

1 **CONSTANTINE MARANTIDIS, CA Bar No. 173318**
 2 cmarantidis@lrrc.com
 3 **G. WARREN BLEEKER, CA Bar No. 210834**
 4 wbleeker@lrrc.com
 5 **KYLE W. KELLAR, CA Bar No. 294253**
 6 kkellar@lrrc.com
 7 **LEWIS ROCA ROTHGERBER CHRISTIE LLP**
 8 **655 N. Central Avenue, Suite 2300**
 9 **Glendale, CA 91203-1445**
 10 **Telephone: (626) 795-9900**
 11 **Facsimile: (626) 577-8800**

12 Attorneys for Plaintiff
 13 Meissner Filtration Products, Inc.

14 UNITED STATES DISTRICT COURT
 15 CENTRAL DISTRICT OF CALIFORNIA

16 MEISSNER FILTRATION
 17 PRODUCTS, INC.,

18 Plaintiff,

19 vs.

20 NORDSON MEDICAL
 21 CORPORATION,

22 Defendant.

Case No. 2:20-cv-01078

**COMPLAINT FOR PATENT
 INFRINGEMENT**

DEMAND FOR JURY TRIAL

23 Plaintiff Meissner Filtration Products, Inc. (“Meissner” or “Plaintiff”) through its undersigned counsel, brings this action against Defendant Nordson Medical Corporation (“Defendant”). In support of the Complaint, Plaintiff alleges as follows:

24 **JURISDICTION AND VENUE**

25 1. This is an action for patent infringement pursuant to 35 U.S.C. § 271 *et seq.* This Court has exclusive subject matter jurisdiction over this action under 26 28 U.S.C. §§ 1331 and 1338(a).

27 2. This Court has personal jurisdiction over Defendant because, on 28 information and belief, it has done substantial business in this judicial district and

1 because it has a regular and established place of business in this judicial district at
2 3000 Bunsen Avenue, Ventura, California 93003.

3 3. Venue is proper in this Court under 28 U.S.C. §§ 1391(b)(2),
4 1391(c)(2), and 1400(b) based on the forgoing facts and because, on information
5 and belief, a substantial part of the acts or omissions giving rise to the claim,
6 including Defendant’s acts of infringement, have occurred in this judicial district.

7 **THE PARTIES**

8 4. Meissner is a corporation organized and existing under the laws of
9 the State of California having a principal place of business at 1001 Flynn Road,
10 Camarillo, California 93012.

11 5. On information and belief, Defendant is an Ohio corporation having
12 a business address of 3000 Bunsen Avenue, Ventura, California 93003 and an
13 agent address at 50 West Broad Street, Columbus, Ohio 43215.

14 **FACTUAL BACKGROUND AND NATURE OF ACTION**

15 6. United States Patent No. 7,373,825 (“the ’825 Patent”), titled
16 “GAUGE TEE DEVICE,” was duly issued by the United States Patent and
17 Trademark Office (“USPTO”) on May 20, 2008. A true and correct copy of the
18 ’825 Patent is attached hereto as Exhibit A.

19 7. Meissner owns by assignment the entire right, title, and interest in
20 and to the ’825 Patent. As the owner of the entire right, title, and interest in and
21 to the ’825 Patent, Meissner possesses the right to sue and to recover for
22 infringement of the ’825 Patent.

23 8. The ’825 Patent is directed to a disposable sanitary gauge tee.

24 9. Figure 8 of the ’825 Patent, which illustrates non-limiting aspects of
25 some of the claimed embodiments, illustrates a gauge tee device 10” having a
26 diameter at its proximal end 22” that is substantially the same as the diameter at
27 its distal end 30”.

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655 North Central Avenue
Suite 2300
Glendale, CA 91203-1445

