

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

DoseLogix, LLC,

Plaintiff,

v.

Reflex Medical Corp.,

Defendant.

No. \_\_\_\_\_

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

Plaintiff DoseLogix, LLC (“DoseLogix”) files this Complaint against Defendant Reflex Medical Corp. (“Reflex”) and alleges the following:

**NATURE OF SUIT**

1. This is an action for damages and equitable relief arising under the patent laws of the United States, Title 35, United States Code, including in particular, Sections 271, 281, 283, 284, and 285, as a result of Reflex’s acts of infringement of U.S. Patent No. 10,435,226 (the “’226 Patent”).

**THE PARTIES**

2. DoseLogix is a corporation organized and existing under the laws of the State of Georgia. DoseLogix has a principle place of business at 300 Parkbrooke Place, Suite 140, Woodstock, GA, 30189. DoseLogix is in the business of manufacturing and selling medical dosing applicators and dispensers (and related products), including, but not limited to, the DoseLogix Topi-CLICK Micro®.

3. DoseLogix is the current assignee and owner of the ’226 Patent, and is entitled to enforce all rights arising therefrom, including the right to prevent infringement of the patent.

4. On information and belief, Reflex is a corporation organized under the laws of the

Minnesota, with its principle place of business at 2480 7<sup>th</sup> Avenue East, North St. Paul, MN 55109.

5. On information and belief UnoDose is a division of Reflex, and UnoDose has a regular and established place of business at 16 Long Lake Road, Mahtomedi, MN 55115.

6. On information and belief, Reflex makes, uses, offers for sale, sells, and/or imports medical dosing applicators and dispensers in the United States through at least its UnoDose division, including at least the UnoDose<sup>TM</sup> Metered-Dose Topical Applicator.

### **JURISDICTION AND VENUE**

7. This Court has subject matter jurisdiction over the subject matter of this action under 28 U.S.C. § 1331 and 1338(a).

8. This Court has personal jurisdiction over Reflex because the Court's exercise of jurisdiction over Reflex comports with due process. This Court has both general and specific jurisdiction over Reflex. Reflex has continuous corporate operations within Minnesota and this District that are so substantial and of such a nature as to justify suit against it on all causes of action. On information and belief, Reflex's principal place of business is at 2480 7<sup>th</sup> Avenue East, North St. Paul, MN 55109 and Reflex is incorporated in the state of Minnesota. Additionally, on information and belief, Reflex has purposefully directed activities at residents of the forum, the present patent infringement claims arise out of those activities, and assertion of personal jurisdiction over Reflex by this Court is reasonable and fair.

9. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because Reflex is incorporated in the state of Minnesota and therefore resides in this District and Reflex has a regular and established place of business in this District, at 2480 7<sup>th</sup> Avenue East, North St. Paul, MN 55109 and 16 Long Lake Road, Mahtomedi, MN 55115, and has committed acts of infringement in this District.

## GENERAL ALLEGATIONS

10. On October 8, 2019, the United States Patent and Trademark Office duly and legally issued the ‘226 Patent. The ‘226 Patent is entitled “Dosing Dispenser System.” A true and correct copy of the ‘226 Patent is attached to this Complaint as Exhibit A.

11. The ‘226 Patent is valid and subsisting.

12. The ‘226 Patent is presumed valid pursuant to 35 U.S.C. § 282(a).

13. On information and belief, Reflex makes, uses, offers to sell, sells and/or imports within the United States, medical dosing applicators and dispensers such as the UnoDose™ Metered-Dose Topical Applicator as depicted below. *See also* Exhibit B.



14. Reflex’s activities with respect to such medical dosing applicators and dispensers, including the UnoDose™ Metered-Dose Topical Applicator, infringe one or more claims of the ‘226 Patent.

