

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

NORTHGATE TECHNOLOGIES, INC.

*Plaintiff,*

v.

STRYKER CORPORATION d/b/a  
STRYKER ENDOSCOPY; AND  
W.O.M. WORLD OF MEDICINE AG,

*Defendants.*

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Case No.: 1-12-cv-7032

**DEMAND FOR JURY TRIAL**

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Northgate Technologies, Inc. (“Northgate”), brings this complaint for patent infringement against Stryker Corporation d/b/a Stryker Endoscopy (“Stryker”) and W.O.M. World of Medicine AG (“W.O.M.”) collectively referred to herein as “Defendants.” As its complaint against Defendants, Northgate states and alleges as follows:

**THE PATENT AND THE PARTIES**

1. This is an action under 35 U.S.C. § 271 for infringement of U.S. Patent No. 6,299,592 B1 (the “592 Patent”) entitled “Laparoscopic Insufflator,” a true and correct copy of which is attached as Exhibit 1.

2. Defendants have infringed and are infringing Northgate’s patent rights through their activities concerning laparoscopic insufflators. Such unlawful activities are occurring throughout the United States and, in particular, in this District.

3. Northgate is an Illinois corporation with its principal place of business at 1591 Scottsdale Court, Elgin, Illinois 60123. Northgate designs, develops, manufactures, and markets software-controlled medical devices, related specialty products, and associated consumable products in the fields of gastroenterology, general surgery, gynecology, urology, and arthroscopy..

4. Northgate is the assignee of the '592 Patent, and is the owner of all right, title, and interest in the '592 Patent, including the right to sue and recover damages for infringement of the '592 Patent, by virtue of the assignment recorded at Reel/Frame Number 009676/0001 with the U.S. Patent and Trademark Office. The '592 Patent was legally issued on October 9, 2001, and is directed to a laparoscopic insufflator.

5. Northgate sells a commercial embodiment of the '592 Patent to customers throughout the United States and within this District.

6. Northgate has complied with the statutory requirement of marking the commercial embodiment that it manufactures and sells with the word "patent" and the '592 patent number.

7. On information and belief, Stryker is a Michigan corporation having a principal place of business at 5900 Optical Court, San Jose, California 95138.

8. On information and belief, Stryker is registered to conduct business in Illinois.

9. On information and belief, W.O.M. is organized under German law and has its principal place of business at Salzufer 8, 10587 Berlin, Germany.

**JURISDICTION AND VENUE**

10. This is an action for patent infringement under 35 U.S.C. § 271. This Court has subject matter jurisdiction over Northgate's federal claim of patent infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).

11. This Court has specific personal jurisdiction over Stryker pursuant to due process and/or at least because of its substantial business in this forum, including: (i) at least a portion of the infringement alleged herein, which occurred in this District, and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Illinois and in this District.

12. This Court has specific personal jurisdiction over W.O.M. pursuant to due process and because of W.O.M.'s intentional introduction of an infringing product specifically manufactured for its long-standing customer Stryker that is put into the stream of commerce in Illinois and this District through intermediaries that include at least Stryker.

13. Venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to Northgate's claims occurred in this District and Stryker is subject to personal jurisdiction in this District.

14. A real, immediate, and justiciable controversy exists between Northgate and the Defendants relating to the infringement of the '592 Patent.

**COUNT I: PATENT INFRINGEMENT**

15. Northgate incorporates by reference each of the preceding allegations of paragraphs 1 – 14 above as though stated herein.

16. On information and belief, W.O.M. manufactures laparoscopic insufflators capable of measuring pressure in a patient cavity and supplying insufflating gas to the patient cavity in an intermittent mode and continuous mode (the “Accused Products”). Northgate refers to the patented feature as TAP™, which stands for True Abdominal Pressure sensing.

17. W.O.M. specifically manufactures the Accused Products for its longstanding customer Stryker.

18. The Accused Products manufactured by W.O.M. are imported into the United States and sold to and sold by Stryker through its established marketing, sales, and distribution channels.

19. On information and belief, Stryker imports the Accused Products into the United States from W.O.M. and offers for sale, and sells the Accused Products, within the United States and within this District, through its established marketing, sales, and distribution channels that include, without limitation, those bearing the name Pneumo Sure.

