

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

GENERAL SCIENTIFIC
CORPORATION d/b/a SURGITEL,

Case No. _____

Plaintiff,

JURY TRIAL DEMANDED

v.

DEN-MAT HOLDINGS, LLC

Defendant.

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff General Scientific Corporation d/b/a SurgiTel (“SurgiTel”), for its complaint against Den-Mat Holdings, LLC (“Den-Mat”), hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including specifically, 35 U.S.C. § 271, based on Den-Mat’s willful infringement of U.S. Patent No. 8,047,684 (“the ’684 Patent”) (Exhibit A) and U.S. Patent No. 8,662,709 (“the ’709 Patent”) (Exhibit B) (collectively, “the Patents-in-Suit”)

THE PARTIES

2. SurgiTel is a corporation organized and existing under the laws of the State of Michigan with a principal place of business at 77 Enterprise Drive, Ann Arbor, Michigan 48103.

3. On information and belief, Den-Mat is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 1017 W. Central Ave., Lompoc, CA 93436-2701.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, Title 35, United States Code. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

5. This Court has personal jurisdiction over Den-Mat at least because Den-Mat transacts and solicits business in the State of Michigan, including with respect to illuminators that infringe the Patents-in-Suit, and because Den-Mat is committing and has committed acts of patent infringement in the State of Michigan, at least by selling and offering to sell illuminators that infringe the Patents-in-Suit in Michigan.

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400 at least because Den-Mat has committed acts of infringement in this district, including with respect to illuminators that infringe the Patents-in-Suit, and has a

regular and established place of business in this district through the presence of a dentist partner and product trainer who is physically located in the district.

COMMON ALLEGATIONS

7. Since 1932, SurgiTel and its predecessor in interest have been a leading provider of loupes, headlights, and other optical accessories for medical and dental practitioners.

8. SurgiTel sells a range of illuminator devices, including light emitting diode (“LED”) headlights, designed to be worn by medical and dental professionals.

9. SurgiTel’s illuminator devices advantageously allow for an adjustable beam pattern, improving light uniformity and decreasing color separation at the edge of the beam.

10. Specifically, SurgiTel’s illuminator devices provide for an adjustable beam pattern by virtue of a flexible arrangement of singlet and doublet lenses. The distance between the singlet lens and the doublet lens may be adjusted, and/or the distance between the LED and the singlet lens may be adjusted, through, for example, a threaded connection.

11. Additionally, SurgiTel’s illuminator devices may be easily attached to headware, such as optical loupes or a headband. A representative photograph of a SurgiTel illuminator device is shown below in photograph A.



A: SurgiTel Illuminator Device For Medical and Dental Professionals Attached to Loupes by Way of Attachment Mechanism

12. SurgiTel has taken steps to protect its innovative designs, including its illuminator devices. In particular, SurgiTel owns various United States utility patents relating to its illuminator devices. Relevant to this dispute, SurgiTel owns all right, title and interest in, and has the right to sue and recover for past, present, and future infringement of, the Patents-in-Suit.