15. For example, UnoDose™ Metered-Dose Topical Applicator infringes independent claim 9 of the ‘226 Patent, which recites the following:

A dosing dispenser comprising:

a housing defining a chamber and comprising a first end and a second end, wherein the first end comprises a dispensing aperture;

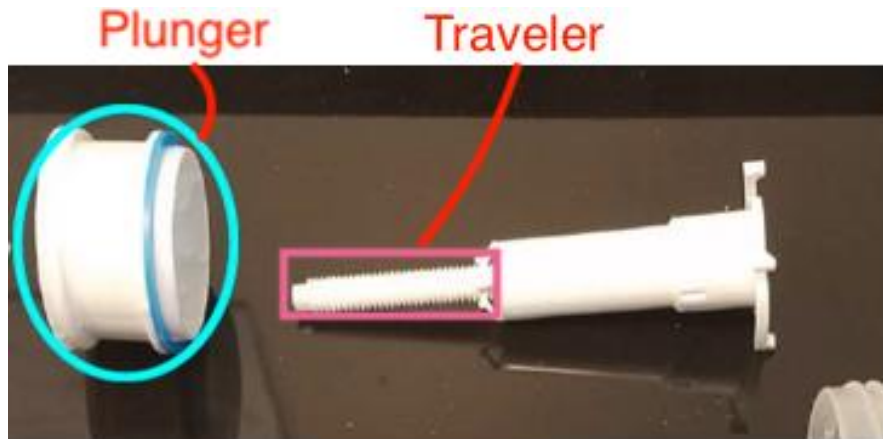
a traveler movable within the chamber, wherein the traveler comprises a first end and a second end opposite from the first end, and wherein the first end and the second end are retained within the chamber such that the traveler is retained within the chamber when assembled; and

a plunger movable within the chamber, wherein the traveler is configured to selectively position the plunger along an axis in at least one direction within the chamber.

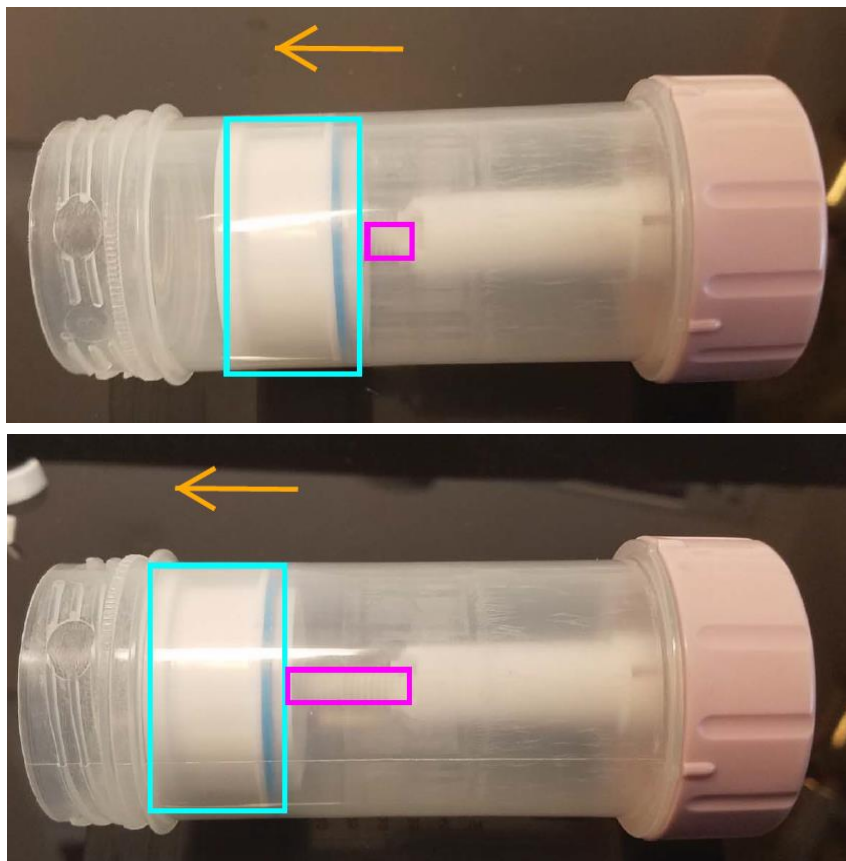
16. The UnoDose™ Metered-Dose Topical Applicator comprises “a housing defining a chamber and comprising a first end and a second end, wherein the first end comprises a dispensing aperture” as illustrated below:



