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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

BRAIN LIFE LLC, a Delaware limited
liability company,

Plaintiff,

vs.

ELEKTA INC., a Georgia corporation,

Defendant.

Case No.:

12CV0303 LAB BGS

**COMPLAINT FOR INFRINGEMENT
OF UNITED STATES PATENT NO.
5,398,684**

JURY TRIAL DEMANDED

PROCEDURAL BACKGROUND

On or about July 23, 2010, Plaintiff, Brain Life LLC ("Brain Life"), a Delaware limited liability company, by and through its attorneys, brought an action for patent infringement against Elekta, Inc., a Georgia corporation, Medtronic, Inc., Varian Medical Systems, Inc. and BrainLab, Inc. that was assigned Civil Action No. 10cv1539-IAB.

On October 17, 2011, Elekta filed a motion to sever Brain Life's claims against it pursuant to Fed. R. Civ. P. 21 on the grounds that joinder under Fed. R. Civ. P. 20(a)(2) is improper. On January 1, 2012, this Court entered an Order stating:

"Brain Life should therefore file its First Amended Complaint as a new complaint—and against Elekta *only*. It needn't pay the filing fee. The Clerk will assign a separate case number to it, but the case should be assigned to the undersigned district judge and Magistrate Judge Skomal. Once the case is open, Elekta must file its answer and affirmative defenses. (Dkt. No. 53.) The new case will be consolidated with this one for claims construction only. Finally, the Clerk should terminate Elekta from this case."

Order (Dkt. No. 69), p. 4.

THE PARTIES

1. Brain Life is a limited liability company formed and existing under the laws of Delaware with a principal place of business located at 500 Newport Center Drive, 7th Floor, Newport Beach, California 92660.

2. Upon information and belief, Elekta, Inc. ("Elekta") is a corporation formed and existing under the laws of the State of Georgia with a principal place of business at 4775 Peachtree Industrial Blvd., Bldg. 300, Suite 300, Norcross, Georgia 30092.

JURISDICTION AND VENUE

3. This is a civil action for patent infringement seeking damages arising under the Patent Laws of the United States, 35 U.S.C. §§ 1, et seq. Jurisdiction is conferred upon this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Elekta does business in this judicial district as set forth in detail below, including but not limited to the sale of goods and services to medical centers and other entities at which medical professionals practice various forms of surgery and oncology treatment and planning using the methods of a patent owned by Brain Life. Elekta is subject to the personal jurisdiction of this Court and is amenable to service of process pursuant to the California long-arm statute,

1 Cal.Civ.Proc.Code, § 413.10 and Fed.R.Civ.P. 4(c).

2 GENERAL ALLEGATIONS

3 5. Brain Life is the exclusive licensee of MIDCO (Medical Instrumentation and
4 Diagnostics Corporation) by assignment in and to United States Patent No. 5,398,684 (the “‘684
5 Patent” or “patent in suit”) entitled Method and Apparatus for Video Presentation from Scanner
6 Imaging Sources issued on March 21, 1995. A true and correct copy of the ‘684 Patent is
7 attached hereto as Exhibit 1. The ‘684 Patent is valid and expired on March 31, 2009; therefore,
8 Brain Life seeks only damages and not an injunction in this suit. All maintenance fees for the
9 ‘684 Patent were paid during the patent life. The predecessor of Brain Life, MIDCO, during the
10 period in which it sold a treatment planning system known as CASS (Computer Assisted
11 Stereotactic Surgery) marked the system with proper patent notice; Brain Life has not
12 manufactured or sold any treatment planning system covered by any claims of the ‘684 Patent.

13 6. The ‘684 Patent relates to the acquisition, conversion, storage, manipulation,
14 comparison, measurement and display of images for use in computer-assisted stereotactic
15 surgical procedures.

16 7. Elekta has developed, manufactured, and distributed hardware and software
17 systems and has practiced and/or induced purchasers of such systems to practice one or more
18 method claims of the ‘684 Patent. The systems are generally marketed under the trademarks or
19 model designations GammaKnife/GammaPlan 4C, Leksell Stereotactic System/SurgiPlan, and
20 ERGO++, with Atlas-Based Autosegmentation as described in greater detail below. Elekta also
21 provides in the United States various services, publications and training to users of the hardware
22 and software systems that it sells.

