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16

17 **UNITED STATES COURT  
NORTHERN DISTRICT OF CALIFORNIA**

18  
19 **KARL STORZ ENDOSCOPY-AMERICA,  
INC.**

20 Plaintiff,

21 v.

22 **STRYKER CORPORATION AND  
23 STRYKER COMMUNICATIONS, INC.,**

24 Defendants.  
25  
26  
27  
28

**Case No. 5:18-cv-06153**

**FIRST AMENDED COMPLAINT FOR  
PATENT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**



1 Texas 75028. Upon information and belief, Defendant Stryker Communications, Inc. is a  
2 wholly-owned subsidiary of Defendant Stryker Corporation.

3 **JURISDICTION AND VENUE**

4 7. This Court has federal question jurisdiction pursuant to 28 U.S.C. §§ 1331 and  
5 1338 because this is a civil action arising under the Patent Act.

6 8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and/or 1400(b)  
7 because a substantial part of the events giving rise to KSEA's claims occurred in this District  
8 and because Stryker is subject to personal jurisdiction in this District. Furthermore, Stryker has  
9 committed acts of infringement in this District and has a regular and established place of  
10 business in this District.

11 9. This Court has personal jurisdiction over Stryker because it systematically  
12 transacts and does business in this District by, *inter alia*, having designed, having manufactured,  
13 having offered for sale, having sold, continuing to design, continuing to manufacture,  
14 continuing to offer for sale, and/or continuing to sell infringing products and/or services,  
15 including but not limited to its 1588 AIM (Advanced Imaging Modality) Video Camera  
16 ("1588 Camera System"), SwitchPoint Infinity 3 ("SPI3") and Stryker Digital Capture 3  
17 ("SDC3") System ("SPI3/SDC3 System"), and SDC3 with Connected OR Operating System  
18 and iSuite AV Router System ("SDC3/Connected OR System"), and their related products,  
19 services, and components (collectively, "Accused Products"), in this District.

20 10. This Court has personal jurisdiction over Stryker because Stryker has a regular  
21 and established place of business in this District, including Stryker Corporation's  
22 unincorporated division, Stryker Endoscopy, located at 5900 Optical Court, San Jose, California  
23 95138. Stryker has been doing business in this District, and has been and is designing, making,  
24 advertising, distributing, offering for sale, and selling products that infringe KSEA's patent  
25 rights to persons located within this District.

26 11. This Court has personal jurisdiction over Stryker because Stryker markets its  
27 products through physical sales and its operation of an interactive website, available at  
28

1 www.stryker.com. Stryker’s website is publicly accessible to consumers throughout the United  
2 States, in California, and in this District. Stryker attends tradeshows in California and sells its  
3 products to consumers in California, including the infringing products at issue in this litigation.

4 12. This Court has personal jurisdiction over Stryker because Stryker has consented  
5 to jurisdiction in this District in an ongoing patent infringement action between the parties. *See*  
6 *Karl Storz Endoscopy-America, Inc. v. Stryker Corp. and Stryker Communications, Inc.*, Case  
7 No. 3:14-cv-00876-RS (“*KSEA v. Stryker I*”). *KSEA v. Stryker II* involves two of the same  
8 patents-at-issue in this Action.

9 13. This Court has personal jurisdiction over Stryker because, *inter alia*, Stryker: (1)  
10 transacts business within this District; (2) contracts to supply goods or services in this District;  
11 (3) manufactures Accused Products in this District; (4) committed tortious acts within this  
12 District; (5) has committed tortious acts causing injury to KSEA within this District; (6)  
13 regularly does or solicits business, or engages in other persistent course of conduct, or derives  
14 substantial revenue from goods used or consumed or services rendered, in this District; (7)  
15 expects or should reasonably expect its acts to have consequences in this District and derives  
16 substantial revenue from interstate or international commerce; (8) has systematic and continuous  
17 contacts with this District; (9) continues to transact and do business in this District; (10) has  
18 websites and social media accounts that are accessible in this District; and (11) has a place of  
19 business in this District.

#### 20 **INTRADISTRICT ASSIGNMENT**

21 14. Assignment on a district-wide basis is proper pursuant to the District’s  
22 assignment plan and Civil Local Rule 3-2(c) because this is an intellectual property action.

#### 23 **FACTUAL BACKGROUND**

24 15. KSEA brings this action to cease Stryker’s continued willful infringement of  
25 KSEA’s patented technology that spans over a decade.

