

THE PARTIES

2. Plaintiff, Smiths Medical ASD, Inc. (hereinafter “Plaintiff” or “Smiths Medical”), is a corporation organized under the laws of the State of Delaware which has its principal places of business at 1265 Grey Fox Road, St. Paul, Minnesota 55112 and at 160 Weymouth Street, Rockland, Massachusetts 02370. It is in the business of manufacturing and distributing medical devices, including but not limited to silicone tracheostomy tubes and related products.

3. Upon information and belief, defendant Arcadia Medical Corporation (hereinafter “Arcadia”) is a corporation organized under the laws of the State of Indiana having its principal places of business at 1140 Millennium Drive, Crown Point, Indiana 46307 and at 1450 East American Lane, Schaumburg, Illinois 60173. It is in the business of manufacturing and distributing silicone tracheostomy tubes and related products.

4. Upon information and belief, defendant William A. Depel resides at 11543 Westwood Place, Crown Point, Indiana 46307, and is the principal and CEO of Arcadia, exercises extensive control over Arcadia and is an active participant, primary actor, or conscious, active, and dominant force behind the wrongful acts of Arcadia complained of herein for the gain of Arcadia and for his individual gain.

JURISDICTION AND VENUE

5. This Court has jurisdiction by virtue of the following facts: (1) this is a civil action for trademark infringement and unfair competition under the United States Trademark Act, 15 U.S.C. § 1051 *et seq.* (“Lanham Act”), jurisdiction being expressly conferred in accordance with 15 U.S.C. § 1121 and 28 U.S.C. § 1338(a); (2) this is a civil action for copyright infringement under the copyright laws of the United States, 17 U.S.C. § 101 *et seq.* (“Copyright Act”), jurisdiction being expressly conferred in accordance with 28 U.S.C. § 1338(a); and (3) this is also a civil action in which Plaintiff and Defendants are citizens of different states and the

value of the matter in controversy exceeds seventy-five thousand dollars (\$75,000), exclusive of interest and costs, jurisdiction being expressly conferred in accordance with 28 U.S.C. § 1332(a). This Court also has pendent jurisdiction over all related state law claims for unfair competition herein in accordance with 28 U.S.C. § 1338(b).

6. This Court has personal jurisdiction over each of the parties including the Defendants, and venue in this judicial district is proper under 28 U.S.C. § 1391(b), in that a substantial part of the events that give rise to this action have occurred and continue to occur in this judicial district. Additionally, upon information and belief, each of the Defendants are doing business in Illinois and within this judicial district, and defendant Arcadia maintains an office located at 1450 East American Lane, Schaumburg, Illinois 60173.

FACTUAL ALLEGATIONS

Plaintiff Smiths Medical ASD, Inc. and Its Tracheostomy Tubes and Related Products

7. Plaintiff Smiths Medical is a leading supplier of medical devices and equipment for global markets.

8. For more than the past twenty years, long prior to the acts of Defendants complained of herein, Plaintiff and its predecessor(s) have been engaged in the business of designing, manufacturing, and distributing medical devices, including but not limited to silicone tracheostomy tubes, throughout the United States, including within this judicial district.

9. A tracheostomy tube is a type of tube called a cannula that is inserted into a patient's trachea through an incision made in the front of a patient's neck to serve as an airway which allows a person to breathe without the use of his or her nose or mouth.

**Plaintiff's Trademarks Used in Connection with Its
Tracheostomy Tubes and Related Products**

10. Since long prior to the acts of Defendants complained of herein, Plaintiff has used each of the trademarks FOME-CUF, AIRE-CUF and TTS in connection with the advertising, promotion, sale and offering for sale of tracheostomy tubes and related products.