23 HISTORICAL BACKGROUND

24 8. On December 17, 1997, MIDCO, the predecessor-in-interest of the exclusive
25 rights under the patent in suit, brought an action against Elekta AB, Elekta Instruments, AB,
26 Elekta Instruments, Inc. and Elekta Oncology (“Earlier Defendants”) in this Court, Civil Action
27 No. 97cv2271 for infringement of the patent in suit and also United States Patent Nos.
28 5,099,846, 5,354,314, 5,176,689 and 5,143,076. The effective complaint included claims for

1 trade secret misappropriation and breach of a nondisclosure agreement (hereinafter "Prior
2 Litigation"). The accused products in the Prior Litigation were the GammaKnife/GammaPlan
3 4, SurgiPlan, SurgiScope, ViewScope and Viewing Wand

4 9. In the course of the Prior Litigation, MIDCO asserted, and the Court construed,
5 certain apparatus claims of the patent in suit, including Claim 1. Earlier Defendants brought a
6 motion in limine to dismiss with prejudice all claims other than the apparatus claims specifically
7 asserted. On January 14, 2002 this Court dismissed all of the non-asserted claims, including all
8 of the method claims, **without** prejudice. Prior to the dismissal, MIDCO brought a motion for
9 summary judgment that the apparatus claims were not invalid; on November 6, 2001 this Court
10 granted the motion that the apparatus claims asserted were not invalid.

11 10. The Prior Litigation went to trial beginning January 23, 2002 and a jury found
12 that the claims of the '684 and '846 patents were infringed and since validity had been
13 established, a damage award was made by the jury in the amount of \$16,595,000.

14 11. On September 23, 2002, Earlier Defendants timely filed a Notice of Appeal and
15 the case was briefed and heard before the United States Federal Circuit Court of Appeals
16 ("Federal Circuit") (Appellate Docket No. 03-1032). The judgment of infringement and the
17 damage award were reversed on the grounds that the apparatus claims asserted had not been
18 properly construed. (*Medical Instrumentation and Diagnostics Corp. v. Elekta*, 344 F.3d 1205
19 (Fed. Cir. 2003). When construed in the manner determined by the Federal Circuit, all of the
20 apparatus claims were not infringed by the Earlier Defendants. The Federal Circuit also
21 reversed the lower court's judgment that the '684 Patent claims asserted were not invalid on the
22 grounds that a genuine issue of material fact for the jury existed. The case was then remanded
23 to the lower court for further proceedings.

24 12. On February 12, 2004, MIDCO brought a motion to amend the complaint in the
25 Prior Litigation to assert the method claims in the '684 Patent. That motion was denied by this
26 Court. MIDCO then timely filed a Notice of Appeal to the Federal Circuit and the case was
27 briefed, argued and this Court was affirmed. The date on which the Federal Circuit affirmed
28 this Court's judgment dismissing the MIDCO complaint was June 2, 2005.

13. As a result of the infringement by the Earlier Defendants, MIDCO could not compete with other companies developing, manufacturing and selling treatment planning systems for stereotactic surgery and MIDCO struggled to survive. MIDCO attempted to raise funds necessary to underwrite the cost of a suit against the Earlier Defendants, including Elekta, based on the method claims that had been dismissed without prejudice in the Prior Litigation. Despite a showing of interest by a number of financial and legal entities, MIDCO was unable to find any investor who would defray the cost of pursuing a second patent infringement case against the Earlier Defendants (including Elekta).

14. On or about September 21, 2009, MIDCO entered into a business arrangement with the present Plaintiff, Brain Life, granted an exclusive license to a company who then assigned the license to Brain Life and agreed to cooperate in the negotiation of any patent license and prosecution of a patent infringement suit.

15. Subsequent to the jury verdict in the Prior Litigation, upon information and belief, Elekta added to the GammaKnife/GammaPlan and Leksell Stereotactic Frame/SurgiPlan the capability of acquiring brain maps, which are graphic representations of portions of a typical patient's brain, enabling a neurosurgical team to identify brain structures in the course of treatment planning for invasive or non-invasive neurosurgery. Elekta has marketed this brain mapping software under the trademark, AtlasSpace, utilizing the same brain atlases as those disclosed in the '684 Patent, namely the well-known Schaltenbrand and Wahren stereotactic atlas offered only in printed book form until MIDCO digitized the atlas for sale with the CASS treatment planning system around 1990.