Lewis Roca
ROTHGERBER CHRISTIE

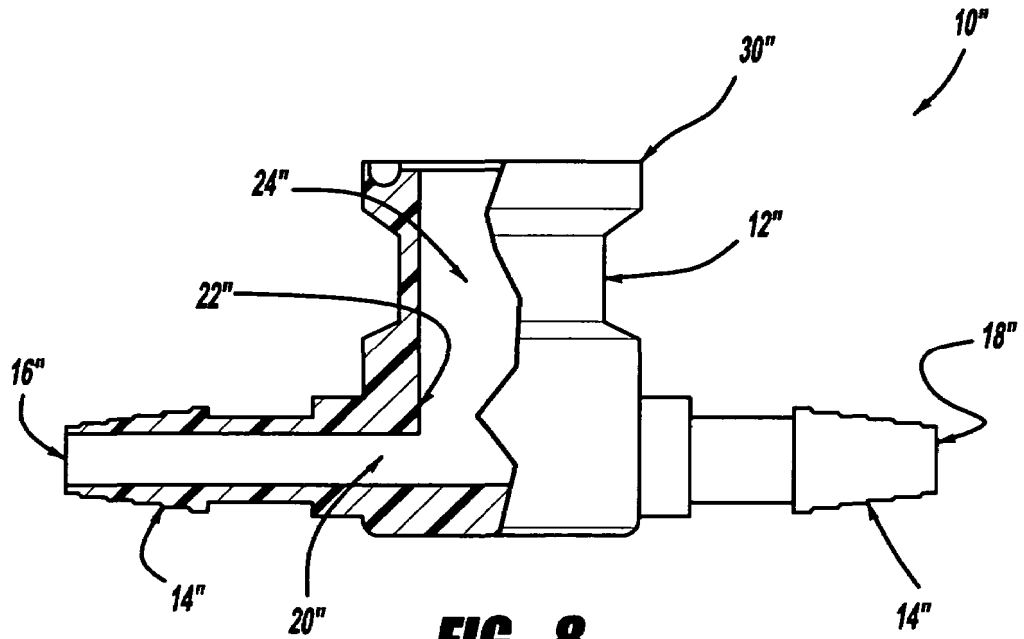


FIG - 8

10. Meissner sells products embodying the invention of the '825 Patent, called Single-Use Gauge Tees. Since at least December 2016, Meissner has identified the '825 Patent on its Single-Use Gauge Tees that are covered by this patent.

11. The only independent claim of the '825 Patent, claim 1, recites:

1. A disposable sanitary gauge tee with no dead zone for use in pressure measurement of fluid in disposable tubing comprising:

a body including a main fluid passageway in fluid connection with a proximal end of a pressure fluid passageway;

said main fluid passageway including a fluid port and a second fluid port, wherein a hose barb is operatively attached to said body at said fluid port and said second fluid port, wherein said disposable tubing can be removably attached to said hose barbs;

said pressure fluid passageway including a distal end for removable attachment of a sanitary pressure gauge and a biocompatible gauge protector for isolation of said fluid from said sanitary pressure gauge; and

said proximal end of said pressure fluid passageway being substantially the same diameter as said distal end of said pressure

655 North Central Avenue
Suite 2300
Glendale, CA 91203-1445

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1 fluid passageway, therein providing a total transfer of fluid within said
2 pressure fluid passageway during fluid flow.

3 12. Defendant is currently offering for sale and/or selling disposable
4 sanitary gauge tees, which it refers to as Sanitary Fitting Instrument Tees, that
5 infringe the '825 Patent, including at least those identified as SFMXT6110-VP1
6 and SFMXT680-VP1 (collectively, the "Accused Products"). Product diagrams
7 available at Defendant's website detailing the SFMXT6110-VP1 and
8 SFMXT680-VP1 are attached hereto as Exhibits B and C, respectively.

9 13. Defendant's disposable sanitary gauge tees, including at least those
10 identified by product numbers SFMXT6110-VP1 and SFMXT680-VP1, each
11 have, either literally or under the doctrine of equivalents, all the elements of
12 at least claim 1 of the '825 Patent as described in the chart attached hereto as
13 Exhibit D and as follows:

14 (i) Defendant describes the Accused Products on its website
15 as "sanity fitting instrument tee." The Accused Products do not have
16 a dead zone and may be used to measure pressure in disposable
17 tubing;

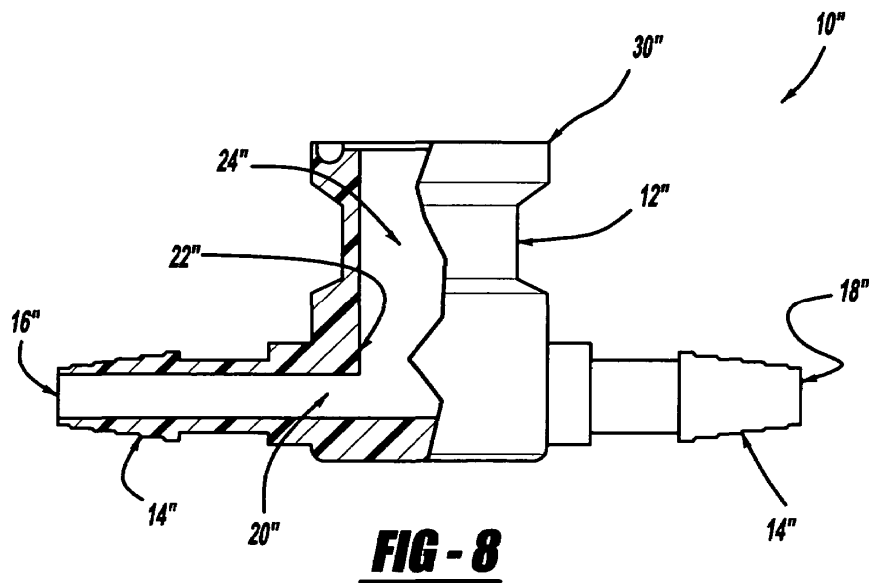
18 (ii) The Accused Products have a body including a main fluid
19 passageway in fluid connection with a proximal end of a pressure
20 fluid passageway;