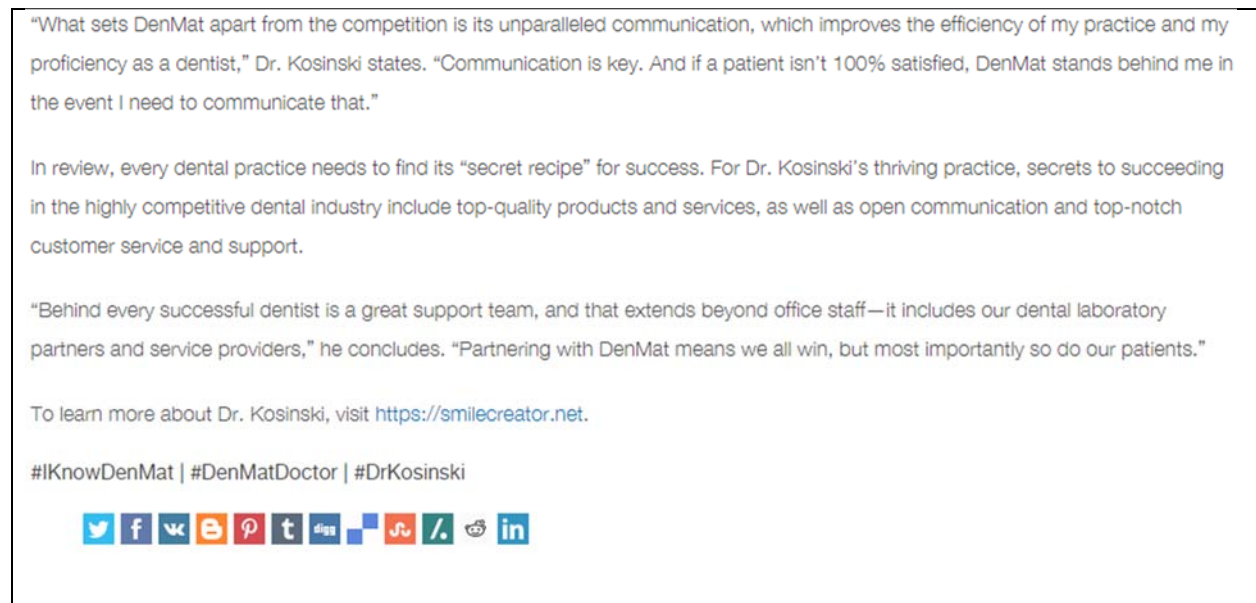
13. On information and belief, without SurgiTel’s authorization, Den-Mat made, used, offered for sale, sold, and/or imported into the United States illuminator devices that violate the Patents-in-Suit (the “Infringing Illuminator Devices”). The Infringing Illuminator Devices include at least products identified by the model name PeriOptix’s LumiPro LED light, as well as illuminator devices bearing the same or substantially similar infringing designs, regardless of model name.

14. On information and belief, Dr. Timothy Kosinski is a partner for Den-

Mat residing in Oakland County, Michigan.

15. On information and belief, Dr. Kosinski practices dentistry at Smilecreator of Bingham Farms located at 31000 Telegraph Rd #170, Bingham Farms, MI 48025.

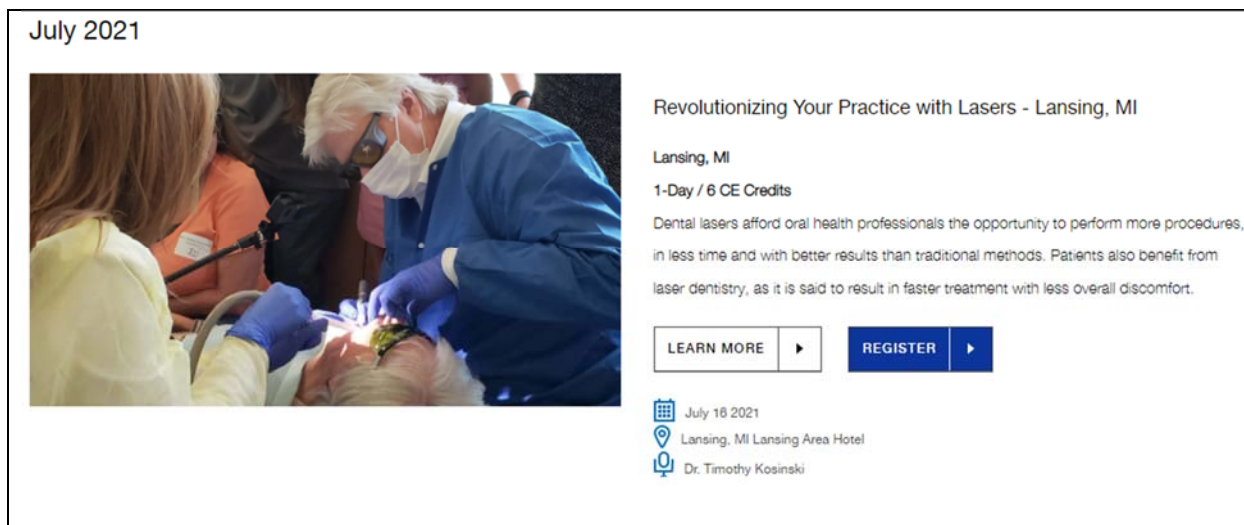
16. A screenshot from Den-Mat's website (located at <https://www.denmat.com/blog/every-dental-practice-needs-secret-recipe-for-success.html>) reflecting Dr. Kosinski's affiliation with Den-Mat is shown below in photograph B.



