 2862 JFW (Ex)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

SEPEHR DAGHIGHIAN, State L No. 239349
 LAW OFFICES OF SEPEHR DAGHIGHIAN, P.C.
 433 North Camden Drive, Fourth Floor
 Beverly Hills, California 90210
 Telephone: (310) 887-1333
 Facsimile: (310) 887-1334

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

OCUGIENE, INC., a California Corporation,

PLAINTIFF(S)

v.

ADVANCED VISION RESEARCH, INC., a
 Massachusetts Corporation,

DEFENDANT(S).

CASE NUMBER

CV11-02862 JFW(Ex)

SUMMONS

TO: DEFENDANT(S): ADVANCED VISION RESEARCH, INC., a Massachusetts Corporation,

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Sepehr Daghighian, Esq., whose address is 433 N. Camden Drive, 4th Floor, Beverly Hills, CA 90210. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

APR - 5 2011

Dated: _____

Clerk, U.S. District Court

By: _____

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> OCUGIENE, INC., a California Corporation,	DEFENDANTS ADVANCED VISION RESEARCH, INC., a Massachusetts Corporation,
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Sepehr Daghighian, Law Offices of Sepehr Daghighian, P.C. 433 N. Camden Drive, 4th Floor, Beverly Hills, CA 90201 Tel: (310) 887-1333; Fax (310) 887-1334	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%; border: none;">Citizen of This State</td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> <td style="width:40%; border: none;"></td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none; text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF		PTF	DEF		<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF	DEF		PTF	DEF																				
	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)
☒ 1 Original ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: **JURY DEMAND:** ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ 1,000,000

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 Patent Infringement, Inducement of Patent Infringement, Contributory Patent Infringement

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutional of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
--	--	--	---	--	--

CV11-02862

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles, California	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Massachusetts

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles, California	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ Date April 1, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))