21 (iii) The main fluid passageway of the Accused Products
22 includes a fluid port and a second fluid port, and a hose barb is
23 operatively attached to the body at the fluid port and the second fluid
24 port. Disposable tubing can be removably attached to said hose barbs;

25 (iv) The pressure fluid passageway of the Accused Products
26 includes a distal end for removable attachment of a sanitary pressure
27 gauge and a biocompatible gauge protector for isolation of the fluid
28 from the sanitary pressure gauge; and

(v) The proximal end of the pressure fluid passageway of the
Accused Products has substantially the same diameter as the distal end
of the pressure fluid passageway such that a total transfer of fluid is
provided within the pressure fluid passageway during fluid flow.

1 14. As would be understood by one of ordinary skill in the art,
 2 “substantially the same diameter” as recited in claim 1 of the ’825 Patent does not
 3 require exactly the same diameter at the proximal and distal ends of the pressure
 4 fluid passageway but covers variations between the diameter at the proximal and
 5 distal ends of the pressure fluid passageway. As can be seen at least in Figure 8
 6 of the ’825 Patent, which is reproduced again below, such variations in diameters
 7 of the proximal end 22” and the distal end 30” of the pressure fluid passageway
 8 24” were shown in at least one illustrated embodiment:



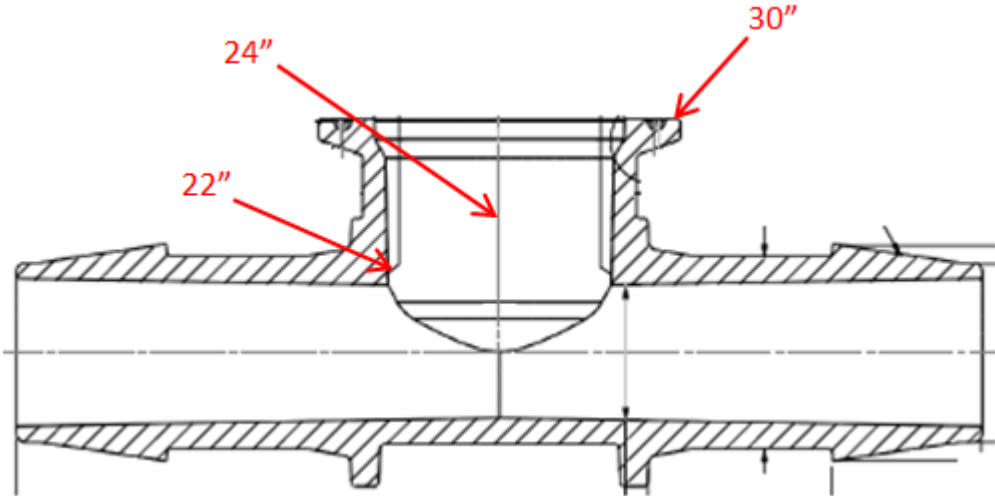
15 15. For example, as described at column 6, lines 48–50 of the ’825
 16 Patent, “[t]he proximal end 22” is almost or substantially the same diameter as the
 17 distal end 30” of the pressure fluid passageway 20”.”

18 16. Defendant’s Accused Products embody the same or substantially
 19 similar variation in diameters of the proximal end and the distal end of the
 20 pressure fluid passageway as shown in the annotated image of one of the Accused
 21 Products below:
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655 North Central Avenue
 Suite 2300
 Glendale, CA 91203-1445

Lewis Roca
 ROTHGERBER CHRISTIE

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17. Further, because the pressure fluid passageway in the Accused Products performs substantially the same function in substantially the same manner as in the claimed embodiment to obtain the same result, any difference between the Accused Products and claim 1 of the '825 Patent is insubstantial and does not avoid infringement.