B: Den-Mat's Website Promoting Partnership with Dr. Kosinski

17. Dr. Kosinski teaches courses on the use of Den-Mat's products, including an upcoming course scheduled for July 16, 2021 in Lansing, Michigan. A screenshot from Den-Mat's website (located at <https://www.denmat.com/education/hands-on->

courses/?event_type=0&event_date=0&state=0) advertising for a hands-on course taught by Dr. Kosinski is shown below in photograph C.



C: Den-Mat's Website Advertising Course Taught by Dr. Kosinski

18. On information and belief, Dr. Kosinski is a dentist who has promoted and used, and currently promotes and uses, illuminator devices from Den-Mat that infringe the Patents-in-Suit.

19. On information and belief, Den-Mat sells and offers to sell its products, including the Infringing Illuminator Devices, to third-party retailers through its wholesale distribution channel.

20. On information and belief, Den-Mat sells and offers to sell the Infringing Illuminator Devices in the United States, including in Michigan.

21. On information and belief, Den-Mat intended to copy the features covered by the Patents-in-Suit.

COUNT I
(Infringement of the '684 Patent)

22. SurgiTel incorporates by reference and realleges each and every allegation of Paragraphs 1 through 21 as if set forth herein.

23. The '684 Patent is entitled "LED Illuminator with Improved Beam Quality," and issued November 1, 2011. The application leading to the '684 Patent was filed November 23, 2009. A true and correct copy of the '684 Patent is attached hereto as Exhibit A and incorporated herein by reference.

24. SurgiTel owns all substantial rights, interest, and title in and to the '684 Patent, including the sole and exclusive right to prosecute this action and enforce the '684 Patent against infringers, and to collect damages for all relevant times.

25. The '684 Patent is valid and enforceable.

26. **Direct Infringement.** Den-Mat has been and continues to directly infringe one or more claims of the '684 Patent in at least this District, either literally or by the doctrine of equivalents, by making, using, offering to sell, selling and/or importing, without limitation, at least the Infringing Illuminator Devices, which infringe at least claim 1 of the '684 Patent as set forth in the claim chart included as Exhibit C to this Complaint, which is incorporated herein by reference.

27. Den-Mat also has and continues to directly infringe, either literally or by the doctrine of equivalents, at least claim 1 of the '684 Patent by having its employees internally test and use the Infringing Illuminating Devices.

28. **Actual Knowledge of Infringement.** On information and belief, Den-Mat had actual knowledge of the '684 Patent at least by January 13, 2021, which is the date counsel for SurgiTel, Mr. John G. Posa, sent a letter to Mr. Dave Casper, Chief Executive Officer of Den-Mat, notifying Mr. Casper of Den-Mat's infringement of the '684 Patent. Despite such actual knowledge, Den-Mat continued to make, use, test, sell, offer for sale, market, and/or import in the United States, products that infringe the '684 Patent.

29. On information and belief, Den-Mat has also continued to sell the Infringing Illuminating Devices and distribute product literature inducing end users and others to use its products in the customary and intended manner that infringes the '684 Patent.

30. **Induced Infringement.** Den-Mat therefore actively, knowingly, and intentionally has been and continues to induce infringement of the '684 Patent, either literally or by the doctrine of equivalents, by selling the Infringing Illuminating Devices to its customers for use in a manner that infringes at least claim 1 of the '684 Patent.

COUNT II
(Infringement of the '709 Patent)

31. SurgiTel incorporates by reference and realleges each and every allegation of Paragraphs 1 through 30 as if set forth herein.

