

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 1:14-20596-CIV-ALTONAGA/O'Sullivan

ATLAS IP, LLC, a Florida Limited Liability Corporation,

Plaintiff,

v.

**BOSTON SCIENTIFIC CORPORATION, a Delaware
Corporation, and CARDIAC PACEMAKERS, INC.,
a Minnesota Corporation,**

Defendants.

AMENDED COMPLAINT AND DEMAND FOR JURY

Plaintiff, Atlas, IP LLC (“Atlas”), alleges by way of its amended complaint against defendant, Boston Scientific Corporation (“Boston Scientific”) and Cardiac Pacemakers, Inc. (“CPI”) (collectively “Defendants”), as follows:

Atlas and Its Patents

1. Atlas is a Florida LLC with a principal place of business at One SE Third Avenue, Suite 1200, Miami, Florida 33131.
2. Atlas is the owner by assignment of U.S. Patent Nos. 5,371,734 (“the ‘734 Patent”), entitled *Medium access control protocol for wireless network*. Exhibit A.
3. The invention of the ‘734 Patent, the application for which was filed in January 1993, is directed to “a reliable medium access control (MAC) protocol for wireless, preferably radio frequency (RF), LAN-type network communications among a plurality of resources, such a[s] a battery powered portable computers.” ‘734 Patent, col. 5, lines 10-14.

4. Digital Ocean, Inc. (“Digital Ocean”), a predecessor in ownership interest in the ‘734 patent, made product between 1995 and 1998 that practiced the claims of the ‘734 patent. Digital Ocean marked such products with the ‘734 patent. No other owner of the ‘734 patent made product covered by the claims of that patent.

The Defendants and the Accused Products

5. Boston Scientific is a Delaware Corporation with a principal place of business at One Boston Scientific Place, Natick, Massachusetts 01760-1537.

6. CPI is a Minnesota Corporation with a principal place of business at 4100 Hamline Avenue North, St. Paul, Minnesota 55112.

7. Upon information and belief, CPI is a wholly-owned subsidiary of Boston Scientific.

8. The Defendants manufacture, offer for sale, and/or sell implantable medical device products (“IMDs”) and products that communicate with such IMDs (collectively “the Accused Products”).

9. A claim chart comparing representative claims from the ‘734 patent to representative Accused Products is attached hereto as Exhibit B.

10. 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.

Jurisdiction and Venue

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

12. Venue is proper in this Judicial District pursuant to 35 U.S.C. § 1400(b).

13. This Court has personal jurisdiction over the Defendants by virtue of the Defendants having done business in this Judicial District.

14. Joinder of the Defendants is proper pursuant to 35 U.S.C. § 299 insofar as the CPI is the wholly-owned subsidiary of Boston Scientific, and the Accused Products for both Defendants are the same.

Count I – Patent Infringement

15. Atlas hereby incorporates by reference the allegations contained in paragraphs 1-14, above.

16. The Defendants' manufacture, sale and/or offer to sell the Accused Products constitute direct infringement of the claims of the '734 Patent pursuant to 35 U.S.C. §271(a).

17. The Defendants' infringement of the '734 Patent has caused injury to Atlas.

WHEREFORE, Atlas respectfully requests that this Court award it compensatory damages sufficient to compensate for Defendants' infringement, and interest thereon, and award Atlas such further relief in law and/or equity as the Court deems appropriate.

Date: May 6, 2014

Respectfully submitted,

By: /s/Curtis Carlson

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

Date: May6, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 6, 2014, the foregoing document was served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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