

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ANDOVER HEALTHCARE, INC.

Plaintiff,

v.

3M COMPANY,

Defendant.

Civil Action No.

JURY TRIAL DEMANDED

**First Amended Complaint For Patent Infringement**

Plaintiff Andover Healthcare, Inc. (“Andover”) complains and alleges as follows against Defendant 3M Company (“3M”):

**The Parties**

1. Plaintiff Andover is a corporation organized and existing under the laws of the state of Massachusetts with a principal place of business at 9 Fanaras Drive, Salisbury, MA 01952.

2. Defendant 3M is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 3M Corporate Headquarters, 3M Center, St. Paul, MN 55144-1000. 3M may be served with process through the Corporation Trust Company, Corporation Trust Center 1209 Orange ST, Wilmington, Delaware, 19801.

**Jurisdiction and Venue**

3. This is an action for patent infringement arising under the patent laws of the United States, United States Code, 35 U.S.C. § 271 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over 3M because 3M is incorporated in Delaware, and because 3M has committed, and continues to commit, acts of infringement in Delaware.

5. Venue is proper under 28 U.S.C. §§ 1391 and 1400 because, among other reasons, 3M has committed acts of infringement in this district and 3M is subject to personal jurisdiction.

**Andover's Patent-in-Suit**

6. Andover is the lawful owner of United States Patent No. 6,156,424 entitled "Cohesive Products," duly and legally issued December 5, 2000, listing Paul Taylor as the inventor ("the '424 patent"). A true copy of the '424 patent is attached hereto as Exhibit A.

**Count I**  
**(Infringement Of The '424 Patent)**

7. Paragraphs 1-6 are incorporated as if fully set forth herein.

8. 3M has had knowledge of the '424 patent at least as of April 5, 2006.

9. Since June 3, 2010, 3M has been, and still is, directly infringing, actively inducing others to infringe, and/or contributing to the infringement of the '424 patent by making, using, offering for sale, selling within the United States, and/or importing into the United States since June 3, 2010, infringing products or practicing infringing methods, including at least its latex free "Coban" family of products, which embody and/or practice one or more claims of the '424 patent, without authority or license from Andover, in violation of 35 U.S.C. § 271.

10. Upon information and belief, 3M will continue to infringe the '424 patent unless and until it is enjoined by this Court.

11. 3M's infringement of the '424 patent is ongoing. Unless and until enjoined by order of this Court, 3M's infringement of Andover's rights under the '424 patent will continue to

damage Andover, causing Andover irreparable harm as a direct and proximate result of 3M's conduct.

12. Andover has been damaged by 3M's infringement, and is entitled to recover from 3M the damages sustained as a result of 3M's wrongful acts in an amount to be proved at trial.

**Jury Demand**

13. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Andover demands a trial by jury on all issues triable as such.

**Requested Relief**

WHEREFORE, Andover respectfully requests that this Court enter judgment against 3M as follows:

(a) declaring that 3M has directly infringed, induced infringement of, and/or contributed to the infringement of one or more claims of the '424 patent;

(b) permanently enjoining 3M and its subsidiaries, affiliates, officers, directors, agents, servants, employees, licensees, successors, and customers and those in active concert or participation with any of them, from making, using, importing, offering to sell, or selling any products or methods that infringe or contribute to the infringement of any claim of the '424 patent, or from inducing others to infringe any claim of the '424 patent;

(c) awarding Andover its lost profits and other damages in amounts sufficient to compensate it for 3M's infringement of the '424 patent since June 3, 2010, together with prejudgment and post judgment interest and costs, pursuant to 35 U.S.C. § 284;

(d) trebling the damages awarded to Andover by reason of 3M's willful infringement of the '424 patent;

(e) declaring this case to be “exceptional” under 35 U.S.C. § 285 and awarding Andover its attorneys’ fees, expenses and costs incurred in this action; and

(f) awarding Andover such further relief as the Court deems just and proper.

Dated: July 5, 2013

Respectfully submitted,

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## **Exhibit A**