

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF MICHIGAN**

MEDCOM NETWORK SYSTEMS, LLC,

Plaintiff,

v.

MEDTRONIC, INC.,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Medcom Network Systems, LLC (“Medcom” or “Plaintiff”), for its Complaint against Defendant Medtronic, Inc. (“Medtronic” or “Defendant”) alleges the following:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Plaintiff is a limited liability company organized under the laws of the State of Delaware with a place of business at 717 North Union Street, Wilmington, Delaware 19805.

3. Upon information and belief, Medtronic, Inc. is a corporation organized and existing under the laws of Minnesota, with a place of business at 710 Medtronic Parkway, LC 340, Minneapolis, MN 55432. Upon information and belief, Medtronic, Inc. sells and offers to sell products and services throughout the United States, including

in this judicial district, and introduces products and services that into the stream of commerce and that incorporate infringing technology knowing that they would be sold in this judicial district and elsewhere in the United States.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c), (d) and/or 1400(b). On information and belief, Defendant conducts business in this District, the claims alleged in this Complaint arise in this District, and the acts of infringement have taken place and are continuing to take place in this District.

7. On information and belief, Defendant is subject to this Court's general and specific personal jurisdiction because Defendant has sufficient minimum contacts within the State of Michigan, pursuant to due process and/or the Mich. Comp. Laws § 600.715 because Defendant purposefully availed itself of the privileges of conducting business in the State of Michigan, because Defendant regularly transacts business within the State of Michigan, and because Plaintiff's causes of action arise directly from Defendant's business transactions and other activities in the State of Michigan.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,875,174

8. The allegations set forth in the foregoing paragraphs 1 through 7 are incorporated into this First Claim for Relief.

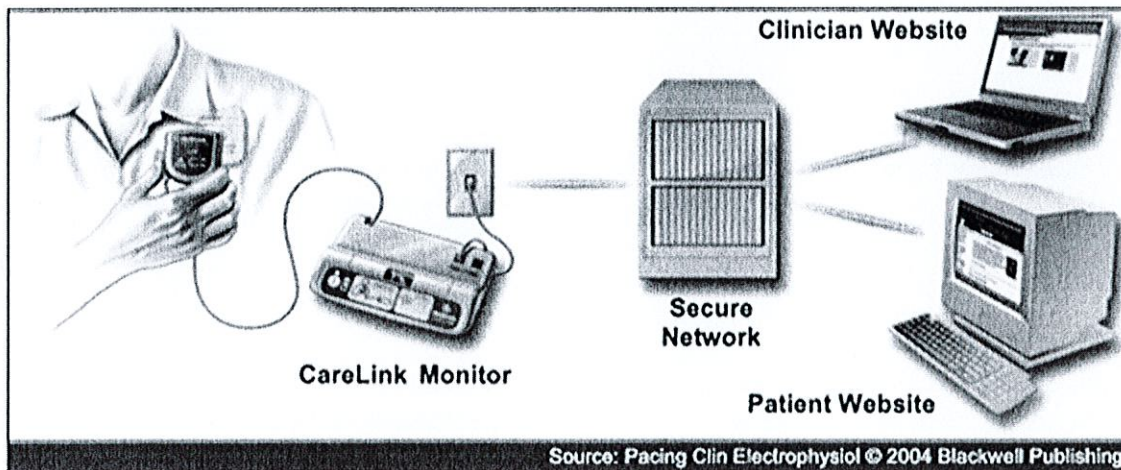
9. On April 5, 2005, U.S. Patent No. 6,875,174 ("the '174 patent"), entitled *General-Purpose Medical Instrumentation*, was duly and legally issued by the United States

Patent and Trademark Office. A true and correct copy of the '174 patent is attached as Exhibit 1.

