

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Niazi Licensing Corporation

Plaintiff,

v.

Case No. _____

St. Jude Medical S.C., Inc.

Defendant,

COMPLAINT

Plaintiff Niazi Licensing Corporation (“NLC”), for its complaint against defendant St. Jude Medical S.C., Inc. (“St. Jude”) alleges as follows:

Parties

1. Plaintiff Niazi Licensing Corporation is a Washington company with its principal place of business in River Hills, Wisconsin.
2. Defendant St. Jude Medical S.C., Inc. is a Minnesota corporation with its principal place of business at 6300 Bee Cave Road, Building Two, Suite 100, Austin, Texas 78746.

Nature of Action

3. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 100 *et seq.*
4. Niazi is the owner of all right, title and interest in U.S. Patent 6,638,268 (“the ‘268 Patent”) entitled *Catheter to cannulate the coronary sinus*, issued on October 28, 2003, a copy of which is attached as Exhibit A.

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

6. Upon information and belief, St. Jude has a regular and established place of business in this District by virtue of its facility at One St. Jude Medical Drive in the Greater St. Paul area. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b).

COMPARISON OF EXEMPLARY CLAIM TO EXEMPLARY ACCUSED PRODUCT

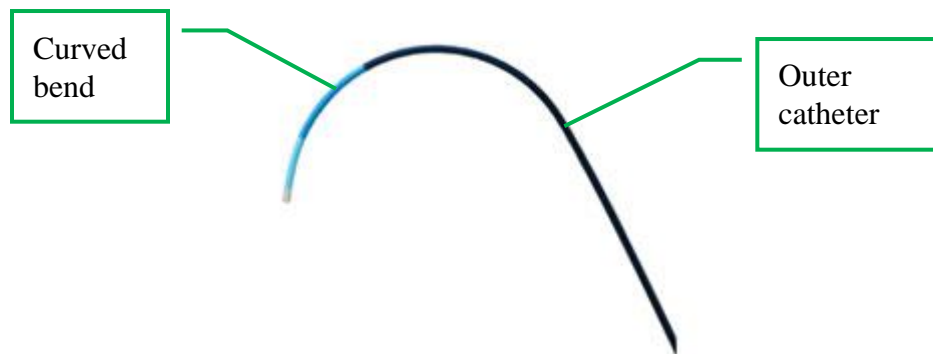
Claim 1

7. Claim 1 of the '268 patent is directed to a double catheter for cannulating the coronary sinus of a human heart.

8. Upon information and belief, St. Jude manufactures, sells and/or offers to sell, or has done so in the past, a telescoping catheter system that it sells under the "CPS" mark ("the CPS catheter").

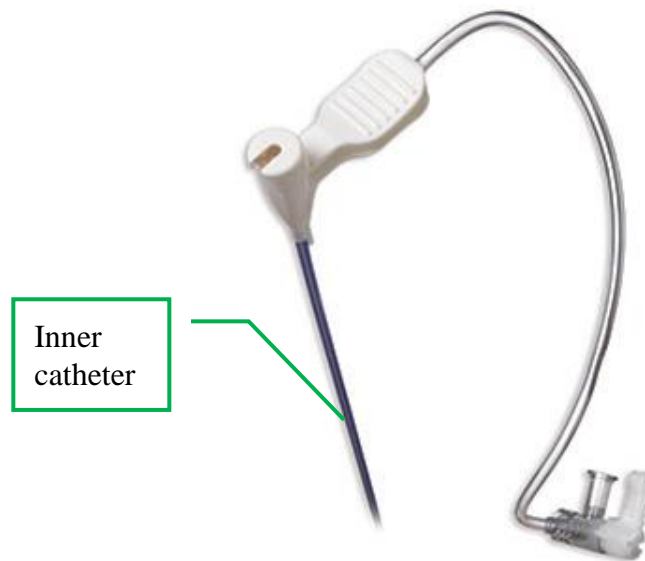
9. Claim 1 includes an outer, resilient catheter having shape memory and a hook shaped distal end configured for cannulation of the coronary sinus with at least one curved bend.

10. The CPS catheter includes an outer, resilient catheter, which St. Jude sells under its "CPS Direct" mark, having shape memory and a hook shaped distal end configured for cannulation of the coronary sinus with at least one curved bend, as shown below:



11. Claim 1 includes an inner, pliable catheter slidably disposed in the outer catheter and of greater length than the outer catheter so that a distal end portion of the inner catheter can be extended or retracted from a distal end opening of the outer catheter to vary the overall length of the double catheter.

12. The CPS catheter includes an inner, pliable catheter, which St. Jude sells under its “CPS Aim” trademark, that is slidably disposed in the outer catheter and of greater length than the outer catheter so that a distal end portion of the inner catheter can be extended or retracted from a distal end opening of the outer catheter to vary the overall length of the double catheter, as shown below:



13. Claim 1 further requires that the inner catheter have an internal lumen configured for the introduction of contrast media and a pacing lead into the coronary sinus.

14. The inner catheter of the CPS catheter includes a lumen configured for the introduction of contrast media and a pacing lead into the coronary sinus.

15. Claim 1 further requires a mechanism operable from the proximal end of the outer catheter for changing the curvature of the distal end of the outer catheter.

16. The CPS catheter includes a mechanism operable from the proximal end of the outer catheter for changing the curvature of the distal end of the outer catheter.

COUNT I

Claim for Infringement of the '268 Patent

17. NLC realleges and incorporates by reference the allegations in paragraphs 1-16 as if fully set forth herein.

18. St. Jude has manufactured, used, sold and offered to sell the CPS catheter (“the Infringing Product”), which infringes the ‘268 patent either literally or under the doctrine of equivalents.

19. St. Jude has directly infringed and continue to infringe the ‘268 patent through the use, manufacture, sale, and offer for sale of the Infringing Product.

20. Upon information and belief, St. Jude induced and contributorily caused its customers to infringe the ‘268 patent.

21. St. Jude was aware of the ‘268 patent prior to the filing of this lawsuit.

22. Upon information and belief, direct end users of the Infringing Product have infringed the ‘268 patent by using the Infringing Product.

23. Upon information and belief, St. Jude has encouraged the end users to use the Infringing Product.

24. Upon information and belief, St. Jude knew that the use the Infringing Product would infringe Niazi’s ‘268 patent.

25. Upon information and belief, St. Jude knew that the Infringing Product were made or adapted for a use that would infringe Niazi’s ‘268 patent.

26. Upon information and belief, the Infringing Product is not a commonly available item with substantial non-infringing uses.

27. Upon information and belief, St. Jude has been and is willfully infringing the '268 patent.

28. St. Jude's conduct shows a lack of the required duty to avoid infringement of the '268 patent such that this is an exceptional case; therefore, NLC should be awarded its reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

29. Pursuant to 35 U.S.C. § 284, NLC is entitled to enhanced damages for infringement of the '268 patent by St. Jude, up to treble damages.

Request for Relief

WHEREFORE, Plaintiff Niazi Licensing Corporation demands that judgment be entered in his favor and against Defendant St. Jude Medical S.C., Inc. as follows:

- A. Adjudging that Defendant has willfully infringed U.S. Patent 6,638,268;
- B. Awarding Plaintiff its damages, together with prejudgment interest, caused by Defendant's infringement;
- C. Granting such other and further relief as the Court may deem appropriate.

Jury Demand

Plaintiff Niazi Licensing Corporation hereby demands a jury trial of all issues of fact not admitted by the Defendant.

Dated: November 13, 2017

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**pro hac vice application forthcoming*