18. Accordingly, Defendant has infringed, and continues to infringe, at least claim 1 of the '825 Patent by offering for sale and selling the Accused Products, which embody all of the features of at least claim 1 of the '825 Patent.

19. Meissner contacted Defendant as early as June 3, 2016, informing Defendant of Meissner's patent rights in the '825 Patent. Counsel for Defendant confirmed receipt on Meissner's June 3, 2016 communication shortly thereafter. Since being put on notice of the '825 Patent, Defendant has not ceased offering for sale or selling the Accused Products.

CLAIM FOR RELIEF

(Patent Infringement of U.S. Patent No. 7,373,825)

20. Meissner incorporates and re-alleges Paragraphs 1 through 19 of this Complaint as if fully set forth herein.

21. The USPTO duly issued the '825 Patent on May 20, 2008.

22. The '825 Patent is valid and enforceable.

655 North Central Avenue
Suite 2300
Glendale, CA 91203-1445

Lewis Roca
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1 23. Meissner has, since at least December 2016, marked its products
2 covered by the '825 Patent pursuant to 35 U.S.C. § 287.

3 24. Defendant has infringed at least claim 1 of the '825 Patent, either
4 literally or under the doctrine of equivalents, by offering to sell and/or selling in
5 the United States its Sanitary Fitting Instrument Tees, including at least product
6 numbers SFMXT6110-VP1 and SFMXT680-VP1 (referred to above and below as
7 the "Accused Products").

8 25. Defendant's infringement of the '825 Patent has injured Meissner,
9 and Meissner is entitled to recover damages adequate to compensate it for
10 Defendant's infringement, which in no event can be less than a reasonable
11 royalty.

12 26. Upon information and belief, Defendant's infringement was willful
13 because Defendant offered for sale, sold, and continues to offer for sale and sell
14 the Accused Products despite an objectively high likelihood that its actions
15 constituted infringement of a valid patent, and Defendant knew or should have
16 known of such risk when they infringed the '825 Patent.

17 27. Defendant was put on actual notice of the '825 Patent as early as
18 June 3, 2016 but continued to offer for sale and sell the Accused Products.
19 Such infringement is willful.

20 28. Pursuant to 35 U.S.C. § 284, the Court should award Meissner treble
21 damages as a result of Defendant's willful infringement.

22 29. Defendant's infringement of the '825 Patent is exceptional.
23 Accordingly, pursuant to 35 U.S.C. § 285, Meissner is entitled to recover from
24 Defendant its reasonable attorneys' fees and costs incurred in prosecuting this
25 action.

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655 North Central Avenue
Suite 2300
Glendale, CA 91203-1445

Lewis Roca
ROTHGERBER CHRISTIE

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment as follows:

1. That Defendant has infringed the '825 Patent;
2. That Defendant's infringement of the '825 Patent has been willful;
3. Entry of a permanent injunction against further infringement of the '825 Patent;
4. An award of damages adequate to compensate Meissner for Defendant's infringement of the '825 Patent, including pre-judgment interest and costs;
5. An Order requiring Defendant to account for and pay to Meissner any and all profits made by Defendant from its sales of the Accused Products pursuant to 35 U.S.C. § 289;
6. An award of all other damages permitted by 35 U.S.C. § 284;
7. A determination that this is an exceptional case within the meaning of 35 U.S.C. § 285 and an award to Meissner of its costs and reasonable attorneys' fees incurred in this action; and
8. Such other relief as this Court deems just and proper.

Dated: February 3, 2020

Respectfully submitted,
LEWIS ROCA ROTHGERBER
CHRISTIE LLP

By /s/Kyle W. Kellar
Constantine Marantidis
G. Warren Bleeker
Kyle W. Kellar

Attorneys for Plaintiff
Meissner Filtration Products, Inc.

655 North Central Avenue
Suite 2300
Glendale, CA 91203-1445

Lewis Roca
ROTHGERBER CHRISTIE

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JURY DEMAND

Plaintiff requests a jury trial of all issues in this action so triable.

Dated: February 3, 2020

Respectfully submitted,
LEWIS ROCA ROTHGERBER
CHRISTIE LLP

By /s/Kyle W. Kellar
Constantine Marantidis
G. Warren Bleeker
Kyle W. Kellar

Attorneys for Plaintiff
Meissner Filtration Products, Inc.

655 North Central Avenue
Suite 2300
Glendale, CA 91203-1445

Lewis Roca
ROTHGERBER CHRISTIE