26 16. On November 2, 2007, KSEA sued Stryker for its infringement of three patents  
27 related to integrated operating room systems. *See Karl Storz Endoscopy-America, Inc. v.*  
28



1 an imager, for generating an analog stream of video data;  
2 a timing generator, generating a timing signal particular to said camera head,  
the timing signal actuating said imager and sent to said camera control unit;  
3 a converter, for converting the analog stream of video data into the stream of  
digital video data;  
4 a serializer, for serializing the stream of digital video data for transmission  
5 over said cable;  
6 at least one digital serial driver;  
7 a processor; and  
8 a memory device, accessible by said processor, containing camera head  
information;  
9 said camera control unit having at least one digital serial receiver and is  
controlled based at least in part upon said timing signal particular to said  
10 camera head.

11 21. Stryker has been on notice of the '310 patent since at least June 15, 2011. Since  
12 becoming aware of the '310 patent, Stryker has continued to develop, make, use, sell, and offer  
13 to sell the infringing 1588 Camera System, thereby willfully and knowingly infringing the  
14 '310 patent.

15 22. KSEA is the owner of the entire right, title and interest in and to the '821 patent,  
16 entitled "System and Method for the Central Control of Devices Used During an Operation,"  
17 which was duly and legally issued by the United States Patent and Trademark Office on May  
18 14, 2013. A copy of the patent is attached as Exhibit B.

19 23. Representative claim 1 of the '821 patent reads:

- 20 1. A system for controlling medical devices, comprising:  
21 a first controller;  
22 at least one medical device having safety-related functions controlled by said first  
controller;  
23 a second controller in communication with said first controller;  
24 at least one device having non-safety-related functions controlled by said second  
controller;  
25 wherein said second controller can only control devices that do not have safety-  
related functions;  
26 a touch panel that communicates a control command associated with said at least  
27 one medical device having safety-related functions and a control command  
28

1 associated with said at least one device having non-safety related functions to  
2 said second controller;

3 wherein said second controller controls said at least one device having non-  
4 safety-related functions based on the control command associated therewith  
5 received from said touch panel; and

6 wherein said second controller communicates the control command associated  
7 with said at least one medical device having safety related functions received  
8 from said touch panel to said first controller.

9  
10 24. Stryker has been on notice of the '821 patent since at least June 27, 2014. Since  
11 becoming aware of the '821 patent, Stryker has continued to develop, make, use, sell, and offer  
12 to sell the infringing SPI3/SDC3 System and SDC3/Connected OR System, thereby willfully  
13 and knowingly infringing the '821 patent.

14 25. KSEA is the owner of the entire right, title and interest in and to United States  
15 Patent No. 9,417,614 ("the '614 patent"), entitled "System For the Central Control of Devices  
16 Used During an Operation," which was duly and legally issued by the United States Patent and  
17 Trademark Office on August 16, 2016. A copy of the patent is attached as Exhibit C.

18 26. Representative claim 1 of the '614 patent reads:

19 1. A system for controlling medical devices, comprising:

20 a first network including a first controller and at least one medical device  
21 connected to said first controller by a first bus;

22 a first input device from which said first controller receives a control command  
23 associated with said at least one medical device;

24 a second network including a second controller and at least one additional device  
25 connected to said second controller by a second bus different than said first bus;  
26 and

27 a second input device from which said second controller receives a control  
28 command associated with said at least one additional device;

wherein said first controller controls said at least one medical device based on the  
control commands received from said first input device;

wherein said second controller controls said at least one additional device based  
on the control commands received from said second input device;

wherein said first controller is connected to said second controller; and

wherein said second controller communicates control commands for said at least  
one medical device received from said second input device to said first  
controller to control said at least one medical device.







**The Infringing SPI3/SDC3 System**

34. Upon information and belief, Stryker’s SPI3 product can be connected to and communicate with its SDC3 product, which is referred to herein as the SPI3/SDC3 System.

35. Upon information and belief, the SPI3/SDC3 System includes, but is not limited to, several features that: provide a central point of control and integration of ancillary equipment, audio, video, and data routing, as well as teleconferencing for medical personnel; capture digital images and video during surgical procedures; and control electronic devices used in the operating room, such as medical cameras, insufflators, light sources, and pumps. (See e.g., Ex. G, p. 7; Ex. H, p. 6.)

36. Upon information and belief, Stryker has sold and offered for sale, and continues to sell and offer for sale the SPI3/SDC3 System to KSEA’s past and potential customers.

37. Upon information and belief, the SPI3/SDC3 System and related products are manufactured by Stryker.

1 **The Infringing SDC3/Connected OR System**

2 38. Upon information and belief, Stryker’s Connected OR product is a software  
3 package for SDC3, and SDC3 with Connected OR can be connected to and communicate  
4 with Stryker’s iSuite AV Router product, which is referred to herein as the SDC3/Connected  
5 OR System.

