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11 **ADVANCED ORTHOPAEDIC
SOLUTIONS, INC.**

12
13 **UNITED STATES DISTRICT COURT**

14 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

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16 **ADVANCED ORTHOPAEDIC
SOLUTIONS, INC., a California**

17 **corporation,**

18 **Plaintiff,**

19 **vs.**

20 **BIOMET, INC., an Indiana corporation,**

21 **Defendant.**

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Trial Date: None Set

22
23 Plaintiff Advanced Orthopaedic Solutions, Inc. brings this Complaint for
24 Patent Infringement against Biomet, Inc. alleging as follows:

25 **THE PARTIES**

26 1. Plaintiff Advanced Orthopaedic Solutions, Inc. (“AOS” or “Plaintiff”)
27 is a California corporation with its principal place of business at 3203 Kashiwa
28 Street, Torrance, California 90505.

2. On information and belief, Defendant Biomet, Inc. (“Biomet” or “Defendant”) is an Indiana Corporation with its principal place of business at 56 East Bell Drive, Warsaw, Indiana 46681.

JURISDICTION AND VENUE

3. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §101, et seq.

4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§1331 and 1338.

5. Defendant is subject to personal jurisdiction within the Central District of California, and resides within the Central District of California, within the meaning of 28 U.S.C. §§ 1391 and 1400. Defendant is registered to do business within the State of California as a foreign corporation and maintains an agent, located in Bakersfield, California, for service of process within the State of California. In addition, a substantial part of the events giving rise to the claim alleged herein occurred within the Central District of California.

6. Pursuant to 28 U.S.C. §§ 1391 and 1400(b), venue for this civil action properly lies in the Central District of California.

GENERAL ALLEGATIONS

7. AOS brings this action against Biomet for infringement of a patent owned by AOS, U.S. Patent No. 8,702,707 entitled “Fixation Instrument for Treating a Bone Fracture” (the ‘707 patent).

8. On information and belief, Biomet manufactures, offers for sale, and sells a lag screw fixation system identified as the Affixus™ Hip Fracture Nail shown in **Exhibit A**.

FIRST CLAIM FOR RELIEF

(INFRINGEMENT OF PATENT NO. 8,702,707)

9. AOS incorporates paragraphs 1-8 as if set forth full herein.

10. AOS is the owner of the entire right, title, and interest in and to the ‘707 patent and has the right to bring and maintain this action.

11. The ‘707 patent was duly and legally issued by the U. S. Patent and Trademark Office on April 22, 2014. A copy of the ‘707 patent is attached as **Exhibit B.**

12. Upon information and belief, subsequent to the issuance of the ‘707 patent, Biomet, directly or through the actions of its employees, divisions, and/or subsidiaries commenced infringing, is infringing and unless enjoined, will continue to infringe, literally and/or under the doctrine of equivalents, one or more claims of the ‘707 patent by making, using, offering to sell, and selling within the United States a lag screw fixation system, including but not limited to the system identified as the Affixus™ Hip Fracture Nail.

13. Plaintiff has been irreparably damaged by reason of Defendant’s infringement, and unless Defendant is enjoined by this Court, Defendant will continue its acts of patent infringement to Plaintiff’s irreparable harm.

14. As a direct and proximate consequence of Defendant’s infringement of the ‘707 patent, Plaintiff has been, is being, and until such acts and practices are enjoined by this Court, will continue to be damaged in its business and property, for which Plaintiff is entitled to injunctive relief and damages in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, AOS respectfully requests that the Court enter judgment against Biomet as follows:

A. A determination by this Court that Biomet has infringed and continues to infringe one or more claims of the ‘707 patent;

B. An order preliminarily and permanently enjoining Biomet, its respective officers, agents servants, directors and employees, and all persons acting in concert, participation or privity with them or on their behalf including their

1 subsequent subsidiaries, divisions, successors and assigns from further acts of
2 infringement of the ‘707 patent;
3 C. An accounting and award for damages to adequately compensate AOS
4 for Biomet’s infringement of the ‘707 patent, pre-judgment and post-judgment
5 interest, and attorneys’ fees and costs as allowed by law; and
6 D. For such other and further relief as the Court may deem just and proper.
7

8 DATED: August 13, 2014

NEUFELD MARKS
A Professional Corporation
Timothy L. Neufeld
Eva Wong

By: /s/ Eva Wong
Eva Wong
Attorneys for ADVANCED
ORTHOPAEDIC SOLUTIONS, INC.

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DEMAND FOR JURY TRIAL

Plaintiff requests a trial by jury in accord with Rule 38 of the Federal Rules of Civil Procedure.

DATED: August 13, 2014

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