



Provided by:
Overhauser Law Offices
LLC
www.iniplaw.org
www.overhauser.com

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

STONE BASKET INNOVATIONS LLC

Plaintiff,

v.

COOK MEDICAL LLC

Defendant.

CASE NO. 15cv464

JURY

**STONE BASKET INNOVATIONS LLC'S
COMPLAINT FOR PATENT INFRINGEMENT**

For its complaint against Cook Medical LLC (“Cook Medical”), Plaintiff Stone Basket Innovations LLC, (“SBI”) alleges:

PARTIES

1. SBI is a Texas Limited Liability Company with a place of business at 815 Brazos Street, Suite 500, Austin, Texas 78701-2509.
2. Cook Medical is an Indiana Limited Liability Company with a place of business at 750 Daniels Way, Bloomington, Indiana 47404.

NATURE OF ACTION, JURISDICTION AND VENUE

3. This is an action for patent infringement under the Patent Act, 35 U.S.C. § 1 *et seq.*
4. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 (Federal Question) and § 1338 (Patents).
5. Venue is proper under 28 U.S.C. §§ 1391 and 1400 because, among other things, Cook Medical conducts business in this district. On information and belief, and as will likely have evidentiary support after a reasonable opportunity for further investigation or discovery, Cook

Medical has committed acts of infringement in this judicial district, has purposely transacted business involving its accused products in this judicial district and/or, has regular and established places of business in this judicial district.

6. Cook Medical is subject to this Court's personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this State and judicial district, as will be evidenced after a reasonable opportunity for further investigation or discovery, including: (A) at least part of its infringing activities alleged herein; and (B) regularly doing or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue from goods sold and services provided to Texas residents.

COUNT 1

INFRINGEMENT OF U.S. PATENT NO. 6,551,327

7. SBI is the owner of U.S. Patent No. 6,551,327 issued April 22, 2003 ("the '327 Patent"), which was duly and legally issued. The '327 Patent is entitled "Endoscopic Stone Extraction Device with Improved Basket." A true and correct copy of the '327 Patent is attached as Exhibit A.

8. The '327 Patent is valid, enforceable and duly issued in compliance with Title 35 of the United States Code.

9. On information and belief, to the extent any marking was required by 35 U.S.C. § 287, SBI and all predecessors in interest to the '327 Patent complied with any such requirements.

10. Cook Medical has infringed and continues to infringe (literally and/or through the doctrine of equivalents) at least claims 1, 2, 5, 6, and 8 of the '327 Patent, both directly and indirectly, without SBI's consent or authorization. The infringing acts of Cook Medical include at least the manufacture, use, sale, lease and/or offer for sale of an infringing endoscopic stone extraction device, for example the Cook Medical NCompass Nitinol Stone Extractor.

11. On information and belief, and as will likely have evidentiary support after a reasonable opportunity for further investigation or discovery, Cook Medical's infringement is willful.

12. Cook Medical's acts of infringement have caused and continue to cause damage to SBI and SBI is entitled to recover the damages. Cook Medical's infringement of SBI's rights under the '327 Patent will continue to damage SBI's business, causing irreparable harm, for which there is no adequate remedy at law, unless this Court enjoins Cook Medical.

PRAYER

WHEREFORE, SBI requests the Court to:

1. Enter a judgment that one or more claims of United States Patent No. 6,551,327 have been infringed, literally and/or under the doctrine of equivalents, by Cook Medical;
2. Enter preliminary and permanent injunctions against continued patent infringement in such form as the Court deems just;
3. Award SBI damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for use made of the invention, together with interest and costs as fixed by the Court;
4. Find that Cook Medical's infringement was and is willful;
5. Declare this case to be exceptional under the patent laws and award SBI enhanced damages under 35 U.S.C. § 284; and attorney fees and costs under 35 U.S.C. § 285 or other applicable statute;
6. Award SBI of prejudgment interest and costs of the action; and
7. Grant SBI such other and further relief as the Court may deem just and proper.

Demand for Jury Trial

SBI demands a trial by jury of all issues so triable.

April 8, 2015

Respectfully submitted,

/s/ Jeffrey A. Andrews

Jeffrey A. Andrews

Lead Attorney

TX State Bar No. 24050227

jandrews@smd-iplaw.com

Bruce J. Cannon

TX State Bar No. 24055258

bcannon@smd-iplaw.com

SUTTON MCAUGHAN DEEVER PLLC

Three Riverway, Suite 900

Houston, TX 77056

(713) 800-5700 (T)

(713) 800-5699 (F)

Attorneys for Plaintiff

Stone Basket Innovations LLC