6 39. Upon information and belief, the SDC3/Connected OR System provides  
7 several features that include, but are not limited to: capturing digital images and video during  
8 surgical procedures; controlling electronic devices used in the operating room, such as  
9 medical cameras, insufflators, light sources, and pumps; and providing a graphical user  
10 interface that unifies workflows for digital capture, documentation, routing, OR  
11 communication, and device control. (*See e.g.*, Ex. H, p. 6; Ex. I, p. 8.)

12 40. Upon information and belief, Stryker has sold and offered for sale, and  
13 continues to sell and offer for sale the SDC3/Connected OR System to KSEA’s past and  
14 potential customers.

15 41. Upon information and belief, the SDC3/Connected OR System and related  
16 products are manufactured by Stryker.

17 42. Upon information and belief, a picture of a SDC3/Connected OR System is  
18 shown below and available at  
19 [https://www.stryker.com/us/en/communications/products/connected-or-operating-  
21 system.html](https://www.stryker.com/us/en/communications/products/connected-or-operating-<br/>20 system.html).



**COUNT I: INFRINGEMENT OF THE '310 PATENT  
BY STRYKER WITH ITS 1588 CAMERA SYSTEM**

43. KSEA repeats and re-alleges each and every allegation in the foregoing paragraphs as if fully restated herein.

44. Upon information and belief, Stryker has been and still is directly infringing at least claims 1-8, 15-26 of the '310 patent under 35 U.S.C. § 271(a) by making, using, selling, offering for sale, and/or importing the 1588 Camera System without the authorization of KSEA.

45. Upon information and belief, the 1588 Camera System infringes the '310 patent under the doctrine of equivalents at least because the differences, if any, between the features of the 1588 Camera System and the limitations of at least claims 1-8, 15-26 of the '310 patent are insubstantial and because the features of the 1588 Camera System have substantially the same function, and operate in substantially the same way to achieve the same result as the limitations of at least claims 1-8, 15-26 of the '310 patent.

46. Upon information and belief, Stryker has been and still is inducing others to infringe at least claims 1-8, 15-26 of the '310 patent under 35 U.S.C. § 271(b) by its sale, promotion, and/or instruction for use of the 1588 Camera System.

1           47. Upon information and belief, Stryker has purposefully and voluntarily placed  
2 the 1588 Camera System in the stream of commerce with the expectation that it will be  
3 purchased by end users in this District and elsewhere in the United States.

4           48. Upon information and belief, Stryker's sale, promotion, and/or instruction for  
5 use of the 1588 Camera System have been and are made with the specific intent that the 1588  
6 Camera System be used to infringe the '310 patent.

7           49. Upon information and belief, Stryker is jointly and severally liable with end-  
8 users who use Stryker's 1588 Camera System to infringe the '310 patent.

9           50. Upon information and belief, Stryker has not indemnified end-users for their  
10 infringement.

11           51. Upon information and belief, Stryker has been and still is contributing to the  
12 infringement of at least claims 1-8, 15-26 of the '310 patent by others under 35 U.S.C. §  
13 271(c) by its sale of the 1588 Camera System.

14           52. Upon information and belief, the 1588 Camera System is material to practicing  
15 the invention of the '310 patent, has no substantial non-infringing uses, and is known to  
16 Stryker to be especially made or especially adapted for use in infringing the '310 patent.

17           53. These allegations are based on KSEA's current understanding of Stryker's  
18 1588 Camera System and KSEA reserves the right to amend them as more information  
19 becomes available.

20           54. In *KSEA v. Stryker II*, KSEA alleged that the claimed "imager" is met by the  
21 pixel array of the CMOS chip in the 1488 Camera Head. KSEA alleges that Stryker's 1588  
22 Camera System infringes the '310 patent at least for these same reasons.

23           55. Regarding representative claim 1 of the '310 patent, upon information and belief,  
24 the 1588 Camera System is a video imaging system. (*See e.g.*, Ex. D, p. 5.) Upon information  
25 and belief, the 1588 Camera System comprises a camera control unit processing a continuous  
26 stream of digital video data. (*See e.g.*, Ex. D, p. 5, 7-8.) Upon information and belief, the 1588  
27 Camera System comprises a cable, connected to said camera control unit, for transmitting the  
28