THE PATENTED TECHNOLOGY

16. The '684 Patent discloses and claims a method for presenting a plurality of scanned images in a video presentation. Scanned images are radiological images taken by devices and techniques such as Computed Tomography (CT), Nuclear Magnetic Resonance or Image (NMR or MRI), Digital Subtraction Angiography (DSA), Positron Emission Tomography (PET) and other types of diagnostic radiological images. The '684 method produces what is commonly referred to as a treatment plan, performed on computer hardware

1 and software in accordance with the present invention. The treatment plan is used in
2 performing stereotactic surgery and involves the steps of acquiring of the images, converting of
3 the images to a common format, storing of the images, manipulating and comparing of the
4 images, measuring lines, areas and volume, and selectively recalling and simultaneously
5 displaying at least two of the scanned images so as to appear in combination on a single display
6 device. At least one of the scanned images is stereotactic to provide a three-dimensional
7 reference system to enable localization of a structure-of-interest such as a tumor or implements
8 used in invasive surgery or treatment. In one embodiment of the invention, graphic brain map
9 atlas images may be imported into the treatment planning hardware and software system; the
10 graphic images may be fitted to the scanned images of the patient's brain. In addition to
11 presenting the images in two dimensions, simulated three-dimensional images including both
12 scanned and graphic images can be displayed.

13 17. The value of the method described and claimed in the '684 Patent is enhanced
14 visualization of the patient's brain, it being understood that the brain is encased in the patient's
15 skull and is not visually accessible to the surgical team, who without the benefit of the images,
16 would be forced to estimate the particular location of, for example, a tumor in the patient's
17 brain. In particular, one advantage of the present invention is that images from different
18 scanning sources, for example, a CT-scanned image and an MR-scanned image, can be
19 combined for synchronous viewing on the screen of the hardware and software treatment
20 planning system thus offering the benefits that each individual type of scan affords. The
21 combination of images is often referred to as "fusion" images and may be rendered in various
22 ways, such as a transparency, an overlay, a technique such as flicker frame, and various other
23 types of image data-set combinations. Through the use of these fused images, and particularly
24 when used with the brain map images, a high level of precision and accuracy as to the location
25 and size of, for example, a tumor, may be achieved.

26 18. Once a structure-of-interest is localized in stereotactic space and characterized, a
27 decision may be made regarding whether to employ invasive or non-invasive neurosurgery. In
28 the case of invasive neurosurgery, the procedure involves maintaining the patient's head in a

1 stereotactic frame or other immobilizing device so that the precise location of the structure-of-
2 interest can be identified, an appropriate opening in the patient's skull may be made, and the
3 surgeon's probe or a radioactive isotope may be directed to the specific location of the structure-
4 of-interest.

5 19. Alternatively, non-invasive surgery may be selected using a radiosurgery
6 apparatus, such as the GammaKnife or a radiotherapy apparatus equipped for stereotactic
7 surgery.

8 **INFRINGING ACTS OF ELEKTA**

9 20. During the 6 years preceding the filing of the Original Complaint against Elekta
10 in Civil Action No. 10cv1539-LAB (the existing suit), Elekta has manufactured and sold the
11 GammaKnife System, comprising the GammaKnife radioactive delivery apparatus and the
12 GammaPlan 4C treatment planning system ("GammaKnife/GammaPlan 4C"). Elekta, in
13 conjunction with the sale of the GammaKnife/GammaPlan 4C, has induced purchasers and
14 users of the system to infringe certain method claims of the '684 Patent. Specifically, the
15 GammaKnife/GammaPlan 4C product has been used by medical practitioners to directly
16 infringe method claims 53, 54, 55, 56, 58, 61 and 78 of the '684 Patent ("Asserted Claims").
17 Elekta has induced users of the GammaKnife/GammaPlan 4C to directly infringe by providing
18 manuals, written instructions and procedures, and other printed materials, distributed in the
19 United States, as well as providing training, instruction and various programs conducted in the
20 United States in the use of the GammaKnife/GammaPlan 4C in a manner that infringes the
21 Asserted Claims ("Acts of Inducement"). The Acts of Inducement have been performed with
22 the intent of causing the users of the GammaKnife/GammaPlan 4C to directly infringe the
23 Asserted Claims.

24 21. During the 6 years preceding the filing of the Original Complaint against Elekta
25 in Civil Action No. 10cv1539-LAB (the existing suit), Elekta has manufactured and sold the
26 Leksell Stereotactic System/SurgiPlan, comprising a stereotactic frame and the SurgiPlan
27 treatment planning system ("Leksell Stereotactic System/SurgiPlan") and the ERGO++
28 treatment system ("ERGO++"). Elekta, in conjunction with the sale of the Leksell Stereotactic

System/SurgiPlan and ERGO++, has induced purchasers and users of the systems to infringe certain method claims of the '684 Patent. Specifically, the Leksell Stereotactic System/SurgiPlan and ERGO++ systems have been used by medical practitioners to directly infringe method claims 53, 54, 55, 56, 58, 61 and 78 of the '684 Patent ("Asserted Claims"). Elekta has induced users of the Leksell Stereotactic System/SurgiPlan and ERGO++ systems to directly infringe by providing manuals, written instructions and procedures, and other printed materials, distributed in the United States, as well as providing training, instruction and various programs conducted in the United States in the use of the Leksell Stereotactic System/SurgiPlan and ERGO++ systems in a manner that infringes the Asserted Claims ("Acts of Inducement"). The Acts of Inducement have been performed with the intent of causing the users of the Leksell Stereotactic System/SurgiPlan and ERGO++ systems to directly infringe the Asserted Claims.