10. Plaintiff is the assignee and owner of the right, title and interest in and to the '174 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

11. Upon information and belief, the Defendant has directly infringed at least claims 1-11 of the '174 patent by making, using, selling, importing and/or providing and causing to be used portable physiological data monitoring devices with the ability to transmit physiological data over wired telephone connections and using wireless communication means, automatically to a network, including, but not limited to, the products with the following designations or trade names: Medtronic CareLink Home Monitor 2490C, Medtronic CareLink Home Monitor 2490G, Medtronic CareLink Home Monitor 2490H, and Medtronic CareLink Home Monitor 2490J (the "Infringing Instrumentalities").

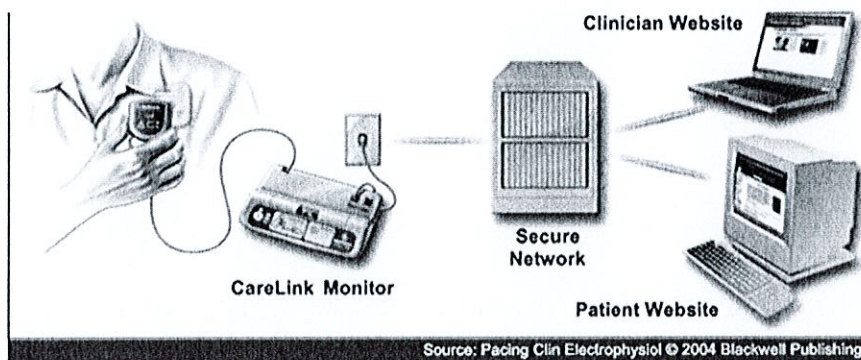
Exemplary images of the Infringing Instrumentalities are provided below:



The Medtronic CareLink® Network.

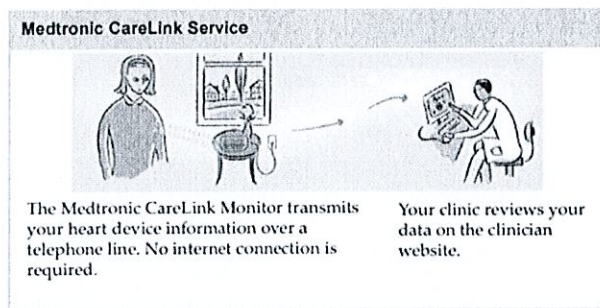
12. Claim 1 of the '174 patent generally recites a remote patient management system, comprising: at least one sensor outputting patient physiologic data; a patient monitor operative to receive the physiologic data and automatically download the data in encrypted form to a network over a wired telephone connection; and a server interfaced to the network providing a viewing environment enabling a clinician to access and decrypt the patient physiologic data for private analysis or diagnostic purposes.

13. As demonstrated in the exemplary images below, the Infringing Instrumentalities infringe claim 1 of the '174 patent because they are remote patient management systems (*Figure 1*), comprising: at least on sensor outputting patient physiologic data; a patient monitor operative to receive the physiologic data and automatically download the data in encrypted form to a network over a wired telephone connection; and a server interfaced to the network providing a viewing environment enabling a clinician to access and decrypt the patient physiologic data for private analysis or diagnostic purposes (*Figure 2*).



The Medtronic CareLink® Network.

Figure 1



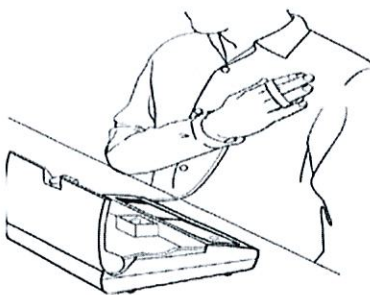
The Medtronic CareLink Service is convenient and provides peace of mind. One obvious advantage of using the Medtronic CareLink Service is that you will not have to leave your home for most follow-up appointments. Another benefit of this service is that it allows you to travel (within the United States) and send your heart device information from wherever you have access to a telephone line.

Figure 2

14. Claim 2 of the '174 patent generally recites the remote patient management system according to claim 1, wherein the patient physiologic data output by the sensor is cardiac-related.