11. Since at least as early as 1972, long prior to the acts of Defendants complained of herein, Plaintiff has offered its aforesaid tracheostomy tubes and related products under the trademark FOME-CUF. Plaintiff frequently displays its FOME-CUF mark on product packaging for, *inter alia*, its FOME-CUF tracheostomy tubes, and includes FOME as a block letter display in black text upon a white background on the flange portion of said tracheostomy tubes, as depicted below:

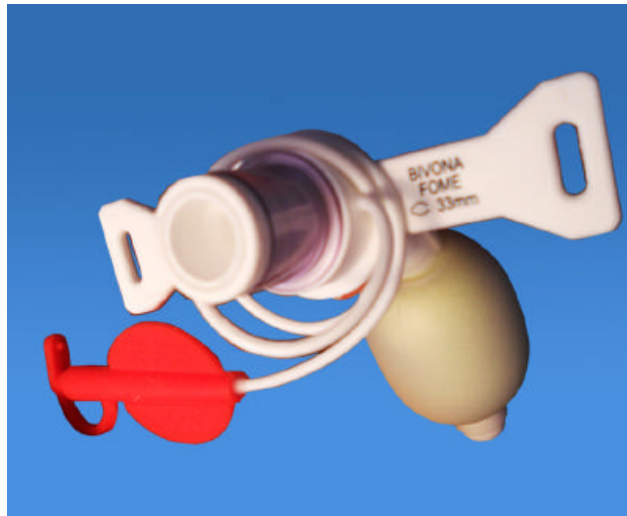


FIGURE 1: Plaintiff Smiths Medical's FOME-CUF® Tracheostomy Tube

12. Since at least as early as 1977, long prior to the acts of Defendants complained of herein, Plaintiff has offered its aforesaid tracheostomy tubes and related products under the trademark AIRE-CUF. Plaintiff frequently displays its AIRE-CUF mark on product packaging for, *inter alia*, its AIRE-CUF tracheostomy tubes, and includes AIRE as a block letter display in

black text upon a white background on the flange portion of said tracheostomy tubes, as depicted below:



FIGURE 2: Plaintiff Smiths Medical's AIRE-CUF® Tracheostomy Tube

13. For more than the past twenty years, long prior to the acts of Defendants complained of herein, Plaintiff has offered its aforesaid tracheostomy tubes and related products under the trademark TTS. Plaintiff frequently displays its TTS mark on product packaging for, *inter alia*, its TTS tracheostomy tubes, and includes TTS as a block letter display in black text upon a white background on the flange portion of said tracheostomy tubes, as depicted below:



FIGURE 3: Plaintiff Smiths Medical's TTS™ Tracheostomy Tube

14. Since long prior to the acts of the Defendants complained of herein, Plaintiff has sold nationally millions of dollars of tracheostomy tubes and related products under each of its FOME-CUF, AIRE-CUF and TTS marks, and has spent substantial sums to advertise and promote those products nationally under the aforesaid FOME-CUF, AIRE-CUF and TTS marks.

15. By virtue of the aforesaid extensive use, advertising, and promotion, each of Plaintiff's aforesaid FOME-CUF, AIRE-CUF and TTS trademarks acquired a strong secondary meaning signifying Plaintiff as the unique source of these products long before the Defendants commenced the acts complained of herein.

16. Plaintiff has registered the FOME-CUF and AIRE-CUF marks in the United States Patent and Trademark Office. Such registrations include the following:

MARK	REG. NO.	REG. DATE	GOODS
AIRE-CUF	1,174,037	October 20, 1981	Class 10: Tracheal tubes
FOME-CUF	1,006,884	March 18, 1975	Class 10: Tracheal tubes

TABLE I: Plaintiff Smiths Medical's Federally-Registered Trademarks

The aforesaid registrations are valid, subsisting, and owned by plaintiff Smiths Medical and are now incontestable in accordance with 15 U.S.C. §§ 1065 and 1115(b).

17. Since long prior to the acts of Defendants complained of herein, Plaintiff owned a valuable goodwill which is symbolized by each of its aforesaid trade identities, namely the FOME-CUF, AIRE-CUF and TTS marks, and the use of each of these trade identities substantially increases the value of Plaintiff's medical device products and the salability of its tracheostomy tubes.

Defendants William A. Depel and Arcadia Medical Corporation

18. Defendant William A. Depel was previously employed by Smiths Medical's "Bivona" business unit. During said employment Mr. Depel had access to, and directly worked

with, the design and product development of Plaintiff's tracheostomy tubes and related products, including those sold in connection with Plaintiff's FOME-CUF, AIRE-CUF and TTS trademarks, such that Mr. Depel was intimately familiar with the product design specifications of those products, and the trademarks and instructional materials associated with those products.