32. The '709 Patent is entitled "LED Illuminator with Improved Beam

Quality,” and issued March 4, 2014. The application leading to the ’709 Patent was filed August 24, 2011, and claims priority to, and is a continuation-in-part of, U.S. Patent Application No. 12/623,470, now the ’684 Patent. A true and correct copy of the ’709 Patent is attached hereto as Exhibit B and incorporated herein by reference.

33. SurgiTel owns all substantial rights, interest, and title in and to the ’709 Patent, including the sole and exclusive right to prosecute this action and enforce the ’709 Patent against infringers, and to collect damages for all relevant times.

34. The ’709 Patent is valid and enforceable.

35. **Direct Infringement.** Den-Mat has been and continues to directly infringe one or more claims of the ’709 Patent in at least this District, either literally or by the doctrine of equivalents, by making, using, offering to sell, selling and/or importing, without limitation, at least the Infringing Illuminator Devices, which infringe at least claim 1 of the ’709 Patent as set forth in the claim chart included as Exhibit D to this Complaint, which is incorporated herein by reference.

36. Den-Mat also has and continues to directly infringe, either literally or by the doctrine of equivalents, at least claim 1 of the ’709 Patent by having its employees internally test and use the Infringing Illuminating Devices.

37. **Actual Knowledge of Infringement.** On information and belief, Den-Mat had actual knowledge of the ’709 Patent at least by January 13, 2021, which is the date counsel for SurgiTel, Mr. John G. Posa, sent a letter to Mr. Dave Casper,

Chief Executive Officer of Den-Mat, notifying Mr. Casper of Den-Mat's infringement of the '709 Patent. Despite such actual knowledge, Den-Mat continued to make, use, test, sell, offer for sale, market, and/or import in the United States, products that infringe the '709 Patent.

38. On information and belief, Den-Mat has also continued to sell the Infringing Illuminating Devices and distribute product literature inducing end users and others to use its products in the customary and intended manner that infringes the '709 Patent.

39. **Induced Infringement.** Den-Mat therefore actively, knowingly, and intentionally has been and continues to induce infringement of the '709 Patent, either literally or by the doctrine of equivalents, by selling the Infringing Illuminating Devices to its customers for use in a manner that infringes at least claim 1 of the '709 Patent.

CLAIM FOR RELIEF
(Infringement Under 35 U.S.C. § 271 of the Patents-in-Suit)

40. SurgiTel re-alleges and incorporates by reference the allegations set forth in paragraphs 1–39 of this Complaint.

41. Den-Mat, without authorization from SurgiTel, has made, used, offered for sale, sold, and/or imported in or into the United States, and continues to make, use, offer for sale, sell, and/or import in or into the United States, illuminator devices that infringe the Patents-in-Suit.

42. SurgiTel has been and will continue to be irreparably harmed by Den-Mat's infringement of the Patents-in-Suit.

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

1. A judgment that Den-Mat infringed the Patents-in-Suit;
2. A permanent injunction enjoining Den-Mat, and all persons in concert with Den-Mat, from infringing the Patents-in-Suit;
3. A judgment and order requiring Den-Mat to pay SurgiTel all damages caused by Den-Mat's infringement of the Patents-in-Suit (but in no event less than a reasonable royalty) pursuant to 35 U.S.C. § 284, or the total profit made by Den-Mat from its infringement of the Patents-in-Suit pursuant to 35 U.S.C. § 289;
4. A judgment and order requiring Den-Mat to pay SurgiTel supplemental damages or profits for any continuing post-verdict infringement up until entry of the final judgment, with an accounting, as needed;
5. A judgment and order requiring Den-Mat to pay SurgiTel increased damages up to three times the amount found or assessed pursuant to 35 U.S.C. § 284;
6. A judgment and order requiring Den-Mat to pay SurgiTel pre-judgment and post-judgment interest on any damages or profits awarded;
7. A determination that this action is an exceptional case pursuant to 35

U.S.C. § 285;

8. An award of SurgiTel's attorneys' fees for bringing and prosecuting this action;

9. An award of SurgiTel's costs and expenses incurred in bringing and prosecuting this action; and

10. Such further and additional relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

SurgiTel hereby demands a jury for all issues so triable.

Date: March 19, 2021

Respectfully submitted,

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