17. The UnoDose™ Metered-Dose Topical Applicator comprises a traveler and a plunger as illustrated below:

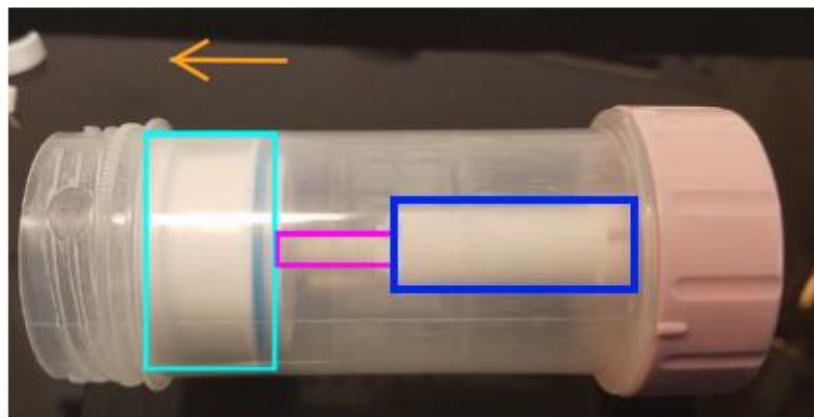
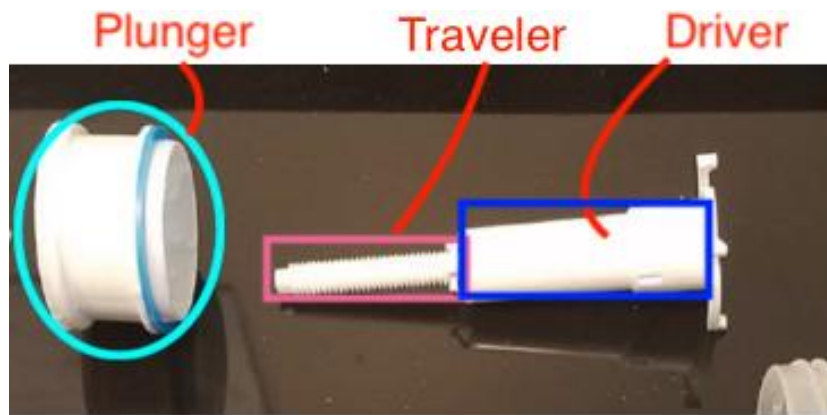


18. The traveler and plunger of the UnoDose™ Metered-Dose Topical Applicator are movable within the chamber, the traveler is retained within the chamber when assembled, and “the traveler is configured to selectively position the plunger along an axis in at least one direction within the chamber” as illustrated below:



19. As another example, Reflex's UnoDose™ Metered-Dose Topical Applicator infringes independent claim 16 of the '226 Patent, which similarly recites a housing defining a chamber, a traveler retained within the chamber, and a plunger engaged with the traveler such that movement of the traveler movably positions the plunger along an axis in at least one direction within the chamber. In addition, claim 16 recites "a driver at least within the chamber and engaged with the traveler such that rotation of the driver movably positions the traveler within the chamber."

20. Reflex's UnoDose™ Metered-Dose Topical Applicator comprises "a driver at least within the chamber and engaged with the traveler such that rotation of the driver movably positions the traveler within the chamber" as illustrated below:



21. On information and belief, Reflex has had knowledge of the ‘226 Patent prior to (and at least since) the filing of this Complaint. Despite such knowledge of the ‘226 Patent, Reflex continued, and still continues today, to manufacture, use, offer for sale, sell in the United States (including in this District), and/or import into the United States, medical dosing applicators and dispensers, including the UnoDose™ Metered-Dose Topical Applicator, that infringe one or more claims of the ‘226 Patent.

