

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNIVERSITY OF WASHINGTON,

Plaintiff,

v.

**THE GENERAL ELECTRIC
COMPANY and GE HEALTHCARE,
INC.,**

Defendants.

No. 2:10-cv-1933

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY DEMAND

Plaintiff University of Washington ("UW") for its Complaint for Patent Infringement against Defendants The General Electric Company and GE Healthcare, Inc., alleges as follows:

PARTIES

1. Plaintiff UW is an institution of higher education and an agency of the State of Washington with its main campus in Seattle, Washington.

2. Upon information and belief, Defendant General Electric Company ("GE") is headquartered in Fairfield, Connecticut, and conducts business in the State of Washington. Upon information and belief, defendant GE Healthcare, Inc., is an affiliate of GE and conducts business in the State of Washington. Defendants manufacture and sell a wide range of technologies and services for clinicians and healthcare administrators, including ultrasound technologies and services such as the Logiq E9.

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JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.

4. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 (federal question), and 1338(a) (patent case).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because Defendants are subject to personal jurisdiction in this district. On information and belief, Defendants have transacted business, committed acts of patent infringement, induced acts of patent infringement, and/or contributed to acts of infringement in this District.

UW'S OWNERSHIP OF THE '404 PATENT

6. UW is the sole assignee of U.S. Patent No. 6,775,404, entitled "Apparatus and Method for Interactive 3D Registration of Ultrasound and Magnetic Resonance Images Based on a Magnetic Position Sensor" ("the '404 Patent"). A copy of the '404 Patent is attached as Exhibit A.

7. The U.S. Patent and Trademark Office issued the '404 Patent on August 10, 2004, listing as inventors a team of researchers from the University of Washington consisting of Drs. Yongmin Kim, Niko Pagoulatos, David Haynor, and Warren Edwards. Dr. Kim, a Professor in the Department of Bioengineering at UW, is a leader in medical imaging and next-generation ultrasound.

8. The '404 Patent relates to new methods and an apparatus for interactive registration of ultrasound and magnetic resonance images. This combines the real-time intraoperative information contained in ultrasound images with the rich anatomical content of preoperative magnetic resonance/computed tomography images. One application where this technology can be vitally important is neurosurgery, as it enables accurate guidance and localization of the surgical tool within the brain.

DEFENDANTS' INFRINGEMENT OF THE '404 PATENT

9. Upon information and belief, Defendants have had actual knowledge of the '404 Patent since at least June 22, 2009.

10. UW informed Defendants of, and offered to license, the '404 Patent. Defendants declined to license the '404 Patent.

11. Upon information and belief, Defendants are infringing and/or inducing others to infringe, and/or contributing to the infringement of one or more claims of the '404 Patent, including without limitation claims 9 and 18, either literally or through the doctrine of equivalents, by making, using, offering to sell or selling in the United States products or processes, including without limitation the Logiq E9 ultrasound device, that practice inventions claimed in the '404 Patent.

12. Defendants have profited by their infringement of the '404 Patent. As a result of Defendants' unlawful infringement of the '404 Patent, UW has suffered and will continue to suffer damages. UW is entitled to recover from Defendants the damages suffered by UW as a result of Defendants' unlawful acts.

13. Upon information and belief, Defendants' infringement of the '404 Patent is willful and deliberate, entitling UW to enhanced damages and reasonable attorney fees and costs.

14. Upon information and belief, Defendants intend to continue their unlawful infringing activity, and UW is suffering and will continue to suffer irreparable harm, for which there is no adequate remedy at law, unless Defendants are enjoined from their infringing activity by this Court.

REQUEST FOR RELIEF

WHEREFORE, UW requests the following relief:

A. A judgment declaring that Defendants have infringed, have induced infringement of, and/or have contributed to the infringement of, either literally or through the doctrine of equivalents, the '404 Patent;

1 B. A judgment awarding UW compensatory damages as a result of Defendants'
2 infringement, together with interest and costs, and in no event less than a reasonable royalty;
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4 C. A judgment declaring that Defendants' infringement of the '404 Patent has been
5 willful and deliberate;
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7 D. A judgment awarding UW treble damages and pre-judgment interest under 35 U.S.C.
8 § 284 as a result of Defendants' willful and deliberate infringement of the '404 Patent;
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10 E. A judgment declaring that this case is exceptional and awarding UW its expenses,
11 costs, and attorneys fees in accordance with 35 U.S.C. § 285 or as otherwise permitted by law;
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13 F. A grant of a permanent injunction enjoining Defendants from further acts of
14 infringement; and
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16 G. Such other and further relief as the Court deems just and proper.
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22 **DEMAND FOR JURY TRIAL**

23 Pursuant to Fed. R. Civ. P. 38(b), UW requests a trial by jury on all issues properly triable
24 by a jury.
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26 DATED: November 30, 2010

27 /s/ Ramsey M. Al-Salam

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