19. Mr. Depel permanently left the employ of Smiths Medical some years ago.

20. Upon information and belief, defendant Depel created or caused to be created defendant Arcadia. Upon information and belief, defendant Arcadia was initially created under the laws of the British Virgin Islands. Upon information and belief, on or about September 17, 2010, defendant Arcadia was created as a for-profit corporation organized under the laws of the State of Indiana.

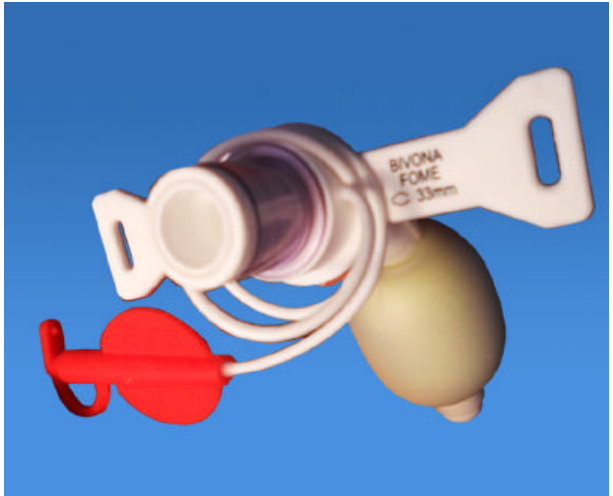
Defendants' Intentional Copying of Plaintiff's Tracheostomy Tubes and Infringement of Plaintiff's Intellectual Property

21. Upon information and belief, since at least 2009, defendant Arcadia has been engaged in the business of distributing silicone tracheostomy tubes and related products, including but not limited to epistaxis catheters and endotracheal tubes, in the United States, including within this judicial district.

22. Long after the aforesaid acquisition of secondary meaning of Plaintiff's aforesaid trade identities, defendant Arcadia commenced simulating Plaintiff's FOME-CUF mark by adopting and using the mark FOAM CUFF for silicone tracheostomy tubes, including as a block letter display in black text upon a white background on the flange portion of a tracheostomy tube, as depicted below in side-by-side comparison with Plaintiff's FOME-CUF tracheostomy tube:



**Defendant Arcadia's use of FOAM CUFF
on a Tracheostomy Tube**



**Plaintiff Smiths Medical's FOME-CUF®
Tracheostomy Tube**

FIGURE 4

23. Long after the aforesaid acquisition of secondary meaning of Plaintiff's aforesaid trade identities, upon information and belief, defendant Arcadia commenced simulating Plaintiff's AIRE-CUF mark by adopting and using the mark AIR CUFF for silicone tracheostomy tubes, including as a block letter display in black text upon a white background on the flange portion of a tracheostomy tube, as depicted below in side-by-side comparison with Plaintiff's AIRE-CUF tracheostomy tube:



**Defendant Arcadia's use of AIR CUFF
on a Tracheostomy Tube**



**Plaintiff Smiths Medical's AIRE-CUF®
Tracheostomy Tube**

FIGURE 5

24. Long after the aforesaid acquisition of secondary meaning of Plaintiff's aforesaid trade identities, upon information and belief, defendant Arcadia commenced simulating Plaintiff's TTS mark by adopting and using the mark CTS for silicone tracheostomy tubes, including as a block letter display in black text upon a white background on the flange portion of a tracheostomy tube, as depicted below in side-by-side comparison with Plaintiff's TTS tracheostomy tube:

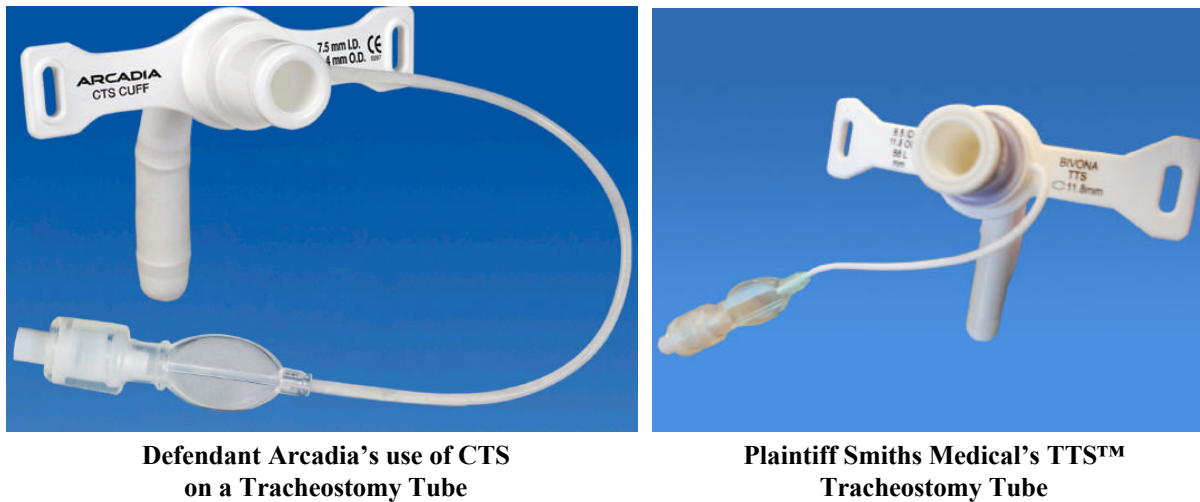


FIGURE 6

25. In addition to the Arcadia products depicted above in Paragraphs 22 through 24, upon information and belief, defendant Arcadia has adopted and used one or more of the marks FOAM CUFF, AIR CUFF or CTS on other tracheostomy tubes or related products, including but not limited to epistaxis catheters and endotracheal tubes, which Arcadia has manufactured and distributed.

26. Upon information and belief, Defendants knowingly, intentionally, and maliciously adopted and used the FOAM CUFF, AIR CUFF and CTS marks for tracheostomy tubes and related products with a bad faith and willful motive to trade upon the goodwill represented by Plaintiff's aforesaid products and trade identities. Defendants had full knowledge of Plaintiff's prior use of those marks by virtue of defendant Depel's employment by Plaintiff

and its predecessor for many years. Further, Defendants copied numerous features of Plaintiff's products – such as the colors and shapes of various product features – and the copying was not necessary to make the Defendants' products functional. Until Plaintiff put a stop to it, Defendants even included, with their tracheostomy tubes, a “wedge” that bore another registered trademark used by Plaintiff, “Bivona.”

**COUNT I: FEDERAL TRADEMARK INFRINGEMENT WITH RESPECT TO
PLAINTIFF'S FOME-CUF AND AIRE-CUF MARKS**

27. Plaintiff realleges and incorporates Paragraphs 1 through 26 of this Complaint as if specifically set forth at length herein and made a part hereof.

28. Defendant Arcadia's use of each of FOAM CUFF, AIR CUFF and CTS falsely and deceptively represents that Arcadia's tracheostomy tubes and related products, including but not limited to epistaxis catheters and endotracheal tubes, emanate from Smiths Medical, or are connected with, sponsored, or approved by Smiths Medical, and defendant Arcadia's use is likely to cause confusion with Plaintiff's use of its aforesaid FOME-CUF, AIRE-CUF and TTS marks, or otherwise to cause deception or mistake as to source, sponsorship, or approval of defendant Arcadia's aforesaid tracheostomy tubes and related products.

29. Defendant Arcadia's aforesaid unauthorized use of each of FOAM CUFF and AIR CUFF infringes Plaintiff's federally registered FOME-CUF and AIRE-CUF trademarks, in violation of the Lanham Act, 15 U.S.C. § 1114.

30. Defendants' aforesaid acts are greatly and irreparably damaging to Plaintiff and will continue to damage Plaintiff unless and until enjoined by this Court; wherefore, Plaintiff is without adequate remedy at law.

**COUNT II: FEDERAL UNFAIR COMPETITION WITH RESPECT TO
PLAINTIFF'S FOME-CUF, AIRE-CUF AND TTS MARKS**

31. Plaintiff realleges and incorporates Paragraphs 1 through 30 of this Complaint as if specifically set forth at length herein and made a part hereof.

32. Defendant Arcadia's aforesaid unauthorized use of each of FOAM CUFF, AIR CUFF and CTS constitutes a misleading use of a word, term, symbol, trade dress, or device, or a combination thereof, in violation of the Lanham Act, 15 U.S.C. § 1125(a).

33. Defendants' aforesaid acts are greatly and irreparably damaging to Plaintiff and will continue to damage Plaintiff unless and until enjoined by this Court; wherefore, Plaintiff is without adequate remedy at law.