### COUNT I

22. DoseLogix realleges, adopts, and incorporates by reference each of the foregoing allegations as if fully set forth herein.

23. Reflex has manufactured, used, offered for sale, sold within the United States (including in this District), and/or imported into the United States, and continues to manufacture, use, offer for sale, sell in the United States (including in this District), and/or import into the United States, medical dosing applicators and dispensers, including the UnoDose™ Metered-Dose Topical Applicator, that incorporate each and every element of one or more of the claims of the ‘226 Patent and therefore are covered by the ‘226 Patent (“the Accused Products”).

24. Reflex has been infringing and continues to infringe the ‘226 Patent, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale in the United States, and/or importing into the United States the Accused Products, such as the UnoDose™ Metered-Dose Topical Applicator, that embody each element of at least one of the claims of the ‘226 Patent and will continue to do so unless enjoined by this Court.

25. Reflex also indirectly infringes the ‘226 Patent within the United States by inducement under 35 U.S.C. § 271(b). Since learning of the ‘226 Patent and by failing to cease offering the Accused Products, Reflex has knowingly and intentionally induced, and continues

knowingly and intentionally to induce, others in this District and throughout the United States to directly infringe one or more claims of the '226 Patent. Reflex does so, *inter alia*, by advertising and promoting the use of the Accused Products on Reflex's website.

26. Reflex also indirectly infringes the '226 Patent by contributing to the direct infringement of end users under 35 U.S.C. § 271(c) by providing the Accused Products, which, as evidenced by Reflex's own marketing materials, are specially made for use in a manner infringing one or more claims of the '226 Patent, and are not staple articles of commerce for substantial non-infringing uses.

27. DoseLogix is being damaged by Reflex's infringement of the '226 Patent and will suffer additional irreparable damage and impairment of the value of its patent rights unless Reflex is enjoined from continuing to infringe.

28. DoseLogix is suffering damages as a result of Reflex's infringement of the '226 Patent, including in the form of lost profits, lost sales, and/or lost opportunities. DoseLogix is entitled to recover damages to compensate it for Reflex's infringing activities in an amount to be determined at trial, but in no event less than a reasonable royalty.

29. Reflex's infringement has been and continues to be egregious and willful, with knowledge of the existence of the '226 Patent, such that DoseLogix is entitled to recover its attorneys' fees and other expenses of litigation pursuant to 35 U.S.C. § 285.

### **JURY DEMAND**

In accordance with Rule 38(b) of the Federal Rules of Civil Procedure, DoseLogix requests a trial by jury on any issue in this action triable by right before a jury.

**PRAYER FOR RELIEF**

WHEREFORE, DoseLogix respectfully requests that the Court grant the following relief:

- (a) A declaration that the '226 Patent is valid and enforceable.
- (b) Enter judgment that Reflex has infringed the '226 Patent, and that such infringement has been willful;
- (c) Preliminarily and permanently enjoin Reflex from infringing the '226 Patent, pursuant to 35 U.S.C. § 283, or grant such other equitable relief the Court determines is warranted;
- (d) Award DoseLogix damages in an amount to be proven at trial because of the injury suffered by reason of Reflex's infringement of the '226 Patent;
- (e) Increase the damages awarded to DoseLogix up to three times the amount found to be DoseLogix's actual damages, as authorized by 35 U.S.C. § 284;
- (f) Award DoseLogix its attorney's fees and other expenses of litigation pursuant to 35 U.S.C. § 285;
- (g) Award DoseLogix prejudgment interest and costs pursuant to 35 U.S.C. § 284; and
- (h) Award DoseLogix such other and further relief as the Court deems proper.

Respectfully submitted,

DICKE, BILLIG & CZAJA, PLLC

Dated: November 14, 2019

By: s/John M. Weyrauch

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