22. Additionally, Elekta has also directly infringed the Asserted Claims by practicing the method claims through on-call services in which the Elekta Leksell Stereotactic System/SurgiPlan system equipment and an accompanying Elekta Technician (agent) are used on a short-term "pay for use" financial agreement ("Direct Infringement").

23. Upon information and belief, Elekta is willfully infringing the Asserted Claims of the '684 Patent through its Acts of Inducement and Direct Infringement that demonstrate at least an objective recklessness in performing such acts.

24. Neither Brain Life, nor any of its predecessor owners of the '684 Patent have granted Elekta any license, permission, authorization or any other similar right to make, use, offer for sale, sell or import the GammaKnife/GammaPlan 4C, Leksell Stereotactic System/SurgiPlan, or ERGO++ systems directly or by performing the Acts of Inducement that infringe the Asserted Claims.

25. As a result of the above-described acts of infringement, Brain Life has suffered damages.

COUNT I

PATENT INFRINGEMENT BY ELEKTA

26. Brain Life realleges and incorporates by reference Paragraphs 1 – 25 set forth

1 above.

2 27. Elekta has infringed the asserted claims of the '684 Patent.

3 28. Elekta has indirectly infringed the asserted claims of the '684 Patent by inducing
4 users of the GammaKnife/GammaPlan 4C System, the Leksell Stereotactic System/SurgiPlan
5 system and the ERGO ++ System to practice the methods of the Asserted Claims of the '684
6 Patent in the United States.

7 29. Upon information and belief, Elekta has directly infringed the asserted claims of
8 the '684 Patent by practicing the methods of the asserted claims of the '684 Patent by its own
9 employees or agents through on-call services.

10 **REQUEST FOR RELIEF**

11 WHEREFORE, Brain Life respectfully requests that the Court:

12 A. Award Plaintiff Brain Life LLC past damages together with prejudgment and
13 postjudgment interest to compensate Brain Life LLC for the infringement by Elekta of the
14 Asserted Claims of the '684 Patent in accordance with 35 U.S.C. § 284, and to increase such
15 award by up to three (3) times the amount found or assessed in accordance with 35 U.S.C.
16 § 284;

17 B. Declare this case exceptional and award reasonable attorneys fees to Brain Life,
18 LLC pursuant to 35 U.S.C. § 285; and

19 C. Permit Brain Life LLC to recover its costs, disbursements, attorneys' fees and
20 such further and additional relief as is deemed appropriate by this Court.

21 **JURY TRIAL DEMANDED**

22 Brain Life LLC requests a trial by jury for all claims that permit a jury trial in this
23 action.

24
25 Dated: January 30, 2012

THE ADAMS LAW FIRM, LLC

26
27 By: 

28 Paul Adams (Bar No. 42,146)
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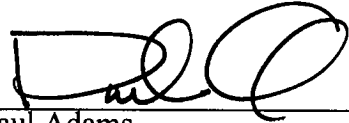
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Attorneys for Brain Life LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 30, 2012, I have served counsel for Elekta Inc. via United States First Class Mail the above-named pleading.

Dated this 30th day of January, 2012.



Paul Adams

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The 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, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
BRAIN LIFE, LLC, a Delaware limited liability company,

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Paul Adams, The Adams Law Firm, LLC, 550 West C Street
Suite 2000, San Diego, CA 92101 (505) 222-3145

DEFENDANTS
ELEKTA, INC., a Georgia corporation,

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

Patrick J. Sullivan, 810 Mission Avenue, Suite 300
Oceanside, CA 92054 (760) 757-7222

12CV0303 LAB BGS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <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 checked="" type="checkbox"/> 2 | <input checked="" 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. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<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 Loans (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	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 Federal 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 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 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	<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	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <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 Acts <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 Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<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	<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 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<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	<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
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. 1, et seq.

Brief description of cause:
Patent Infringement action

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Larry A. Burns

DOCKET NUMBER 10cv1539LAB (BGS)

DATE 01/27/2012 SIGNATURE OF ATTORNEY OF RECORD Paul Adams

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE

FILED

MAG JUDGE FEB - 3 2012

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

CR



U.S. District Court
Southern District of California
Office of the Clerk
880 Front Street, Suite 4290
San Diego, CA 92101-8900