COUNT III: ILLINOIS UNIFORM DECEPTIVE TRADE PRACTICES ACT

34. Plaintiff realleges and incorporates Paragraphs 1 through 33 of this Complaint as if specifically set forth at length herein and made a part hereof.

35. Defendant Arcadia's aforesaid unauthorized use of each of FOAM CUFF, AIR CUFF and CTS constitutes engagement in deceptive trade practices that are greatly damaging to Plaintiff, in violation of the Uniform Deceptive Trade Practices Act of the State of Illinois, 815 ILCS 510/1 *et seq.*

36. Defendants' aforesaid deceptive trade practices are addressed to the tracheostomy products market generally in which Plaintiff competes, including transactions which, the evidence will likely show after reasonable opportunity for further discovery, occurred primarily and substantially in Illinois, and such products are used by consumers in Illinois.

37. Defendants willfully engaged in the aforesaid deceptive trade practices by knowingly, intentionally, and maliciously adopting and using the FOAM CUFF, AIR CUFF and

CTS marks for tracheostomy tubes and related products with a bad faith and willful motive to trade upon the goodwill represented by Plaintiff's products and trade identities.

38. Defendants' aforesaid acts are greatly and irreparably damaging to Plaintiff and will continue to damage Plaintiff unless and until enjoined by this Court; wherefore, Plaintiff is without adequate remedy at law.

**COUNT IV: ILLINOIS CONSUMER FRAUD AND
DECEPTIVE BUSINESS PRACTICES ACT**

39. Plaintiff realleges and incorporates Paragraphs 1 through 38 of this Complaint as if specifically set forth at length herein and made a part hereof.

40. Defendant Arcadia's aforesaid unauthorized use of each of FOAM CUFF, AIR CUFF and CTS constitutes engagement in unfair methods of competition and deceptive practices that are greatly damaging to Plaintiff, in violation of the Consumer Fraud and Deceptive Business Practices Act of the State of Illinois, 815 ILCS 505/1 *et seq.*

41. Defendants' aforesaid acts of unfair competition are addressed to the tracheostomy products market generally in which Plaintiff competes, including transactions which, the evidence will likely show after reasonable opportunity for further discovery, occurred primarily and substantially in Illinois, and such products are used by consumers in Illinois.

42. Defendants willfully engaged in the aforesaid unfair methods of competition and/or deceptive trade practices by knowingly, intentionally, and maliciously adopting and using the FOAM CUFF, AIR CUFF and CTS marks for tracheostomy tubes and related products with a bad faith and willful motive to trade upon the goodwill represented by Plaintiff's products and trade identities.

43. Defendants' aforesaid acts are greatly and irreparably damaging to Plaintiff and will continue to damage Plaintiff unless and until enjoined by this Court; wherefore, Plaintiff is without adequate remedy at law.

COUNT V: ILLINOIS COMMON LAW UNFAIR COMPETITION

44. Plaintiff realleges and incorporates Paragraphs 1 through 43 of this Complaint as if specifically set forth at length herein and made a part hereof.

45. The aforesaid unauthorized uses of each of Defendants' FOAM CUFF, AIR CUFF and CTS trademarks constitutes unfair competition under the common law of the State of Illinois. *See* 765 ILCS 1036/80.

46. Defendants willfully engaged in the aforesaid unfair methods of competition by knowingly, intentionally, and maliciously adopting and using the FOAM CUFF, AIR CUFF and CTS marks for tracheostomy tubes and related products with a bad faith and willful motive to trade upon the goodwill represented by Plaintiff's products and trade identities.

47. Defendants' aforesaid acts are greatly and irreparably damaging to Plaintiff and will continue to damage Plaintiff unless and until enjoined by this Court; wherefore, Plaintiff is without adequate remedy at law.

**COUNT VI: COPYRIGHT INFRINGEMENT WITH RESPECT TO PLAINTIFF'S
PRINTED MATERIALS**

48. Plaintiff realleges and incorporates Paragraphs 1 through 47 of this Complaint as if specifically set forth at length herein and made a part hereof.

49. Long prior to the acts of Defendants complained of herein, Plaintiff commissioned the creation of printed instructions that accompany the tracheostomy tubes sold by Plaintiff ("Plaintiff's Instructions"), and Plaintiff has expended significant resources and expense to create and develop Plaintiff's Instructions.

