

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

MEDLINE INDUSTRIES, INC.)	
)	
Plaintiff,)	Civil Action No. 12-cv-1620
)	
v.)	
)	DEMAND FOR JURY TRIAL
AUGUSTINE TEMPERATURE)	
MANAGEMENT LLC and)	
AUGUSTINE BIOMEDICAL)	
DESIGN LLC)	
)	
Defendant.)	

**PLAINTIFF MEDLINE INDUSTRIES, INC.’S
COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Medline Industries, Inc. (“Medline Industries”), by counsel, alleges as follows:

NATURE OF THE ACTION

1. Medline Industries brings this action to enjoin the manufacture, use, sales, offers to sell and importation by Defendant Augustine Temperature Management LLC and Augustine Biomedical Design LLC (collectively, “Defendants”) of products that infringe a valid and enforceable U.S. Patent owned by Medline Industries and for monetary damages for Defendants’ willful infringement.

THE PARTIES

2. Plaintiff Medline Industries is a corporation organized under the laws of the State of Illinois, and having a principal place of business at One Medline Place, Mundelein, Illinois, 60060.

3. On information and belief, Defendant Augustine Temperature Management LLC is a limited liability company organized under the laws of the state of Minnesota and maintaining its principal place of business at 6581 City West Parkway, Eden Prairie, Minnesota, 55344.

4. On information and belief, Defendant Augustine Biomedical Design LLC is a limited liability company organized under the laws of the state of Minnesota and maintaining its principal place of business at 6581 City West Parkway, Eden Prairie, Minnesota, 55344.

JURISDICTION AND VENUE

5. This is a civil action for patent infringement arising under the United States patent statutes, 35 U.S.C. § 1 *et seq.*

6. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

7. Defendants are subject to this Court's personal jurisdiction because they do and have done substantial business in this judicial district, including selling and offering to sell its infringing Hot Dog™ Patient Warming System, Controller Model WC5X in this judicial district. In addition, upon information and belief, Defendants (directly and/or through its distribution network) regularly places infringing products in the stream of commerce with the knowledge and/or understanding that such products will be sold in Illinois and in this district. Finally, Defendants are subject to the general jurisdiction of this Court because they have regular and systematic contacts with this forum such that the exercise of jurisdiction over them would not offend traditional notions of fair play and substantial justice.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

BACKGROUND FACTS

9. Medline Industries was founded in 1966. The company has grown into America's largest privately held national manufacturer and distributor of health care supplies and services. Medline Industries is the largest privately held medical supplier in the United States. Medline Industries manufactures and distributes over 125,000 medical and surgical products to healthcare institutions and retail markets.

THE PATENT-IN-SUIT

10. On August 2, 2005, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,924,467 ("the '467 Patent", attached as Exhibit A hereto), entitled "Heating Pad Systems, Such As For Patient Warming Applications," to Kent D. Ellis and Charles C. Wyatt.

COUNT I (PATENT INFRINGEMENT BY DEFENDANTS)

11. Medline Industries realleges and incorporates by reference paragraphs 1-10 of this Complaint as if fully set forth herein.

12. Medline Industries is the owner by assignment of the entire right, title, and interest in the '467 Patent.

13. Defendants manufacture, use, import, distribute and offer to sell and/or sell in the United States products that infringe the '467 patent, including but not limited to the Hot Dog™ Patient Warming System, Controller Model WC5X.

14. On December 16, 2011, Medline Industries through its counsel notified Augustine Temperature Management that the Hot Dog™ Patient Warming System infringes the '467 patent.

15. Defendants have directly and contributorily infringed, and induced others to infringe, one or more claims of the '467 Patent by making, using, importing, offering to sell, and/or selling within the United States products, including but not limited to the Hot Dog™ Patient Warming System, Controller Model WC5X.

16. Defendants' infringement of the '467 patent has been willful.

17. Medline Industries has been, and continues to be, damaged and irreparably harmed by Defendants' infringement, which will continue unless Defendants are enjoined by this Court.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff Medline Industries respectfully requests the following relief:

- A. A judgment holding Defendants liable for infringement of the '467 Patent;
- B. A permanent injunction against Defendants, their officers, agents, servants, employees, attorneys, parent and subsidiary corporations, assigns and successors in interest, and those persons in active concert or participation with them, enjoining them from continued acts of infringement of the '467 Patent;
- C. An accounting for damages resulting from Defendants' infringement of the '467 Patent, together with pre-judgment and post-judgment interest;
- D. A judgment holding that Defendants' infringement of the '467 Patent is willful, and a trebling of damages pursuant to 35 U.S.C. § 284;
- E. A judgment holding this Action an exceptional case, and an award to Plaintiff Medline Industries for its attorneys' fees and costs pursuant to 35 U.S.C. § 285; and
- F. Such other relief as the Court deems just and equitable.

Respectfully submitted,

Dated: March 6, 2012

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DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff Medline Industries, Inc. hereby demands trial by jury.

Respectfully submitted,

Dated: March 6, 2012

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