15. As demonstrated in the exemplary images below, the Infringing Instrumentalities infringe claim 2 of the '174 patent because they are remote patient management systems, as claimed in claim 1, wherein the patient physiologic data output by the sensor is cardiac-related (*Figure 3*).

2. Hold the antenna snugly over the implanted heart device.



CareLink Monitor Model 2490C

“The CareLink Monitor Model 2490C is indicated for use in the transfer of patient data from some Medtronic implantable cardiac devices based on physician instructions and as described in the product manual. This product is not a substitute for appropriate medical attention in the event of an emergency and should only be used as directed by a physician.”

See Summary of: # P010031/S442 and P890003/S309 Viva/Brava Quadripolar CRT -Ds

Figure 3

16. Claim 3 of the '174 patent generally recites the remote patient management system according to claim 2, wherein the patient physiologic data output by the sensor includes electrocardiogram information.

17. As demonstrated in the exemplary images below, the Infringing Instrumentalities infringe claim 3 of the '174 patent because they are remote patient management systems, as claimed in claim 2, wherein the patient physiologic data output by the sensor includes electrocardiogram information (*Figure 4*).

If you have a **Medtronic CareLink Monitor**, your doctor can also program your heart device to automatically send heart information through the monitor to your clinic without having your heart device beep.

Using the Medtronic CareAlert monitoring feature, your doctor chooses to monitor device function, your heart rhythm, or both. Ask your doctor if this feature is turned on and which conditions are being monitored. You should discuss whether there is likely to be a beeping sound. This will help you understand the purpose of Medtronic CareAlert monitoring and how your doctor has programmed the device to meet your needs. But remember, if your device makes a sound, you should always contact your doctor unless otherwise directed.

Conditions that Medtronic CareAlert monitoring can detect

At the time your heart device is implanted or during a routine follow-up appointment, your doctor can set Medtronic CareAlert monitoring to alert you about things such as the following:

- Heart device battery status
- The status of your leads
- The number of therapies detected

Additionally, your heart device can monitor for changes in your heart rhythm that your doctor may want to be aware of. If one of these conditions is detected by your heart device, it will make a beeping sound for at least 10 seconds, at least once a day. Call your doctor if your heart device starts to make a beeping sound.

Figure 4 See Medtronic Hear Failure Pacemaker with Defibrillation Patient Manual, 2012

18. Claim 4 of the '174 patent generally recites the remote patient management system according to claim 1, wherein the patient monitor is portable or wearable.

19. As demonstrated in the exemplary images herein, the Infringing Instrumentalities infringe claim 4 of the '174 patent because they are remote patient management systems, as claimed in claim 1, wherein the patient monitor is portable or wearable electronic device (*Figure 2*).

20. Claim 5 of the '174 patent generally recites the remote patient management system as claimed in claim 1, wherein the patient physiologic data is self-descriptive to facilitate proper routing and retrieval through the server.

21. As demonstrated in the exemplary images, the Infringing Instrumentalities

infringe claim 5 of the '174 patent because they are remote patient management systems, as claim in claim 1, wherein the patient physiologic data is self-descriptive to facilitate proper routing and retrieval through the server (*Figure 5*).

Reviewing information saved by your heart device

During a follow-up appointment in the clinic or hospital, your doctor or nurse will use the Medtronic CareLink Programmer to read data collected by your heart device or to change the operating settings of your heart device. Your heart device collects and saves the following information:

- ECG recordings of any unusual heart rhythms
- A list of any therapies you have received
- The status of the heart device battery
- The status of your implanted leads

Based on this information and a review of your medications, your doctor may adjust the settings of your heart device to fit your individual needs.

Figure 5 See Medtronic Hear Failure Pacemaker with Defibrillation Patient Manual, 2012

22. Claim 6 of the '174 patent generally recites the remote patient management system according to claim 1, wherein the network is the Internet.