1 stream of digital video data to said camera control unit. (*See e.g.*, Ex. D, p. 5, 7-9.) Upon  
2 information and belief, the 1588 Camera System comprises a camera head, connected to said  
3 cable, for providing the stream of digital video data. (*See e.g.*, Ex. D, p. 5, 7-9.) Upon  
4 information and belief, said camera head includes: an imager, for generating an analog stream of  
5 video data (*see e.g.*, Ex. D, p. 9, 49; Ex. F); a timing generator, generating a timing signal  
6 particular to said camera head, the timing signal actuating said imager and sent to said camera  
7 control unit (*see e.g.*, Ex. D, p. 9, 49; Ex. F (upon information and belief, a timing generator is  
8 in the same chip as the imager and/or processor)); a converter for converting the analog stream  
9 of video data into the stream of digital video data (*see e.g.*, Ex. D, p. 9, 49; Ex. F (upon  
10 information and belief, a converter is in the same chip as the imager and/or processor)); a  
11 serializer for serializing the stream of digital video data for transmission over said cable (*see*  
12 *e.g.*, Ex. D, p. 9, 49; Ex. F (upon information and belief, a serializer is in the same chip as the  
13 imager and/or processor)); at least one digital serial driver (*see e.g.*, Ex. F (upon information and  
14 belief, at least one digital serial driver is in the same chip as the imager and/or processor)); a  
15 processor (*see e.g.*, Ex. F); and a memory device, accessible by said processor, containing  
16 camera head information (*see e.g.*, Ex. F). Upon information and belief, said camera control unit  
17 has at least one digital serial receiver and is controlled based at least in part upon said timing  
18 signal particular to said camera head. (*See e.g.*, Ex. D, p. 7-8.)

19 56. Stryker's infringement continues in willful disregard of KSEA's rights.

20 57. KSEA has suffered and continues to suffer damage from loss of sales and  
21 customers by Stryker's infringement of the '310 patent, and claims all damages to which it is  
22 entitled, including but not limited to lost sales and profits and reasonable royalties.

23 58. The harm to KSEA resulting from the infringing acts of Stryker is irreparable,  
24 continuing, not fully compensable by money damages, and will continue unless permanently  
25 enjoined by this Court.

26 **COUNT II: INFRINGEMENT OF THE '821 PATENT**  
27 **BY STRYKER WITH ITS SPI3/SDC3 SYSTEM**

1           59. KSEA repeats and re-alleges each and every allegation in the foregoing  
2 paragraphs as if fully restated herein.

3           60. Upon information and belief, Stryker has been and still is directly infringing at  
4 least claims 1-11 of the '821 patent under 35 U.S.C. § 271(a) by making, using, selling,  
5 offering for sale, and/or importing the SPI3/SDC3 System along with products for  
6 communicating therewith without the authorization of KSEA.

7           61. Upon information and belief, the SPI3/SDC3 System infringes the '821 patent  
8 under the doctrine of equivalents at least because the differences, if any, between the features  
9 of the SPI3/SDC3 System and the limitations of at least claims 1-11 of the '821 patent are  
10 insubstantial and because the features of the SPI3/SDC3 System have substantially the same  
11 function, and operate in substantially the same way to achieve the same result as the  
12 limitations of at least claims 1-11 of the '821 patent.

13           62. Upon information and belief, Stryker has been and still is inducing others to  
14 infringe at least claims 1-11 of the '821 patent under 35 U.S.C. § 271(b) by its sale,  
15 promotion, and/or instruction for use of the SPI3/SDC3 System.

16           63. Upon information and belief, Stryker has purposefully and voluntarily placed the  
17 SPI3/SDC3 System in the stream of commerce with the expectation that it will be purchased by  
18 end users in this District and elsewhere in the United States.

19           64. Upon information and belief, Stryker's sale, promotion, and/or instruction for  
20 use of the SPI3/SDC3 System have been made with the specific intent that the SPI3/SDC3  
21 System be used to infringe the '821 patent.

22           65. Upon information and belief, Stryker is jointly and severally liable with end-  
23 users who use Stryker's SPI3/SDC3 System to infringe the '821 patent.

24           66. Upon information and belief, Stryker has not indemnified end-users for their  
25 infringement.

1           67.    Upon information and belief, Stryker has been and still is contributing to the  
2 infringement of at least claims 1-11 of the '821 patent by others under 35 U.S.C. § 271(c) by  
3 its sale of the SPI3/SDC3 System.

4           68.    Upon information and belief, the SPI3/SDC3 System is material to practicing  
5 the invention of the '821 patent, has no substantial non-infringing uses, and is known to  
6 Stryker to be especially made or especially adapted for use in infringing the '821 patent.

7           69.    These allegations are based on KSEA's current understanding of Stryker's  
8 SPI3/SDC3 System and KSEA reserves the right to amend them as more information  
9 becomes available.

