

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TAIDOC TECHNOLOGY CORPORATION

Plaintiff

v.

Diagnostic Devices, Inc., OK Biotech Co. Ltd.,
Prodigy Diabetes Care, LLC, & John Does 1-10

Defendants

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CIVIL ACTION NO._____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff TaiDoc Technology Corporation (“Plaintiff”), by and through its attorneys, for its complaint against OK Biotech Co., Ltd., Diagnostic Devices, Inc., and Prodigy Diabetes Care, LLC (collectively “defendants”), avers as follows:

PARTIES

1. TaiDoc Technology Corp. (“TaiDoc”) is a corporation organized and existing under the laws of the Republic of China, with its principal place of business at 4F, No. 88, Sec. 1, Kwang-Fu RD, San-Chung, Taipei County, 241, Taiwan.

2. OK Biotech Co., Ltd. (“OKB”) is a corporation organized and existing under the laws of the Republic of China, with its principal place of business at 4F-1, No.83, Sec.2, Gongdao 5th Rd., 300 Hsinchu, Taiwan.

3. Diagnostic Devices Inc. (“DDI”) is a corporation organized and existing under the laws of the state of North Carolina, with its principal place of business at 9300 Harris Corners Parkway, Suite 450, Charlotte NC 28269.

4. John Does 1-10 are unknown parties at this time. When the true names of the time these parties is ascertained, Plaintiff will amend this Complaint to identify him or her.

5. Prodigy Diabetes Care LLC (“Prodigy”) is a corporation organized and existing under the laws of the state of North Carolina, with its principal place of business at 9300 Harris Corners Parkway, Suite 450, Charlotte NC 28269.

JURISDICTION AND VENUE

6. This action arises under the patent laws of the United States, Title 35 of the United States Code (for example, §§ 271, 281, 283, 284 and 285) as hereinafter more fully appears. This Court has jurisdiction over the subject matter of the action pursuant to 28 U.S.C. §§ 1331 and 1338.

7. This Court has personal jurisdiction over the defendants as defendants transact and/or, during the relevant period, transacted business in this District. (See Exhibit A)

8. Venue is proper in this District under 28 U.S.C. §§ 1400(b) and 1391(a), (b), (c) & (d). Defendants transact and/or, during the relevant period, transacted business in this District.

COUNT ONE –INFRINGEMENT OF U.S. PATENT NO. 7,514,040

9. On April 4, 2007, United States Letters Patent No. 7,514,040 (the “’040 patent,” attached as Exhibit B) were duly and legally issued for an invention in a biosensing meter. Plaintiff is the owner of those Letters Patent.

10. Defendants have infringed and are still infringing the ’040 patent directly and indirectly by making, importing, offering for sale, using and selling blood glucose meters embodying the patented invention, such as the PRODIGY AutoCode Blood Glucose Monitoring System and the PRODIGY Voice Blood Glucose Monitoring System (See Exhibit D), and will continue to do so unless enjoined by this Court.

11. Plaintiff has no adequate remedy at law against defendants' infringement and, unless defendants are enjoined from their infringement of the '040 patent, plaintiff will suffer irreparable harm.

12. Defendants have knowledge of the '040 patent and such infringement is and continues to be willful and deliberate.

13. As a result of defendants' acts of infringement, plaintiff has suffered and will continue to suffer damages in an amount to be proven at trial.

COUNT TWO –INFRINGEMENT OF U.S. PATENT NO. 7,316,766

14. On January 8, 2008, United States Letters Patent No. 7,316,766 (the "'766 patent," attached as Exhibit C) were duly and legally issued for an invention in a biosensing strip. Plaintiff is the owner of those Letters Patent.

15. Defendants have infringed and are still infringing the '766 patent directly and indirectly by making, importing, offering for sale, using and selling blood glucose meters embodying the patented invention, such as the PRODIGY AutoCode Blood Glucose Monitoring System and the PRODIGY Voice Blood Glucose Monitoring System (See Exhibit D), and will continue to do so unless enjoined by this Court.

16. Plaintiff has no adequate remedy at law against defendants' infringement and, unless defendants are enjoined from their infringement of the '766 patent, plaintiff will suffer irreparable harm.

17. Defendants have knowledge of the '766 patent and such infringement is and continues to be willful and deliberate.

18. As a result of defendants' acts of infringement, plaintiff has suffered and will continue to suffer damages in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands following relief:

A. A judgment in favor of plaintiff that defendants have infringed, directly and indirectly by way of inducement and/or contributory infringement, the '040 patent;

B. A judgment in favor of plaintiff that defendants have infringed, directly and indirectly by way of inducement and/or contributory infringement, the '766 patent;

C. A permanent injunction, enjoining defendants and their officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents, and all others acting in concert or privity with any of them for infringing, inducing the infringement of, or contributing to the infringement of the aforementioned patents;

D. An award to plaintiff of the damages to which it is entitled under at least 35 U.S.C. § 284 for defendants' past infringement and any continuing or future infringement, including both compensatory damages and treble damages for willful infringement;

E. A judgment and order requiring defendants to pay the costs of this action (including all disbursements), as well as attorneys' fees as provided by 35 U.S.C. § 285;

F. An award to plaintiff of pre-judgment and post-judgment interest on its damages; and

G. Such other further relief in law or equity to which plaintiff may be justly entitled.

JURY DEMAND

Plaintiff demands a trial by jury.

Dated: May 4, 2012

Respectfully submitted,

By: /s/ Kao H. Lu

Kao H. Lu

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Corporation*