50. Plaintiff's Instructions, including individual components thereof, constitutes original works of authorship within the meaning of 17 U.S.C. § 102.

51. Plaintiff is the sole proprietor of all rights, title and interest to Plaintiff's Instructions, including the copyrights in such works.

52. Plaintiff has registered its copyrights for Plaintiff's Instructions in the United States Copyright Office, which has duly granted Registration Nos. TX0007420034, TX0007420035, TX0007420038, TX0007420040, and TX0007420042 to Plaintiff for such works.

53. Upon information and belief, defendant Arcadia includes printed instructions as a material component of the product packaging and reference materials that are sold as part of Arcadia's sales of its tracheostomy tubes (the "Arcadia Instructions").

54. By virtue of his employment with Plaintiff, defendant Depel had access to Plaintiff's Instructions. Upon information and belief, substantial portions of the Arcadia Instructions are identical or substantially similar to portions of Plaintiff's Instructions, as shown in the following table:

Excerpts: Plaintiff's Instructions for its Tracheostomy Product (Bivona Ref. 750180)	Excerpts: Arcadia's Instructions for its Tracheostomy Product (Arcadia Ref. 110-180)
The Bivona® Mid-Range Aire-Cuf® Adult Tracheostomy Tube is a radiopaque silicone tube with a mid-range inflatable silicone cuff.	The Arcadia Medical® Silicone Air Cuff Tracheostomy Tube is a radiopaque silicone tube with an inflatable silicone cuff.
This tube is intended to provide direct airway access for a tracheotomized patient for up to 29 days. It may be reprocessed up to 10 times for single patient reuse.	This device is intended to provide tracheal access for a tracheotomized patient for up to 29 days. It may be reprocessed up to 10 times for single patient use.

Excerpts: Plaintiff's Instructions for its Tracheostomy Product (Bivona Ref. 750180)	Excerpts: Arcadia's Instructions for its Tracheostomy Product (Arcadia Ref. 110-180)
Use only water soluble lubricants with this tube. Use of petroleum based lubricants can damage this tube.	Use only water soluble lubricants with this tube. Petroleum based lubricants can damage this device.
Ensure that the lubricant gel used does not occlude the lumen of the tube preventing ventilation of the patient.	. . . ensure that the lubricant does not occlude the tube lumen as this will restrict ventilation.
Verify the tracheostomy tube position by bronchoscopic visualization and/or chest X-ray to ensure correct placement. Incorrect placement could result in trauma to the trachea or respiratory obstruction.	Verify correct Tracheostomy Tube placement by bronchoscopic visualization or by x-ray techniques. Incorrect placement of the Tracheostomy Tube may cause tracheal damage or respiratory obstruction.
Under-inflation of the cuff may result in aspiration of subglottic secretions leading to lung infections.	Under inflation of the cuff may result in insufficient ventilation or aspiration of subglottic secretions leading to lung infection.
During and after attachment of the breathing system to the tracheostomy tube connector, avoid application of excessive rotational or linear forces on the tube to prevent accidental disconnection or occlusion.	During and after attachment of respiratory tubing and connectors to the tracheostomy tube connector, avoid application of excessive rotational, linear or rocking forces on the tubing and connectors to prevent accidental disconnection or damage to the tracheal tube.

TABLE 2: Comparison of Excerpts From Plaintiff's Instructions and Arcadia's Instructions

55. The Defendants' aforementioned acts infringe Plaintiff's copyrights in and to Plaintiff's Instructions in violation of the United States Copyright Act, 17 U.S.C. § 501.

56. Upon information and belief, Defendants' aforesaid acts were intentional, deliberate, malicious or in willful disregard of Plaintiff's aforesaid rights.