10           70.    Regarding representative claim 1 of the '821 patent, upon information and belief,  
11 the SPI3/SDC3 System is a system for controlling medical devices. (*See e.g.*, Ex. G, p. 7; Ex. H,  
12 p. 6.) Upon information and belief, the SPI3/SDC3 system comprises a first controller, which is  
13 the SDC3 product. (*See e.g.*, Ex. H, p. 6.) Upon information and belief, the SPI3/SDC3 system  
14 comprises at least one medical device having safety-related functions controlled by said first  
15 controller (SDC3). (*See e.g.*, Ex. G, p. 57; Ex. H, p. 6, 19-20, 22.) Upon information and belief,  
16 the SPI3/SDC3 system comprises a second controller, which is the SPI3 product, in  
17 communication with said first controller (SDC3). (*See e.g.*, Ex. G, p. 16, 57.) Upon information  
18 and belief, the SPI3/SDC3 system comprises at least one device having non-safety-related  
19 functions controlled by said second controller (SPI3). (*See e.g.*, Ex. G, p. 7, 15, 21, 57-68.)  
20 Upon information and belief, said second controller (SPI3) can only control devices that do not  
21 have safety-related functions. (*See e.g.*, Ex. G, p. 7, 15, 21, 57-68.) Upon information and belief,  
22 the SPI3/SDC3 system comprises a touch panel that communicates a control command  
23 associated with said at least one medical device having safety-related functions and a control  
24 command associated with said at least one device having non-safety related functions to said  
25 second controller (SPI3). (*See e.g.*, Ex. G, p. 17-18, 57-68; Ex. H, p. 21.) Upon information and  
26 belief, said second controller (SPI3) controls said at least one device having non-safety-related  
27 functions based on the control command associated therewith received from said touch panel.  
28

1 (See e.g., Ex. G, p. 15, 17-18, 21, 57.) Upon information and belief, said second controller  
2 (SPI3) communicates the control command associated with said at least one medical device  
3 having safety related functions received from said touch panel to said first controller (SDC3).  
4 (See e.g., Ex. G, p. 16-18, 57; Ex. H, p. 21.)

5 71. Stryker's infringement continues in willful disregard of KSEA's rights.

6 72. KSEA suffered and continues to suffer damage by loss of sales and customers  
7 by Stryker's infringement of the '821 patent, and claims all damages to which it is entitled,  
8 including but not limited to lost sales and profits and reasonable royalties.

9 73. The harm to KSEA resulting from the infringing acts of Stryker is irreparable,  
10 continuing, not fully compensable by money damages, and will continue unless permanently  
11 enjoined by this Court.

12 **COUNT III: INFRINGEMENT OF THE '614 PATENT**  
13 **BY STRYKER WITH ITS SPI3/SDC3 SYSTEM**

14 74. KSEA repeats and re-alleges each and every allegation in the foregoing  
15 paragraphs as if fully restated herein.

16 75. Upon information and belief, Stryker has been and still is directly infringing at  
17 least claims 1-13, 15-16 of the '614 patent under 35 U.S.C. § 271(a) by making, using,  
18 selling, offering for sale, and/or importing the SPI3/SDC3 System along with products for  
19 communicating therewith without the authorization of KSEA.

20 76. Upon information and belief, the SPI3/SDC3 System infringes the '614 patent  
21 under the doctrine of equivalents at least because the differences, if any, between the features  
22 of the SPI3/SDC3 System and the limitations of at least claims 1-13, 15-16 of the '614 patent  
23 are insubstantial and because the features of the SPI3/SDC3 System have substantially the  
24 same function, and operate in substantially the same way to achieve the same result as the  
25 limitations of at least claims 1-13, 15-16 of the '614 patent.  
26  
27  
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1           77. Upon information and belief, Stryker has and is still inducing others to infringe  
2 at least claims 1-13, 15-16 of the '614 patent under 35 U.S.C. § 271(b) by its sale, promotion,  
3 and/or instruction for use of the SPI3/SDC3 System.

4           78. Upon information and belief, Stryker has purposefully and voluntarily placed  
5 the SPI3/SDC3 System in the stream of commerce with the expectation that it will be  
6 purchased by end users in this District and elsewhere in the United States.

7           79. Upon information and belief, Stryker's sale, promotion, and/or instruction for  
8 use of the SPI3/SDC3 System have been made with the specific intent that the SPI3/SDC3  
9 System be used to infringe the '614 patent.

10           80. Upon information and belief, Stryker is jointly and severally liable with end-  
11 users who use Stryker's SPI3/SDC3 System to infringe the '614 patent.

12           81. Upon information and belief, Stryker has not indemnified end-users for their  
13 infringement.