23. As demonstrated in the exemplary images herein, the Infringing Instrumentalities infringe claim 6 of the '174 patent because they are remote patient management systems, as claimed in claim 1, wherein the network is the Internet (*Figure 2*).

24. Claim 7 of the '174 patent generally recites the remote patient management system according to claim 1, wherein at least a portion of the transfer of the physiologic data monitor from the sensor to the server occurs through a wireless communication link.

25. As demonstrated in the exemplary images below, the Infringing Instrumentalities infringe claim 7 of the '174 patent because they are remote patient management systems, as claimed in claim 1, wherein at least a portion of the transfer of the physiologic data monitor from the sensor to the server occurs through a wireless communication link (*Figure 6*).

**No telephone landline,
no compatible telephone service,
or patient frequently travels**

There is a cellular accessory option, which connects securely to any CareLink Monitor and allows patients to transmit data using cellular signals instead of an analog telephone line or cell phone. Patients can call 1 (877) 609-6698 to order a cellular accessory. Patients will be charged a monthly service charge of \$10.99, plus any applicable taxes. Medtronic provides the accessory hardware free of charge.

Figure 6 See Medtronic – Tips for Using Your Battery Operated Medtronic CareLink Monitor (Models 2490G/2490H/2490J

26. Claim 8 of the '174 patent generally recites a remote patient management system, comprising: at least one sensor outputting cardiac-related patient data; a portable patient monitor operative to receive the patient data and automatically download the data in encrypted form to an Internet server over a wired telephone connection; and a viewing environment resident on the server enabling a clinician to access and decrypt the patient's cardiac data for private analysis or diagnostic purposes.

27. As demonstrated in the exemplary images herein, the Infringing Instrumentalities infringe claim 8 of the '174 patent because they are remote patient management systems comprising: at least one sensor outputting cardiac-related patient data; a portable patient monitor operative to receive the patient data and automatically download the data in encrypted form to an Internet server over a wired telephone connection; and a viewing environment resident on the server enabling a clinician to access and decrypt the patient's cardiac data for private analysis or diagnostic purposes (*Figure 1*).

28. Claim 9 of the '174 patent generally recites the remote patient management system according to claim 8, wherein the cardiac-related data includes electro-cardiogram information.

29. As demonstrated in the exemplary images herein, the Infringing Instrumentalities

infringe claim 9 of the '174 patent because they are remote patient management systems, as claimed in claim 8, wherein the cardiac-related data includes electro-cardiogram information (*Figure 5*).

30. Claim 10 of the '174 patent generally recites the remote patient management system according to claim 8, wherein the cardiac-related data is self-descriptive to facilitate proper routing and retrieval through the server.

31. As demonstrated in the exemplary images herein, the Infringing Instrumentalities infringe claim 10 of the '174 patent because they are remote patient management systems, as claimed in claim 8, wherein the cardiac-related data is self-descriptive to facilitate proper routing and retrieval through the server (*Figure 5*).

32. Claim 11 of the '174 patent generally recites the remote patient management system according to claim 8, wherein at least a portion of the transfer of the physiologic data monitor from the sensor to the server occurs through a wireless communication link.

33. As demonstrated in the exemplary images herein, the Infringing Instrumentalities infringe claim 10 of the '174 patent because they are remote patient management systems, as claimed in claim 8, wherein at least a portion of the transfer of the physiologic data monitor from the sensor to the server occurs through a wireless communication link (*Figure 6*).

34. Plaintiff has been harmed by Defendant's infringing activities.

JURY DEMAND

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment for itself and against Defendants as follows:

- A. An adjudication that Defendants have infringed the '174 patent;
- B. An award of damages to be paid by Defendants adequate to compensate Plaintiff for Defendants' past infringement of the '174 patent, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and
- D. An award to Plaintiff of such further relief at law or in equity as the Court deems just and proper.

Dated: May 12, 2017

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