



IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDIANA UNIVERSITY RESEARCH AND TECHNOLOGY CORPORATION, Plaintiff, v. ANGIODYNAMICS, INC., Defendant. CASE NO. 1:13-CV-2001 JURY DEMAND

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Indiana University Research and Technology Corporation ("IURTC"), by counsel, files this Complaint for Patent Infringement against Defendant AngioDynamics, Inc. ("AngioDynamics").

I. PARTIES, JURISDICTION AND VENUE

- 1. IURTC is a 501(c)(3) corporation organized and existing under the laws of the State of Indiana, and maintains its principal place of business at 351 West 10th Street, Indianapolis, Indiana.
2. Upon information and belief, AngioDynamics is a corporation organized and existing under the laws of the State of Delaware, and maintains a principal place of business at 14 Plaza Dr., Latham, New York.

3. IURTC's claims against AngioDynamics are for patent infringement under 35 U.S.C. § 101, *et seq.* This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over AngioDynamics because, upon information and belief: (1) AngioDynamics has conducted and regularly conducts business activities within the State of Indiana and the Southern District of Indiana; (2) AngioDynamics has had continuous, substantial, and systematic contacts with the State of Indiana and this District through sale of and offers to sell certain products, including at least the AngioVac Cannula and Circuit (hereinafter the "Accused Products"); and (3) events giving rise to the cause of action herein, including, but not limited to, sales of, and offers to sell, the Accused Products, occurred and are occurring in Indiana and in this District. As further set forth herein, on information and belief, AngioDynamics has contributed to and induced acts of infringement within the State of Indiana and the Southern District of Indiana.

5. Pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b), venue within this District is proper.

II. THE ASSERTED PATENT

6. On April 13, 2004, the United States Patent and Trademark Office duly and legally issued patent number 6,719,717 ("the '717 Patent") after full and fair examination. A true and accurate copy of the '717 Patent is attached hereto as Exhibit A.

7. By assignment, IURTC is the current owner of all rights, title, and interests in the '717 Patent, including the right to enforce the '717 Patent.

8. The '717 Patent relates to thrombectomy treatment systems and methods.

9. The '717 Patent is valid and enforceable.

III. DEFENDANT'S INFRINGEMENT OF THE '717 PATENT

10. AngioDynamics is a medical device company that sells and distributes a wide array of products.

11. The Accused Products—which are manufactured by Vortex Medical, Inc., a wholly owned subsidiary of AngioDynamics—are among the products sold by AngioDynamics.

12. On information and belief, AngioDynamics has made, imports, sells, offers to sell, and/or uses the Accused Products. AngioDynamics also provides instructions and directions on how to use the Accused Products to doctors, physicians, and other qualified medical personnel.

13. On information and belief, AngioDynamics has known of the '717 Patent since at least April 13, 2004, which is the date the '717 Patent issued from the United States Patent and Trademark Office.

IV. COUNT I – PATENT INFRINGEMENT

14. IURTC hereby realleges and incorporates by reference, as if fully set forth herein, the allegations set forth in paragraphs 1-13, *supra*.

15. AngioDynamics is currently infringing and has infringed the '717 Patent directly by, without authority, having made, importing into the United States,

and/or using, selling, and/or offering for sale in the United States, including this District, the Accused Products, which embody the inventions claimed in the '717 Patent.

16. AngioDynamics has directly and/or jointly with other entities infringed and is currently directly and/or jointly with other entities infringing the '717 Patent literally and/or under the doctrine of equivalents.

17. AngioDynamics is actively, intentionally, and/or knowingly inducing infringement of the '717 Patent by others in the United States, including, but not limited to, doctors, physicians, and other qualified medical professionals, and is thus liable to IURTC pursuant to 35 U.S.C. § 271(b).

18. AngioDynamics is actively, intentionally, and/or knowingly contributing to infringement of the '717 Patent by others in the United States, including, but not limited to doctors, physicians, and other qualified medical professionals, and is thus liable to IURTC pursuant to 35 U.S.C. § 271(c).

19. Upon information and belief, the other persons with whom AngioDynamics is jointly infringing the '717 Patent include, but are not limited to, all third parties whose actions AngioDynamics directs and/or controls and which actions constitute one or more steps claimed in the '717 Patent that result, alone or in combination with certain activities of AngioDynamics that also constitute one or more steps claimed in the '717 Patent, infringement of the '717 Patent; specifically, to the extent that AngioDynamics does not individually perform each and every step of one or more methods claimed in the '717 Patent, then, upon information and belief, AngioDynamics' third parties perform the remaining claimed steps and do so under

AngioDynamics' direction and/or control such that the combination of the activities of AngioDynamics and its third parties constitutes a performance of each and every step of at least one of the methods claimed in the '717 Patent.

20. AngioDynamics has never been authorized to practice the inventions protected by the '717 Patent.

21. Because, upon information and belief, AngioDynamics has had actual notice of the '717 Patent since 2004, its infringement of the '717 Patent has been and continues to be willful and deliberate.

22. AngioDynamics' infringement of the '717 Patent has caused injury to IURTC, and IURTC is entitled to recover damages adequate to compensate for such infringement.

23. AngioDynamics will continue to infringe the '717 Patent unless this Court enjoins and restrains AngioDynamics' activities, and IURTC has no adequate remedy at law.

V. PRAYER FOR RELIEF

WHEREFORE, IURTC respectfully requests that this Court enter judgment:

A. Finding that U.S. Patent No. 6,719,717 is valid, enforceable, and infringed by AngioDynamics, and that AngioDynamics is liable for inducement of infringement and contributory infringement of the '717 Patent;

B. Entering a permanent injunction against AngioDynamics, enjoining it, its respective directors, officers, agents, employees, successors, subsidiaries, assigns, and all

persons acting in privity or in concert or participation with AngioDynamics from making, using, selling, or offering for sale in the United States, or importing into the United States, any and all products and/or services embodying the patented inventions claimed in the '717 Patent;

C. Holding that AngioDynamics acted willfully in causing damage to IURTC;

D. Awarding IURTC such damages to which it is entitled, pursuant to 35 U.S.C. § 284;

E. Awarding IURTC enhanced damages, pursuant to 35 U.S.C. § 284;

F. Awarding IURTC pre-judgment and post-judgment interest as allowed by law;

G. Awarding IURTC its costs, expenses, and fees, including reasonable attorneys' fees, pursuant to 35 U.S.C. § 285; and

H. Awarding IURTC such other and further relief as the Court deems just, equitable, and proper.

VI. JURY DEMAND

IURTC hereby respectfully requests a trial by jury, pursuant to Rule 38 of the Federal Rules of Civil Procedure, on all issues so triable.

Dated: December 18, 2013

Respectfully submitted,

/s/ R. Trevor Carter
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