14           82. Upon information and belief, Stryker has been and still is contributing to the  
15 infringement of at least claims 1-13, 15-16 of the '614 patent by others under 35 U.S.C. §  
16 271(c) by its sale of the SPI3/SDC3 System.

17           83. Upon information and belief, the SPI3/SDC3 System is material to practicing  
18 the invention of the '614 patent, has no substantial non-infringing uses, and is known to  
19 Stryker to be especially made or especially adapted for use in infringing the '614 patent.

20           84. These allegations are based on KSEA's current understanding of Stryker's  
21 SPI3/SDC3 System and KSEA reserves the right to amend them as more information  
22 becomes available.

23           85. Regarding representative claim 1 of the '614 patent, upon information and belief,  
24 the SPI3/SDC3 System is a system for controlling medical devices. (*See e.g.*, Ex. G, p. 7; Ex. H,  
25 p. 6.) Upon information and belief, the SPI3/SDC3 System comprises a first network including  
26 a first controller, which is the SDC3 product, and at least one medical device connected to said  
27 first controller (SDC3) by a first bus. (*See e.g.*, Ex. G, p. 57; Ex. H, p. 6, 19-22.) Upon  
28

1 information and belief, the SPI3/SDC3 System comprises a first input device from which said  
2 first controller (SDC3) receives a control command associated with said at least one medical  
3 device. (*See e.g.*, Ex. H, p. 19-47.) Upon information and belief, the SPI3/SDC3 System  
4 comprises a second network including a second controller, which is the SPI3 product, and at  
5 least one additional device connected to said second controller (SPI3) by a second bus different  
6 than said first bus. (*See e.g.*, Ex. G, p. 7, 15, 57-68.) Upon information and belief, the  
7 SPI3/SDC3 System comprises a second input device from which said second controller (SPI3)  
8 receives a control command associated with said at least one additional device. (*See e.g.*, Ex. G,  
9 p. 17-18, 57-68.) Upon information and belief, said first controller (SDC3) controls said at least  
10 one medical device based on the control commands received from said first input device. (*See*  
11 *e.g.*, Ex. H, p. 19-47.) Upon information and belief, said second controller (SPI3) controls said  
12 at least one additional device based on the control commands received from said second input  
13 device. (*See e.g.*, Ex. G, p. 17-18, 57-68.) Upon information and belief, said first controller  
14 (SDC3) is connected to said second controller (SPI3). (*See e.g.*, Ex. G, p. 16, 57; Ex. H, p. 21.)  
15 Upon information and belief, said second controller (SPI3) communicates control commands  
16 for said at least one medical device received from said second input device to said first  
17 controller (SDC3) to control said at least one medical device. (*See e.g.*, Ex. G, p. 16-18, 57; Ex.  
18 H, p. 19-22.)

19 86. Stryker's infringement continues in willful disregard of KSEA's rights.

20 87. KSEA suffered and continues to suffer damage by loss of sales and customers  
21 by Stryker's infringement of the '614 patent, and claims all damages to which it is entitled,  
22 including but not limited to lost sales and profits and reasonable royalties.

23 88. The harm to KSEA resulting from the infringing acts of Stryker is irreparable,  
24 continuing, not fully compensable by money damages, and will continue unless permanently  
25 enjoined by this Court.

26 **COUNT IV: INFRINGEMENT OF THE '821 PATENT**  
27 **BY STRYKER WITH ITS SDC3/CONNECTED OR SYSTEM**

1           89.    KSEA repeats and re-alleges each and every allegation in the foregoing  
2 paragraphs as if fully restated herein.

3           90.    Upon information and belief, Stryker has been and still are directly infringing  
4 at least claims 1-11 of the '821 patent under 35 U.S.C. § 271(a) by making, using, selling,  
5 offering for sale, and/or importing the SDC3/Connected OR System along with products for  
6 communicating therewith without the authorization of KSEA.

7           91.    Upon information and belief, the SDC3/Connected OR System infringes the  
8 '821 patent under the doctrine of equivalents at least because the differences, if any, between  
9 the features of the SDC3/Connected OR System and the limitations of at least claims 1-11 of  
10 the '821 patent are insubstantial and because the features of the SDC3/Connected OR System  
11 have substantially the same function, and operate in substantially the same way to achieve  
12 the same result as the limitations of at least claims 1-11 of the '821 patent.

13           92.    Upon information and belief, Stryker has been and is still inducing others to  
14 infringe at least claims 1-11 of the '821 patent under 35 U.S.C. § 271(b) by its sale,  
15 promotion, and/or instruction for use of the SDC3/Connected OR System.

