

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

DE PARTNERS GOLDEN RULE LLC, an Illinois Limited Liability Company,)	
)	
Plaintiff,)	
v.)	Civil Action No. 14-_____
)	
ZIMMER HOLDINGS, INC., a Delaware Corporation, and ZIMMER DENTAL INC., a Delaware Corporation,)	Demand For Jury Trial
)	
Defendants.)	
)	

COMPLAINT AND DEMAND FOR JURY

Plaintiff, DE Partners Golden Rule LLC (“DE Partners”) alleges by way of complaint against Defendants, Zimmer Holdings, Inc. (“Zimmer Holdings”) and Zimmer Dental Inc. (“Zimmer Dental,” and together with Zimmer Holdings, “Defendants”) as follows:

DE Partners and Its Patent

1. DE Partners is a limited liability company organized under the laws of the State of Illinois with its principal place of business at 1408 49th Court South, Western Springs, IL 60058.
2. DE Partners is the owner by assignment of U.S. Patent No. 5,468,149 (“the ‘149 patent”), entitled *Dual Function Prosthetic Locking Device for Endosseous Dental Implants*, a true and correct copy of which is attached hereto as Exhibit A.
3. The subject matter of the ‘149 Patent was invented by James V. D’Alise, DDS, a dentist who specializes in implantology and who is a member of DE Partners.
4. The invention of the ‘149 patent, the application for which was filed in April 1994, is directed to “artificial root substitutes surgically placed into human jaw bones, and is

specifically directed to a locking device for use in a endosseous dental implant suitable for use with both screw type and press-fit prosthetic attachments.” (‘149 Patent, col 1, lines 11-15.)

5. The sole claim of the ‘149 Patent reads:

A Dual function prosthetic locking device for an endosseous dental implant body comprising:

a dental endosseous implant body to replace a natural tooth root having a rigid metal body placeable in the jaw bone,

said rigid metal body comprising a multi-sided receptacle formed from a plurality of walls with circular screw threads in its inside diameter, said circular screw threads extending substantially the entire depth of the walls;

wherein said receptacle allows for a similarly threaded metal prosthetic attachment to be screwed into the metal body joining it as a unit;

wherein said receptacle of the same metal body also allows a custom fitted metal prosthetic attachment with a multi-sided stem to be inserted into the implant body locking it into place with the similar multi-sided receptacle of the implant body so that the implant body and prosthetic attachment function as one unit.

The Defendants and the Accused Products

6. Zimmer Holdings is a Delaware corporation with a principal place of business at 345 East Main St., Warsaw, Indiana 46580.

7. Zimmer Dental is a Delaware corporation with a principal place of business at 1900 Aston Ave., Carlsbad, California 92008. Zimmer Dental is a subsidiary of Zimmer Holdings.

8. The Defendants manufacture, offer for sale, and/or sell dental implants that provide dual function locking device for endosseous (*i.e.*, placed within the jaw bone) applications, marketed by Defendants under at least the names AdVent, Screw Vent, Micro Vent, Swiss Plus, and Trebecular Metal (“the accused products”).

9. Upon information and belief, the Defendants, at all times relevant to this complaint, have been doing business in this Judicial District by, *inter alia*, selling and offering

for sale the accused products in this Judicial District.

10. The accused products are dental implant bodies.

11. The accused products comprise rigid metal bodies with receptacles formed from a plurality of vertical walls.

12. The receptacles within the accused products provide both female circular screw threads and a female shape (*e.g.*, a hexagon) that can accept an abutment (to which the prosthetic tooth is ultimately attached) with mated male threads and/or a mated male shape (*e.g.*, a hexagon), which is the dual function locking taught in the '149 Patent.

Jurisdiction and Venue

13. This Court has subject matter jurisdiction pursuant to 35 U.S.C. § 1338(a).

14. Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1400(b) and 28 U.S.C. § 1391(b).

15. This Court has personal jurisdiction over the Defendants because Defendants are both corporations organized under the laws of the State of Delaware and because, on information and belief, the Defendants have sold or offered to sell accused products within this Judicial District.

Count I – Patent Infringement

16. DE Partners hereby incorporates by reference the allegations contained in paragraphs 1-15, above.

17. The Defendants' manufacture, sale and/or offer to sell the accused products constitute direct infringement of the claims of the '149 Patent pursuant to 35 U.S.C. § 271(a).

18. The Defendants' infringement of the '149 Patent has caused injury to DE Partners.

WHEREFORE, DE Partners respectfully requests that this Court award it compensatory

damages sufficient to compensate for Defendants' infringement and interest thereon, and award DE Partners such further relief in law and/or equity as the Court deems appropriate.

Dated: March 6, 2014

OF COUNSEL:

Rolf O. Stadheim
George C. Summerfield
Kyle L. Harvey
Robert M. Spalding
STADHEIM & GREAR LTD.
400 N. Michigan Avenue
Suite 2200
Chicago, IL 60611
312.755.4400

/s/ M. Duncan Grant

M. Duncan Grant (Del. Bar No. 2994)
Joanna J. Cline (Del. Bar No. 5873)
PEPPER HAMILTON LLP
Hercules Plaza, Suite 5100
1313 N. Market Street
P.O. Box 1709
Wilmington, DE 19899-1709
302.777.6500

*Attorneys for Plaintiff DE Partners Golden
Rule, LLC*

DEMAND FOR JURY TRIAL

Plaintiff DE Partners hereby demands a trial by jury.

Dated: March 6, 2014

OF COUNSEL:

Rolf O. Stadheim
George C. Summerfield
Kyle L. Harvey
Robert M. Spalding
STADHEIM & GREAR LTD.
400 N. Michigan Avenue
Suite 2200
Chicago, IL 60611
312.755.4400

/s/ M. Duncan Grant

M. Duncan Grant (Del. Bar No. 2994)
Joanna J. Cline (Del. Bar No. 5873)
PEPPER HAMILTON LLP
Hercules Plaza, Suite 5100
1313 N. Market Street
P.O. Box 1709
Wilmington, DE 19899-1709
302.777.6500

*Attorneys for Plaintiff DE Partners Golden
Rule, LLC*