

Coleman W. Watson, Esq.  
[coleman@watsonllp.com](mailto:coleman@watsonllp.com)  
*Attorney for Plaintiff, My Nemesis, LLC*  
California Bar No.: 266015  
Watson LLP  
601 S. Figueroa Street, Suite 4050  
Los Angeles, CA 90017  
Telephone: 213.228.3233  
Facsimile: 213.330.4222

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

MY NEMESIS, LLC,

Plaintiff,

vs.

EDAN MEDICAL USA, INC.,

Defendant.

Case No.: '18CV0620 LAB NLS

**COMPLAINT**

**JURY TRIAL DEMANDED**

Plaintiff My Nemesis, LLC ("Nemesis"), through its attorney, complains of  
Edan Medical USA, Inc., ("Edan"), and alleges the following:

**PARTIES**

1. Plaintiff, My Nemesis, LLC is a domestic limited liability company organized and existing under the laws of California that maintains its principal place of business at 334 Santana Row San Jose, CA 95128.

2. Defendant Edan Medical USA, Inc. is a corporation organized and existing under the laws of California that maintains its principal place of business at 4204 Jutland Drive, Suite B, San Diego, CA 92117.

**JURISDICTION**

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

1           4.     This Court has exclusive subject matter jurisdiction under 28 U.S.C.  
2 §§ 1331 and 1338(a).

3           5.     This Court has personal jurisdiction over Edan because it has engaged  
4 in systematic and continuous business activities in the Southern District of  
5 California. Specifically, Edan provides its full range of services to residents in this  
6 District. As described below, Edan has committed acts of patent infringement  
7 giving rise to this action within this District.

8                                 **VENUE**

9           6.     Venue is proper in this District under 28 U.S.C. § 1400(b) because  
10 Edan has committed acts of patent infringement in this District and has a regular  
11 and established place of business in this District. Specifically, Edan provides its  
12 full range of services to residents in this District. In addition, Nemesis has suffered  
13 harm in this district.

14                                 **PATENT-IN-SUIT**

15           7.     Nemesis is the assignee of assignee of all right, title and interest in  
16 United States Patent Nos. 9,107,597 (the “’597 Patent” or the “Patent-in-Suit”),  
17 including all rights to enforce and prosecute actions for infringement and to collect  
18 damages for all relevant times against infringers of the Patent-in-Suit.  
19 Accordingly, Nemesis possesses the exclusive right and standing to prosecute the  
20 present action for infringement of the Patent-in-Suit by Edan.

21                                 **The ’597 Patent**

22           8.     On August 18, 2015, the United States Patent and Trademark Office  
23 issued the ’597 Patent. The ’597 Patent is titled “Apparatus, Device and Method  
24 for Obtaining Electrocardiogram.” The application leading to the ’597 Patent was  
25 filed on April 1, 2013. A true and correct copy of the ’597 Patent is attached hereto  
26 as **Exhibit “A”** and incorporated herein by reference.

27           9.     The ’597 Patent is valid and enforceable.  
28

1           10. The invention in the '597 Patent relates to an apparatus with a device  
2 communicably coupled to two electrodes that may be positioned on the body of a  
3 subject in order to obtain an electrocardiogram with 12 leads or 18 leads. Ex. A at  
4 4:48-54. These two electrodes may obtain signal parameters such as arm leads, left  
5 chest leads, and right chest leads. *Id.* at 6:44-64. These obtained signal parameters  
6 may be detected and collected by the device for processing. *Id.* at 2:54-61. The  
7 electrocardiogram may then be transmitted to a health care provider. *Id.* at 5:1-3.

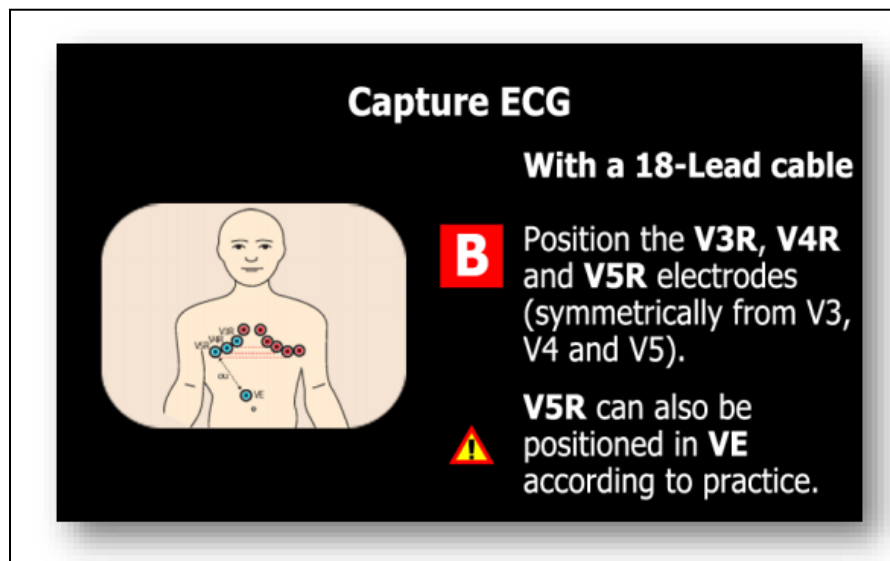
8           11. The inventors recognized that ECG machines were cumbersome and  
9 costly, because they required complicated electrodes. *Id.* at 1:27-30. Further, ECG  
10 machines could be used to treat and diagnose heart conditions in hospitals or  
11 clinics, but could not be used in homes, remote locations, or without extensive  
12 medical knowledge. *Id.* at 1:37-45. By providing a simple and easy to use  
13 apparatus and method for obtaining an electrocardiogram with a reduced number  
14 of electrodes, the apparatus allows users to operate it at home or in remote  
15 locations without needing assistance from a medical professional. *Id.* at 2:37-44.

