

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

KARL STORZ ENDOSCOPY-AMERICA, INC.)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	
)	JURY TRIAL DEMANDED
RICHARD WOLF MEDICAL)	
INSTRUMENTS CORP.,)	
)	
Defendant.)	
)	

COMPLAINT FOR INFRINGEMENT OF PATENT

Plaintiff, for its complaint against Defendant, alleges as follows:

The Parties

1. Plaintiff, Karl Storz Endoscopy-America ("KSEA" or "Plaintiff") is a California corporation having a principal place of business at 600 Corporate Pointe, 5th Floor, Culver City, California 90230.
2. Upon information and belief, Defendant Richard Wolf Medical Instruments Corp. ("Defendant") is a Delaware corporation with a principal place of business of 353 Corporate Woods Parkway, Vernon Hills, Illinois 60061.

Jurisdiction and Venue

3. This action by Plaintiff is for damages and injunctive relief from patent infringement by Defendant, and arises under the United States Patent Laws, particularly 35 U.S.C. §271 et seq.

4. This Court has subject matter jurisdiction based on 28 U.S.C. §§1331 and 1338(a).

5. Venue is proper and based on 28 U.S.C. §§1391(b), 1391(c), and/or 1400(b).

6. Upon information and belief, this Court has personal jurisdiction over Defendant because Defendant regularly and systematically conducts business within Illinois, has an office in Illinois, sells products throughout the United States, including within Illinois, and maintains a web site (www.richardwolfusa.com) that is visited by potential customers in Illinois.

Patent Infringement

7. KSEA is the owner of the entire right, title and interest in and to United States Patent No. 6,589,259 entitled "Medical Instrument Having A Force-Limiting Device" ("the '259 patent"), which was duly and legally issued by the United States Patent and Trademark Office ("USPTO") on July 8, 2003 and which is the subject of an Ex Parte Reexamination Certificate duly and legally issued by the USPTO on December 15, 2009. The '259 patent was assigned to KSEA. Copies of the '259 patent and the Ex Parte Reexamination Certificate issued by the USPTO are attached as Exhibit A.

8. Defendant has been and still is directly infringing, contributing to infringement and/or inducing infringement of at least claims 2, 13-17, 19-28 of the '259 patent by making, using, offering for sale, importing and/or selling infringing products, including at least products offered for sale under the name "HySafe," such as the HySafe Qui-Connect Modular Forceps,

and other products of Defendant having strain relief or overload protection, without the authorization of KSEA.

9. Defendant's infringement, inducement of infringement and/or contributory infringement has been and continues to be willful, making this an exceptional case under 35 U.S.C. § 285 and entitling KSEA to attorney's fees under 35 U.S.C. § 284.

10. KSEA has been damaged and harmed by Defendant's infringement of the '259 patent, and claims all damages, including but not limited to reasonable royalties, to which it is entitled.

11. The harm to KSEA resulting from Defendant's infringing acts is irreparable, continuing, not fully compensable by money damages and will continue unless enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

A. That judgment be entered that Defendant has directly infringed, induced others to infringe and/or contributorily infringed the '259 patent;

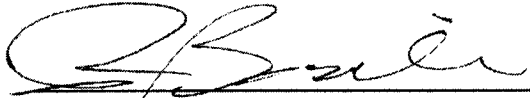
B. That a permanent injunction be entered against the Defendant, its officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with the Defendant who receive actual notice of the injunction by personal service or otherwise, from any further infringement of the '259 patent pursuant to 35 U.S.C. § 283;

C. That Plaintiff be awarded its damages, suffered by reason of the infringements by Defendant, together with prejudgment interest;

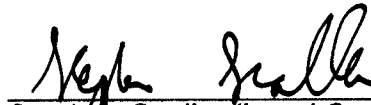
- D. That the damages awarded to Plaintiff be trebled pursuant to 35 U.S.C. § 284 due to the willful acts of infringement complained of herein;
- E. That this be declared an exceptional case pursuant to 35 U.S.C. § 285;
- F. That Plaintiff be awarded its attorney's fees and costs; and
- G. That Plaintiff be awarded any other and further relief that this Court may deem just and proper.

Respectfully submitted,

Date: 2/18/11


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