16           93.    Upon information and belief, Stryker has purposefully and voluntarily placed  
17 the SDC3/Connected OR System in the stream of commerce with the expectation that it will  
18 be purchased by end users in this District and elsewhere in the United States.

19           94.    Upon information and belief, Stryker's sale, promotion, and/or instruction for  
20 use of the SDC3/Connected OR System have been and are made with the specific intent that  
21 SDC3/Connected OR System be used to infringe the '821 patent.

22           95.    Upon information and belief, Stryker is jointly and severally liable with end-  
23 users who use Stryker's SDC3/Connected OR System to infringe the '821 patent.

24           96.    Upon information and belief, Stryker has not indemnified end-users for their  
25 infringement.

1           97. Upon information and belief, Stryker has been and still is contributing to the  
2 infringement of at least claims 1-11 of the '821 patent by others under 35 U.S.C. § 271(c) by  
3 its sale of the SDC3/Connected OR System.

4           98. Upon information and belief, the SDC3/Connected OR System is material to  
5 practicing the invention of the '821 patent, has no substantial non-infringing uses, and is  
6 known to Stryker to be especially made or especially adapted for use in infringing the '821  
7 patent.

8           99. These allegations are based on KSEA's current understanding of Stryker's  
9 SDC3/Connected OR System and KSEA reserves the right to amend them as more  
10 information becomes available.

11           100. Regarding representative claim 1 of the '821 patent, upon information and belief,  
12 the SDC3/Connected OR System is a system for controlling medical devices. (*See e.g.*, Ex. H, p.  
13 6; Ex. I, p. 8.) Upon information and belief, the SDC3/Connected OR System comprises a first  
14 controller, which is the SDC3 product. (*See e.g.*, Ex. H, p. 6.) Upon information and belief, the  
15 SDC3/Connected OR System comprises at least one medical device having safety-related  
16 functions controlled by said first controller (SDC3). (*See e.g.*, Ex. H, p. 6, 19-20, 22; Ex. I, 19-  
17 20.) Upon information and belief, the SDC3/Connected OR System comprises a second  
18 controller, which is the Connected OR and the iSuite AV Router, in communication with said  
19 first controller (SDC3). (*See e.g.*, Ex. I, p. 8, 16.) Upon information and belief, the  
20 SDC3/Connected OR System comprises at least one device having non-safety-related functions  
21 controlled by said second controller (Connected OR and iSuite AV Router). (*See e.g.*, Ex. I, p.  
22 8, 16, 20-21.) Upon information and belief, said second controller (Connected OR and iSuite  
23 AV Router) can only control devices that do not have safety-related functions. (*See e.g.*, Ex. I, p.  
24 8, 16, 20-21.) Upon information and belief, the SDC3/Connected OR System comprises a touch  
25 panel that communicates a control command associated with said at least one medical device  
26 having safety-related functions and a control command associated with said at least one device  
27 having non-safety related functions to said second controller (Connected OR and iSuite AV  
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1 Router). (*See e.g.*, Ex. I, p. 8, 19-21.) Upon information and belief, said second controller  
2 (Connected OR and iSuite AV Router) controls said at least one device having non-safety-  
3 related functions based on the control command associated therewith received from said touch  
4 panel. (*See e.g.*, Ex. I, p. 8, 16, 20-21.) Upon information and belief, said second controller  
5 (Connected OR and iSuite AV Router) communicates the control command associated with said  
6 at least one medical device having safety related functions received from said touch panel to  
7 said first controller (SCD3). (*See e.g.*, Ex. H, p. 6, 19-20, 22; Ex. I, p. 8, 16, 19-20.)

8 101. Stryker's infringement continues in willful disregard of KSEA's rights.

9 102. KSEA suffered and continues to suffer damage by loss of sales and customers  
10 by Stryker's infringement of the '821 patent, and claims all damages to which it is entitled,  
11 including but not limited to lost sales and profits and reasonable royalties.

12 103. The harm to KSEA resulting from the infringing acts of Stryker is irreparable,  
13 continuing, not fully compensable by money damages, and will continue unless permanently  
14 enjoined by this Court.

15 **COUNT V: INFRINGEMENT OF THE '614 PATENT**  
16 **BY STRYKER WITH ITS SDC3/CONNECTED OR SYSTEM**

17 104. KSEA repeats and re-alleges each and every allegation in the foregoing  
18 paragraphs as if fully restated herein.

19 105. Upon information and belief, Stryker has been and still are directly infringing  
20 at least claims 1-13, 15-16 of the '614 patent under 35 U.S.C. § 271(a) by making, using,  
21 selling, offering for sale, and/or importing the SDC3/Connected OR System along with  
22 products for communicating therewith without the authorization of KSEA.