20. On information and belief, W.O.M. has directly infringed one or more claims of the '592 Patent within this District, and elsewhere within the United States, through its offer for sale and sales of the Accused Products to Stryker, and through its importation of the Accused Products.

21. On information and belief, Stryker has directly infringed one or more claims of the '592 Patent within this District, and elsewhere within the United States, through its offers to sell, sales, and/or importation of the Accused Products from W.O.M. that include, without limitation, those products Stryker markets as the Pneumo Sure insufflators.

22. On information and belief, W.O.M. had knowledge of the '592 Patent at least as early as 2006. On information and belief, Stryker had knowledge of the '592 Patent at least as early as 2007. Northgate is informed and believes, and on that basis alleges, that W.O.M. was aware of a risk that it may infringe the '592 Patent at least as early as 2007. On information and belief, Stryker was informed of a risk that it may infringe the '592 Patent. Defendants imported, sold, and offered the Accused Products for sale within the United States subsequent to their knowledge of a risk that they may infringe the '592 Patent. On information and belief, Defendants have willfully infringed one or more claims of the '592 Patent within this District, and elsewhere within the United States.

23. On information and belief, Defendants have induced infringement of the '592 Patent within this District, and elsewhere within the United States, by its intentional acts which have successfully, among other things, encouraged, instructed, enabled, and otherwise caused others, such as physicians or surgical teams, to use the Accused Products to insert a delivery line and a separate pressure sensing line in a patient cavity to measure pressure in a patient cavity and supply insufflating gas to the patient cavity in an intermittent mode and continuous mode.

Defendants have provided the Accused Products to said others for the primary purpose of causing infringing acts by said others. Northgate is informed and believes, and on that basis alleges, that Defendants had knowledge that the Accused Products infringe the '592 Patent at least as early as 2007. On information and belief, Defendants have specifically intended that said others use the Accused Products in such a way that the '592 Patent is infringed by, at minimum, providing instructions to said others on how to use the Accused Products in such a way that they infringe the '592 Patent. The instructions are given by Defendants, for example, through user manuals provided with the Accused Products. On information and belief, Defendants knew that their actions, including but not limited to providing such instructions, would induce infringement by said others. On information and belief, said others use the Accused Products to infringe the '592 Patent.

24. Should the Defendants' infringing conduct continue after service of this complaint, then said conduct would be willful and entitle Northgate to enhanced damages and attorney's fees.

25. Unless enjoined, the Defendants' acts will cause Northgate irreparable harm, loss, and injury.

**WHEREFORE**, Northgate prays that:

A. United States Patent No. 6,299,592 be adjudged by this Court to be enforceable;

B. Defendants be adjudged by this Court to have infringed U.S. Patent No. 6,299,592;

C. Defendants be adjudged by this Court to have willfully infringed U.S. Patent No. 6,299,592;

D. Defendants be adjudged by this Court to have induced infringement of U.S. Patent No. 6,299,592;

E. Defendants be ordered by this Court to account for and pay Northgate damages adequate to compensate Northgate for the infringement of U.S. Patent No. 6,299,592, including interest, under 35 U.S.C. § 284;

F. A permanent injunction be issued preventing further infringement of U.S. Patent No. 6,299,592 by Defendants, their officers, agents, servants, employees, and those persons in active concert or participation with them;

G. This case be deemed exceptional and Northgate be awarded reasonable attorney's fees for this suit as provided by 35 U.S.C. § 285; and

H. Northgate be awarded such other relief as this Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38(b), Northgate demands a trial by a jury in this action on all issues triable by jury.

Northgate Technologies, Inc.

Dated this 4<sup>th</sup> day of June, 2013

/s/ David P. Lindner

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Attorneys for:  
*Northgate Technologies, Inc.*



**CERTIFICATE OF SERVICE**

I hereby certify that on June 4, 2013, I electronically filed the foregoing **First Amended Complaint for Patent Infringement** with the Clerk of the Court using the CM/ECF system which will automatically send a notice of electronic filing to all persons registered for ECF in this case as of that date.

/s/ David P. Lindner

David P. Lindner