16                   **COUNT I: INFRINGEMENT OF THE '597 PATENT**

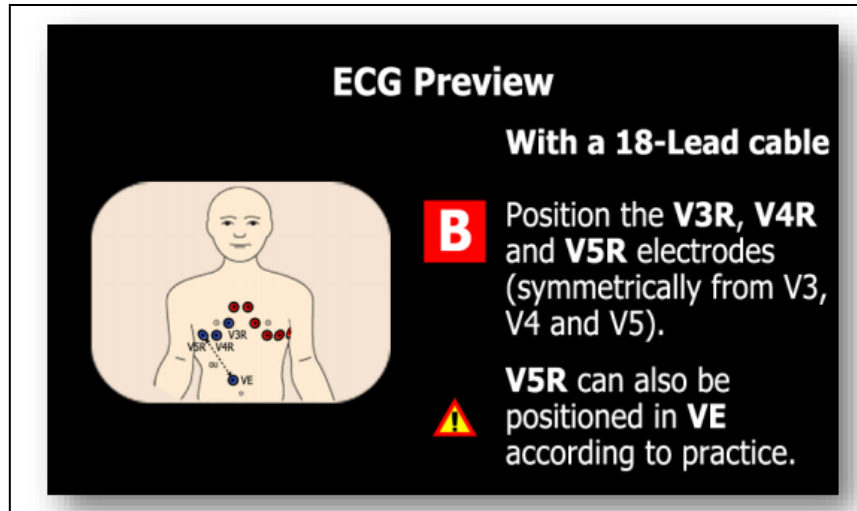
17           12. Nemesis incorporates the above paragraphs herein by reference.

18           13. **Direct Infringement.** Edan has been and continues to directly  
19 infringe at least claim 1 of the '597 Patent in this District and elsewhere in the  
20 United States by providing products, for example, Edan's ECG300G and  
21 Cardialys, that provide a device for performing one of 12 leads and 18 leads  
22 electrocardiogram on a body of a subject.

14. Edan provides a device with an apparatus comprising two electrodes, each of the two electrodes being adjustable on the body to record one or more signal parameters at one or more locations on the body, the one or more electrodes comprising a dynamic reference electrode, the dynamic reference electrode not involved in direct measurement of an electrical dipole, the dynamic reference electrode shifting for each lead measurement. For example, Edan's ECG300G displays two colors, red and green, which indicate the two electrodes, which are adjustable on various positions in the body. See Figure 1. Further, a blue color is used in a preview mode, and is not involved in finding the electrocardiogram. See Figure 2.



*Figure 1. Edan's ECG300G shows the possible locations where the two electrodes can be placed. The colors red and green are used to represent each of the two electrodes.*



*Figure 2. Edan's ECG300G shows the possible locations where the two electrodes can be placed. The colors red and blue are used to represent each of the two electrodes. Specifically, the blue-colored electrode indicates the device is in preview mode.*

15. Edan provides a device capable of being communicably coupled to the electrodes, the device configured to detect and collect the one or more recorded signal parameters for processing thereof and thereby determining one of 12 leads and 18 lead electrocardiogram, wherein the collected recorded signal parameters are further processed to determine correctness thereof prior to transmitting the determined electrocardiogram to a monitoring station. For example, Edan's ECG timestamping feature describes how collected signal parameters are processed prior to transmitting the determined electrocardiogram. Further, Edan's electrodes are connected to a box that can transmit signals to a PC via Bluetooth.

16. Edan provides a device that can be further configured to provide a notification when the recorded signal parameters are determined as incorrect, the notification including a probable reason for incorrect recorded signals. For example, Edan's products determine the location of the electrodes is calculated by analyzing received input from an electrode and wherein the measurement module will display the information to a monitor which identifies the exact location of the electrodes.

19. Nemesis will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

20. Under Rule 38(b) of the Federal Rules of Civil Procedure, Nemesis respectfully requests a trial by jury on all issues so triable.

**WHEREFORE**, Nemesis asks this Court to enter judgment against Edan, granting the following relief:

- COMPLAINT-6

1 participation with them, be preliminarily and permanently enjoined  
2 from infringing the Patent-in-Suit under 35 U.S.C. § 283;

3 D. An award of damages, including trebling of all damages, sufficient to  
4 remedy Edan's willful infringement of the Patent-in-Suit under 35  
5 U.S.C. § 284;

6 E. A declaration that this case is exceptional, and an award to Nemesis of  
7 reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;

8 F. An award of prejudgment and post-judgment interest; and

9 G. Such other relief as this Court or jury may deem proper and just.

10  
11 **DATED** on March 27, 2018

12  
13 Respectfully submitted,

14 WATSON LLP

15  
16 */s/ Coleman Watson*

17 **Coleman W. Watson, Esq.,**

18 California Bar No. 266015

19 Florida Bar. No. 0087288

20 Georgia Bar No. 317133

21 New York Bar Reg. No. 4850004

22 Email: [coleman@watsonllp.com](mailto:coleman@watsonllp.com)  
23 [docketing@watsonllp.com](mailto:docketing@watsonllp.com)

24 **WATSON LLP**

25 601 S. Figueroa Street, Suite 4050

26 Los Angeles, CA 90017

27 Telephone: 213.228.3233

28 Facsimile: 213.330.4222

*Attorneys for Plaintiff,*

*My Nemesis, LLC*