23 106. Upon information and belief, the SDC3/Connected OR System infringes the  
24 '614 patent under the doctrine of equivalents at least because the differences, if any, between  
25 the features of the SDC3/Connected OR System and the limitations of at least claims 1-13,  
26 15-16 of the '614 patent are insubstantial and because the features of the SDC3/Connected  
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1 OR System have substantially the same function, and operate in substantially the same way  
2 to achieve the same result as the limitations of at least claims 1-13, 15-16 of the '614 patent.

3 107. Upon information and belief, Stryker has been and is still inducing others to  
4 infringe at least claims 1-13, 15-16 of the '614 patent under 35 U.S.C. § 271(b) by its sale,  
5 promotion, and/or instruction for use of the SDC3/Connected OR System.

6 108. Upon information and belief, Stryker has purposefully and voluntarily placed  
7 the SDC3/Connected OR in the stream of commerce with the expectation that it will be  
8 purchased by end users in this District and elsewhere in the United States.

9 109. Upon information and belief, Stryker's sales, promotion, and/or instruction for  
10 use of the SDC3/Connected OR System have been made with the specific intent that the  
11 SDC3/Connected OR System be used to infringe the '614 patent.

12 110. Upon information and belief, Stryker is jointly and severally liable with end-  
13 users who use Stryker's SDC3/Connected OR System to infringe the '614 patent.

14 111. Upon information and belief, Stryker has not indemnified end-users for their  
15 infringement.

16 112. Upon information and belief, Stryker has been and still is contributing to the  
17 infringement of at least claims 1-13, 15-16 of the '614 patent by others under 35 U.S.C. §  
18 271(c) by its sale of the SDC3/Connected OR System.

19 113. Upon information and belief, the SDC3/Connected OR System is material to  
20 practicing the invention of the '614 patent, has no substantial non-infringing uses, and is  
21 known to Stryker to be especially made or especially adapted for use in infringing the '614  
22 patent.

23 114. These allegations are based on KSEA's current understanding of Stryker's  
24 SDC3/Connected OR System and KSEA reserves the right to amend them as more  
25 information becomes available.

26 115. Regarding representative claim 1 of the '614 patent, upon information and belief,  
27 the SDC3/Connected OR System is a system for controlling medical devices. (*See e.g.*, Ex. H, p.  
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1 6; Ex. I, p. 8.) Upon information and belief, the SDC3/Connected OR System comprises a first  
2 network including a first controller, which is the SDC3 product, and at least one medical device  
3 connected to said first controller (SDC3) by a first bus. (*See e.g.*, Ex. H, p. 6, 19-20, 22; Ex. I, p.  
4 19-20.) Upon information and belief, the SDC3/Connected OR System comprises a first input  
5 device from which said first controller (SDC3) receives a control command associated with said  
6 at least one medical device. (*See e.g.*, Ex. H, p. 19-47.) Upon information and belief, the  
7 SDC3/Connected OR System comprises a second network including a second controller, which  
8 is the Connected OR and iSuite AV Router, and at least one additional device connected to said  
9 second controller (Connected OR and iSuite AV Router) by a second bus different than said first  
10 bus. (*See e.g.*, Ex. I, p. 8, 16, 20-21.) Upon information and belief, the SDC3/Connected OR  
11 System comprises a second input device from which said second controller (Connected OR and  
12 iSuite AV Router) receives a control command associated with said at least one additional  
13 device. (*See e.g.*, Ex. I, p. 8, 19-21.) Upon information and belief, said first controller (SDC3)  
14 controls said at least one medical device based on the control commands received from said first  
15 input device. (*See e.g.*, Ex. H, p. 19-47.) Upon information and belief, said second controller  
16 (Connected OR and iSuite AV Router) controls said at least one additional device based on the  
17 control commands received from said second input device. (*See e.g.*, Ex. I, p. 8, 19-21.) Upon  
18 information and belief, said first controller (SDC3) is connected to said second controller  
19 (Connected OR and iSuite AV Router). (*See e.g.*, Ex. I, p. 8, 16.) Upon information and belief,  
20 said second controller (Connected OR and iSuite AV Router) communicates control commands  
21 for said at least one medical device received from said second input device to said first  
22 controller (SDC3) to control said at least one medical device. (*See e.g.*, Ex. I, p. 8, 16, 19-20.)

23 116. Stryker's infringement continues in willful disregard of KSEA's rights.

24 117. KSEA suffered and continues to suffer damage by loss of sales and customers  
25 by Stryker's infringement of the '614 patent, and claims all damages to which it is entitled to,  
26 including but not limited to lost sales and profits and reasonable royalties.





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