

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>TP ORTHODONTICS, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>COMPLAINT FOR PATENT INFRINGEMENT</b>
	)	
<b>vs.</b>	)	
	)	
<b>3M UNITEK CORPORATION</b>	)	
	)	
	)	
<b>Defendant.</b>	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff **TP ORTHODONTICS, INC. (TPO)** alleges as follows for its Complaint against Defendant **3M UNITEK CORPORATION, (3M UNITEK)**:

**JURISDICTION AND VENUE**

1. This is an action for patent infringement. The action for patent infringement arises under Title 35 of the United States Code. The court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §1331 and §1338(a).

2. Venue is proper in this district as to **3M UNITEK**, pursuant to 28 U.S.C. §1391(b) and §1391(c) and §1400(b) in that **3M UNITEK** resides in this district within the meaning of these provisions, and **3M UNITEK** has committed acts of infringement within this district.

**THE PARTIES**

3. Plaintiff **TP Orthodontics, Inc. (TPO)** is a corporation of the state of Indiana, having a principal place of business at LaPorte, Indiana.

4. Upon information and belief, defendant **3M UNITEK** is a California corporation, with a principal place of business at 2724 South Peck Road, Monrovia, California 91016.

**CLAIMS FOR RELIEF**

**COUNT I**

**Infringement of U.S. Patent 6,746,242**

5. On June 8, 2004, United States Patent No. 6,746,242 (the '242 patent) titled "Appliance with Bilayer Base", was duly and legally issued to **TPO** as the owner of the entire right, title and interest in and to the '242 patent, naming one inventor, Andrew C. Kesling. A copy of the '242 patent is attached to this Complaint as Exhibit A. The '242 patent claims a bilayer base permitting the appliance to be ready for mounting and includes a cured layer of polymer resin mounted on the appliance and an uncured layer of polymer resin of substantially the same family having a tacky surface for mounting the appliance on a tooth.

6. **3M UNITEK** has infringed and continues to infringe one or more claims of the '242 patent by making, using, offering to sell, and/or selling products that incorporates each and every element of at least one of the claims.

7. Specifically, **3M UNITEK** offers to sell and sells appliances under the name of APC Flash-Free Adhesive Coated Appliance System, which infringe the '242 patent.

8. **3M UNITEK** publishes the brochure attached hereto as Exhibit B which describes and illustrates the appliances referred to above under the name APC Flash-Free Adhesive Coated Appliance System.

**COUNT II**

**Infringement of U.S. Patent 7,131,836**

9. On November 7, 2006, United States Patent No. 7,131,836 (the '836 patent) titled: "Bracket With Bilayer Base Configured To Produce A Control Valve", was duly and legally issued to TPO as the owner of the entire right, title and interest in and to the '836 patent, naming one inventor, Andrew C. Kesling. A copy of the '836 patent is attached to this Complaint as Exhibit C. The '836 patent claims the combination of an orthodontic bracket and a laminated base for ready mounting of the bracket on a tooth, wherein the bracket includes an archwire slot, and the base comprises a first cured polymer resin layer and a second uncured layer of polymer resin with the first layer and the bracket is configured to produce a control value in the bracket.

10. **3M UNITEK** has infringed and continues to infringe one or more claims of the '836 patent by making, using, offering to sell, and/or selling products that incorporates each and every element of at least one of the claims.

11. Specifically, **3M UNITEK** offers to sell and sells appliances under the name of APC Flash-Free Adhesive Coated Appliance System, which infringe the '836 patent.

12. **3M UNITEK** publishes the brochure attached hereto as Exhibit B which describes and illustrates the appliances referred to above under the name APC Flash-Free Adhesive Coated Appliance System.

**PRAYER FOR RELIEF**

Wherefore, Plaintiff **TPO** demands:

1. Defendant **3M UNITEK**, their officers, agents, employees, directors, servants, attorneys, successors and assigns, and those persons in active concert or participation with them be preliminarily and thereafter permanently enjoined from the manufacture, use, offer for sale, or sale of any product or packaging of any product that constitutes infringement of the '242 and '836 patents under 35 U.S.C. §271(a), (b) and (c).

2. For an Order requiring Defendant **3M UNITEK**, their officers, agents, employees, directors, servants, attorneys, successors and assigns, and those persons in active concert or participation with them to surrender to **TPO** all products that infringe the '242 and '836 patents.

3. That Plaintiff **TPO** have judgment against Defendant **3M UNITEK** for damages adequate to compensate for the infringement of the '242 and '836 patents, together with interest and costs, including trebled or such other increased damages as the Court deems appropriate on a finding of willful infringement.

4. That this case be deemed exceptional under 35 U.S.C. §285, thereby entitling Plaintiff **TPO** to recover its costs and attorneys' fees incurred in prosecuting this action.

5. That Plaintiff **TPO** be awarded Defendant's infringement profits, prejudgment interest, and an accounting.

