

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MAKO SURGICAL CORP.,	)	
	)	
Plaintiff,	)	Civil Action No. _____
	)	
v.	)	COMPLAINT FOR PATENT
	)	INFRINGEMENT
STANMORE IMPLANTS WORLDWIDE,	)	
STANMORE INC.,	)	DEMAND FOR JURY TRIAL
	)	
Defendants.	)	
_____	)	

COMPLAINT FOR PATENT INFRINGEMENT

MAKO Surgical Corp. (MAKO) brings this patent infringement action against Stanmore Implants Worldwide (Stanmore Worldwide) and Stanmore Inc. (collectively, “Stanmore”) and alleges as follows:

PARTIES

1. Plaintiff MAKO is a U.S. corporation organized and existing under the laws of Delaware. MAKO maintains its principal place of business at 2555 Davie Road, Fort Lauderdale, Florida 33317.

2. On information and belief, Defendant Stanmore Worldwide is a corporation organized and existing under the laws of the United Kingdom and has its principal place of business at 210 Centennial Avenue, Centennial Park, Elstree, WD6 3SJ, United Kingdom.

3. On information and belief, Defendant Stanmore Inc. is a corporation organized and existing under the laws of Massachusetts and has its principal place of business at 10 Cordage Park Circle, Suite 200, Plymouth, Massachusetts 02360.

JURISDICTION AND VENUE

4. This is a complaint for patent infringement pursuant to 35 U.S.C. § 271 *et seq.* This Court has subject matter jurisdiction over MAKO's claims pursuant to 28 U.S.C. §§ 1331 and 1338.

5. Stanmore is doing business and has committed acts of infringement, including those alleged herein, within the Commonwealth of Massachusetts and/or in this judicial district, and Stanmore Inc. maintains its principal place of business within the Commonwealth of Massachusetts and/or this judicial district, subjecting Stanmore to jurisdiction within this judicial district and making venue proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400.

THE ASSERTED PATENTS

6. MAKO owns by assignment the entire right, title, and interest in U.S. Patent No. 8,010,180 (the '180 patent), entitled "Haptic Guidance System and Method," which was duly and legally issued by the United States Patent & Trademark Office ("Patent Office") on August 30, 2011. A true and correct copy of the '180 patent is attached as **Exhibit 1**.

7. MAKO owns by assignment the entire right, title, and interest in U.S. Patent No. 7,831,292 (the '292 patent), entitled "Guidance System and Method for Surgical Procedures with Improved Feedback" which was duly and legally issued by the Patent Office on November 9, 2010. A true and correct copy of the '292 patent is attached as **Exhibit 2**.

COUNT I

INFRINGEMENT OF THE '180 PATENT

8. On information and belief, in violation of 35 U.S.C. § 271, Stanmore has infringed and continues to directly infringe, contributorily infringe, and/or actively induce the infringement of the '180 patent in this judicial district and elsewhere in the United States through

the manufacture, use, offer for sale, sale, and/or importation of products, associated software, and components, including, without limitation, the Sculptor Robotic Guidance Arm (Sculptor RGA).

9. Stanmore's acts of infringement of the '180 patent have caused and will continue to cause MAKO substantial and irreparable injury, for which MAKO is entitled to receive injunctive relief and damages adequate to compensate it for such infringement.

10. On information and belief, Stanmore's acts of infringement of the '180 patent are being committed with knowledge of the '180 patent.

COUNT II

INGRIMENT OF THE '292 PATENT

11. On information and belief, in violation of 35 U.S.C. § 271, Stanmore has infringed and continues to directly infringe, contributorily infringe, and/or actively induce the infringement of the '292 patent in this judicial district and elsewhere in the United States through the manufacture, use, offer for sale, sale, and/or importation of products, associated software, and components, including, without limitation, the Sculptor RGA.

12. Stanmore's acts of infringement of the '292 patent have caused and will continue to cause MAKO substantial and irreparable injury, for which MAKO is entitled to receive injunctive relief and damages adequate to compensate it for such infringement.

13. On information and belief, Stanmore's acts of infringement of the '292 patent are being committed with knowledge of the '292 patent.

DEMAND FOR RELIEF

WHEREFORE, MAKO prays that this Court enter judgment in its favor and against STANMORE and grant the following relief:

A. Enjoin Stanmore Worldwide and Stanmore Inc., and their affiliates, subsidiaries, officers, directors, agents, servants, employees, representatives, licensees, successors, assigns, and all those acting for them and on their behalf, from further infringement of the '180 patent and the '292 patent;

B. Award MAKO damages resulting from Stanmore's acts of infringement, order Stanmore to account for and pay to MAKO damages adequate to compensate MAKO for the infringement of its patent rights, and award MAKO its costs and pre-judgment and post-judgment interest at the highest rate allowable by law, pursuant to 35 U.S.C. § 284;

C. As a result of Stanmore's willful acts of infringement, award MAKO treble damages pursuant to 35 U.S.C. § 284;

D. Declare this case exceptional pursuant to 35 U.S.C. § 285 and award MAKO its attorney fees, costs, and expenses; and

E. Grant MAKO such other relief as is just and proper.

JURY DEMAND

MAKO hereby demands trial by jury in this action triable of right by jury.

Dated: March 19, 2013

Respectfully submitted,

Lisa G. Arrowood (BBO # 022330)
larrowood@arrowoodpeters.com
Katherine A.K. Mumma (BBO # 665009)
kmumma@arrowoodpeters.com
ARROWOOD PETERS LLP
10 Post Office Square
Suite 1180 North
Boston, MA 02109
Phone: (617) 849-6200
Facsimile: (617) 849-6201

Of Counsel:

Alexander J. Hadjis
AHadjis@mofo.com
Johnny C. Chiu
JChiu@mofo.com
Joshua A. Hartman
JHartman@mofo.com
Laura B. Heiman
LHeiman@mofo.com
MORRISON & FOERSTER LLP
2000 Pennsylvania Ave., NW, Suite 6000
Washington, DC 20006
Phone: (202) 887-1500
Facsimile: (202) 887-0763

Counsel for Plaintiff
MAKO SURGICAL CORP.