

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

PEDIATRIC MEDICAL DEVICES, )  
INC., )

Plaintiff, )

v. )

INDIANA MILLS & )  
MANUFACTURING, INC., )

Defendant. )  
\_\_\_\_\_ )

CIVIL ACTION NO. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Pediatric Medical Devices, Inc. (“Pediatric Medical”) brings this action for patent infringement against Defendant Indiana Mills & Manufacturing, Inc. (“IMMI”), and alleges as follows:

**Parties**

1. Plaintiff Pediatric Medical is a corporation duly organized and existing under the laws of the State of Georgia and has a principal business address of 3025 Arbor Chase, Decatur, Georgia 30033.

2. Upon information and belief, Defendant IMMI is a corporation duly organized and existing under the laws of the State of Indiana and has a principal

business address of 18881 U.S. 31 North, P.O. Box 408, Westfield, Indiana 46074-0408.

3. Upon information and belief, Defendant IMMI does business in the State of Georgia and in this district.

### **Jurisdiction and Venue**

4. This action arises under the patent laws of the United States, 35 U.S.C. § 1 et seq., and this Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

6. This Court has personal jurisdiction over IMMI because IMMI does business in this judicial district and by its acts has caused and continues to cause Plaintiff injury in this judicial district.

### **COUNT I** **Infringement of U.S. Patent No. 7,281,285**

7. The allegations of paragraphs 1-6 are incorporated by reference in this Count I as though fully set forth herein.

8. Pediatric Medical is the owner of all right, title and interest in and to U.S. Patent No. 7,281,285 (“the ‘285 Patent”) entitled “Pediatric Emergency Transport Device.” A copy of the ‘285 Patent is attached as Exhibit A.

9. The '285 Patent was duly and legally issued by the United States Patent and Trademark Office on October 16, 2007, and is valid and enforceable.

10. Upon information and belief, IMMI has been and continues to infringe (directly, contributorily and/or by inducement) the '285 Patent by making, offering to sell, selling, importing and/or using products embodying the patented invention and will continue to do so unless enjoined by this Court. For example, upon information and belief, IMMI is offering to sell and/or selling pediatric emergency transport devices called the SafeGuard Transport that infringe the '285 Patent.

11. Upon information and belief, IMMI's infringing acts have been performed with knowledge of the '285 patent and willfully.

12. Pediatric Medical has been damaged by IMMI's infringement, and will continue to suffer irreparable harm from continued infringement unless IMMI is enjoined by this Court.

**REQUEST FOR RELIEF**

WHEREFORE, Pediatric Medical prays that this Court enter a judgment and order that:

(a) Defendant IMMI and its products infringe the '285 Patent directly, contributorily and/or by inducement;

(b) Said infringement is willful;

(c) Defendant IMMI and its officers, agents, servants, representatives, employees and all others in concert or participation with them, directly, are permanently enjoined from infringing, inducing others to infringe, or contributing to the infringement of the '285 Patent pursuant to 35 U.S.C. § 283;

(d) Plaintiff Pediatric Medical be awarded damages to compensate for Defendant IMMI's infringement of the '285 Patent together with pre-judgment and post-judgment interest pursuant to 35 U.S.C. § 284;

(e) Said damages be trebled pursuant to 35 U.S.C. § 284;

(f) Plaintiff Pediatric Medical be awarded its costs and reasonable attorneys' fees and expenses in accordance with 35 U.S.C. § 285; and

(g) Plaintiff Pediatric Medical be awarded such other and further relief as the circumstances of this case may require and as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff Pediatric Medical respectfully demands a trial by jury on all issues so triable.

Dated this 8th day of August, 2011.

Respectfully submitted,

PEDIATRIC MEDICAL DEVICES, INC.

By its attorneys,

**s/ Jeffrey D. Blake**

William L. Warren (GA Bar Number 738705)

Jeffrey D. Blake (GA Bar Number 253018)

David A. Reed (GA Bar Number 185146)

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**Attorneys for Plaintiff**

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