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STURDY FLOSS, INC.
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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 STURDY FLOSS, INC., a Virginia
12 corporation,

13 Plaintiff,

14 vs.

15 CVS PHARMACY, INC., a Rhode Island
16 corporation; RANIR, LLC, a foreign limited
17 liability company; and DOES 1 through 10,
inclusive,

18 Defendants.
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CASE NO. 12-CV-2238-BEN-RBB

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff Sturdy Floss, Inc., (“Sturdy Floss”) hereby files this First Amended Complaint
2 and complains of CVS Pharmacy Inc., (“CVS”), Ranir, LLC (“Ranir”), and DOES 1 through 10
3 (collectively, “Defendants”), and alleges as follows:

4 **NATURE OF THE ACTION**

5 1. This is an action for patent infringement under the patent laws of the United States,
6 35 U.S.C. § 271, *et seq.*

7 **THE PARTIES**

8 2. Sturdy Floss is a corporation organized and existing under the laws of the State of
9 Virginia, with its principal place of business located at 909 Cardinal Road, Virginia Beach,
10 Virginia 23451.

11 3. CVS is a corporation organized and existing under the laws of the State of Rhode
12 Island, with its principal place of business located at 1 CVS Drive, Woonsocket, Rhode Island
13 02895.

14 4. Upon information and belief, Ranir is a foreign limited liability with its principal
15 place of business located at 4701 East Paris Avenue SE, Grand Rapids, Michigan 49512.

16 5. Sturdy Floss is ignorant of the true names and capacities of the parties sued herein
17 as DOES 1 through 10, inclusive, whether individual, corporate or otherwise, and therefore sues
18 these defendants by such fictitious names. Sturdy Floss will amend the complaint to assert their
19 true names when they have been ascertained. Sturdy Floss is informed and believes and based
20 thereon alleges that all defendants sued herein as DOES 1 through 10 are in some manner
21 responsible for the acts and omissions alleged herein.

22 **JURISDICTION AND VENUE**

23 6. This Court has original and exclusive subject matter jurisdiction over this action
24 under 28 U.S.C. §§ 1331 and 1338(a).

25 7. This Court has personal jurisdiction over the Defendants because they have
26 conducted and are conducting systematic and continuous business in California and within this
27 District, and because Defendants have committed patent infringement in California and within
28 this District by (among other things) making, selling, offering for sale, importing, and distributing

1 Threader-Tip Combo Floss under the CVS brand name.

2 8. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b) because
3 Defendants have regularly transacted business in California and within this District, because
4 certain of the acts complained of herein occurred in California and within this District, and
5 because Defendants derived and continue to derive substantial revenue from sales of infringing
6 products sold in California and within this District.

7 **CLAIM FOR RELIEF**

8 **(Patent Infringement against all Defendants)**

9 9. Sturdy Floss repeats, realleges, and incorporates by reference the allegations in
10 paragraphs 1 through 8 as though set forth fully herein.

11 10. Sturdy Floss is the owner by assignment of all right, title and interest in and to
12 United States Patent No. 6,814,086 for ORTHODONTIC FLOSSING GUIDE (“the ‘086
13 Patent”). A true and correct copy of the ‘086 Patent is attached hereto as Exhibit A and
14 incorporated herein by reference.

15 11. Defendants, by the acts complained of herein, and by making, using, selling,
16 offering for sale, and/or importing in the United States, including in the Southern District of
17 California, Threader-Tip Combo Floss under the CVS brand name embodying the invention, has
18 in the past, does now, and continues to infringe the ‘086 patent directly, contributorily and/or by
19 inducement, literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 371.

20 12. Sturdy Floss is informed and believes and based thereon alleges that based upon
21 Defendants’ prior knowledge of the ‘086 Patent and other facts to be proved at trial, Defendants’
22 infringement of the ‘086 Patent has been and continues to be willful.

23 13. As a direct and proximate result of Defendants’ infringement of the ‘086 Patent,
24 Sturdy Floss has been and continues to be damaged in an amount to be proved at trial.

25 14. Defendants threaten to continue to engage in the acts complained of herein and,
26 unless restrained and enjoined, will continue to do so, all to Sturdy Floss’ irreparable injury.
27 Sturdy Floss does not have an adequate remedy at law to compensate it for the injuries threatened.
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PRAYER FOR RELIEF

WHEREFORE, Sturdy Floss prays for judgment against all Defendants as follows:

(a) For an order finding that the '086 patent is valid and enforceable;

(b) For an order adjudging that Defendants have infringed and continue to infringe the '086 patent directly, contributorily and/or by inducement, in violation of 35 U.S.C. § 271;

(c) For an order adjudging that Defendants have willfully infringed and continue to willfully infringe the '086 patent under 35 U.S.C. § 271;

(d) For damages pursuant to 35 U.S.C. § 284;

(e) For an order adjudging that this case is an exceptional case under 35 U.S.C. § 285;

(f) For an award to Sturdy Floss of attorneys' fees and costs incurred by Sturdy Floss in connection with this action under 35 U.S.C. § 285;

(g) A permanent injunction enjoining Defendants, their respective officers, directors, agents, servants, employees, attorneys, parent and subsidiary companies, distributors, affiliates, assignees and successors in interest, and those persons acting in concert or participation with Defendants, from directly infringing the '086 patent;

(h) For an award of pre-judgment and post-judgment interest at the maximum rate allowed by law; and

(i) For such other and further relief as the Court deems just and proper.

Dated: April 23, 2012

SAN DIEGO IP LAW GROUP LLP

By: s/James V. Fazio, III

JAMES V. FAZIO, III
TREVOR Q. CODDINGTON, PH.D.

Attorneys for Plaintiff
STURDY FLOSS, INC.

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, plaintiff Sturdy Floss, Inc. hereby demands a trial by jury of all issues so triable.

Dated: April 23, 2012

SAN DIEGO IP LAW GROUP LLP

By: s/James V. Fazio, III

JAMES V. FAZIO, III
TREVOR Q. CODDINGTON, PH.D.

Attorneys for Plaintiff
STURDY FLOSS, INC.