57. Defendants' aforesaid acts are greatly and irreparably damaging to Plaintiff, and will continue to damage Plaintiff unless and until enjoined and restrained by this Court; wherefore, Plaintiff is without adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Smiths Medical ASD, Inc., demands judgment against each of the defendants, Arcadia Medical Corporation and William A. Depel, that:

1. Defendant Arcadia Medical Corporation, and its directors, officers, including Mr. William A. Depel, and each of their respective partners, agents, servants, employees, and attorneys, and all those in active concert or participation with any of them, be permanently enjoined from:

- A. using the FOAM CUFF mark for tracheostomy tubes or related products;
- B. using the AIR CUFF mark for tracheostomy tubes or related products;
- C. using the CTS mark for tracheostomy tubes or related products;
- D. using any other name, mark, logo or trade dress which is a reproduction, counterfeit, copy, or colorable imitation or simulation of, or which is not distinctively different from, Plaintiff's FOME-CUF, AIRE-CUF or TTS marks, or which, when viewed in the context of defendant Arcadia's copying of nonfunctional features of Plaintiff's products and defendant Arcadia's prior history of willful infringement, may continue to confuse the public into believing or to create the false impression that defendant Arcadia's goods are approved, sponsored or authorized by, or are affiliated or otherwise connected with Plaintiff;
- E. copying, distributing, publishing, reproducing or displaying Plaintiff's Instructions, in whole or in part;
- F. doing any other act or thing likely to confuse, mislead, or deceive others into believing that Defendants, or their products, emanate from Plaintiff or are affiliated with, connected with, sponsored by, authorized by or approved by Plaintiff;
- G. aiding or assisting any person engaging in any of the acts prohibited by sub-sections (A) through (F) above.

2. Defendants Arcadia Medical Corporation and William A. Depel be required, jointly and severally, to pay to Plaintiff the following:

A. in accordance with 15 U.S.C. § 1117(a), three times such damages as Plaintiff suffered as a result of Defendants' acts of trademark infringement and unfair competition, three times all profits wrongfully derived by Defendants from such acts, including realized profits on conveyed sales of associated products, and Plaintiff's costs, including reasonable attorneys fees, as well as any other applicable monetary relief;

B. in accordance with 17 U.S.C. § 504 and § 505, damages as Plaintiff suffered as a result of Defendants' acts of copyright infringement, and profits wrongfully derived by Defendants from such acts, and Plaintiff's costs, including reasonable attorneys fees, as well as any other applicable monetary relief;

C. in accordance with 815 ILCS 510/3, Plaintiff's costs and attorney's fees, as well as any other applicable monetary relief;

D. in accordance with 815 ILCS 505/10a, Plaintiff's actual damages, Defendants' profits derived from Defendants' wrongful acts, punitive damages in a sum sufficient to deter Defendants from future such acts, and Plaintiff's reasonable attorneys fees and costs, as well as any other applicable monetary relief; and

E. in accordance with the common law of the State of Illinois, and 765 ILCS 1036/65 and 1036/70, Plaintiff's actual damages and Defendants' profits derived from Defendant's wrongful acts, punitive damages in a sum sufficient to deter Defendants from future such acts, and Plaintiff's reasonable attorney's fees and costs, as well as any other applicable monetary relief.

3. The Defendants be required, in accordance with 15 U.S.C. § 1118 and 765 ILCS 1036/70, to deliver up to Plaintiff for destruction all labels, signs, prints, packages, wrappers, receptacles, and advertisements in their possession bearing FOAM CUFF, AIR CUFF and CTS, or any other reproduction, counterfeit copy or colorable imitation of Plaintiff's trade identities, and all plates, models, matrices, and other means of making same.

4. The Defendants be required, in accordance with 17 U.S.C. § 503, to deliver up to Plaintiff for destruction all copies of Plaintiff's copyright materials, including the Arcadia Instructions, Plaintiff's Instructions and the text, charts, line drawings, and photographs taken therefrom.

5. The Defendants be required, in accordance with 15 U.S.C. § 1116(a), to file with the Court, and serve upon Plaintiff, a report in writing under oath, setting forth in details the matter and form in which Defendants have complied with the terms of any injunction entered by this Court.

6. Plaintiff have such other and further relief as the Court deems just and equitable.

JURY DEMAND

Plaintiff demands trial by jury of all issues triable by jury.

Dated: October 5, 2011

Respectfully submitted,

/s/ Jason A. Berta

Jason A. Berta (6295888)
FOLEY & LARDNER LLP
321 North Clark Street, Suite 2800
Chicago, IL 60654-5313
312.832.4500
312.832.4700

*Attorneys for Plaintiff
Smiths Medical ASD, Inc.*

Of Counsel

Richard A. Florsheim
Rebecca J. Pirozzolo-Mellowes
FOLEY & LARDNER LLP
777 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
312.271.2400
312.297.4900