

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

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U.S. DISTRICT COURT
N.D. OF ALABAMA

William Kan,

Plaintiff,

VS.

**Cordis Corporation and Baptist Health
System, Inc. d/b/a Baptist Montclair Hospital,**

Defendants.

Case Number: _____

CV-02-AR-0959-S

COMPLAINT

1. Plaintiff, William Kan is a resident of Dothan, Alabama.
2. Cordis Corporation is a corporation believed to be a subsidiary of Johnson & Johnson, Inc. and have its principle place of business in Florida.
3. Baptist Health Systems, Inc. is doing business as Baptist Montclair Hospital, is incorporated in Jefferson County, Alabama, and has its principle place of business is located in Jefferson County, Alabama.
4. This court has jurisdiction of this action under 28 U.S.C. §1331 because the cause of action arises under 35 U.S.C. §281 providing a civil action as the remedy for infringement of a patent issued by the United States Patent & Trademark Office.
5. On September 15, 1992, the United States Patent & Trademark Office issued patent number 5,147,282 to plaintiff, William Kan. This patent is on a medical device entitled Irradiation Loading Apparatus. All maintenance fees have been paid and this patent is in full force and effect.

6. Cordis Corporation makes (manufactures) and sells an infringing device in violation of plaintiff's exclusive right under his patent to make, use, and sell the patented invention claimed therein.

7. Cordis Corporation sold or leased or otherwise permitted Baptist Health System, Inc. d/b/a Baptist Montclair Hospital to use an infringing device manufactured by Cordis Corporation in violation of plaintiff's exclusive right under his patent to sell and use the patented invention claimed therein.

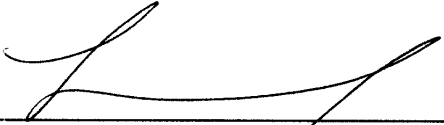
8. Baptist Health System, Inc. d/b/a Baptist Montclair Hospital is using an infringing device at its hospital in Jefferson County, Alabama in violation of plaintiff's exclusive right under his patent to use the invention claimed therein.

9. On information and belief the Cordis Checkmate™ Intravascular Gamma Brachytherapy System is the name and identification of the infringing device used by defendant, Baptist Health System, Inc. d/b/a Baptist Montclair Hospital and sold by defendant, Cordis Corporation. Cordis Corporation may have other names and designations of infringing devices.

10. Plaintiff has not given Cordis Corporation or Baptist Health System, Inc. d/b/a Baptist Montclair Hospital authority to make, use, or sell his patented invention.

WHEREFORE, plaintiff, William Kan, demands judgment against Cordis Corporation for all damages permitted under 35 U.S.C. §284 including lost sales, the infringer's profits, triple damages, attorney fees under 35 U.S.C. §285, and an injunction prohibiting Cordis Corporation from future infringement of the patent. William Kan demands judgment against Baptist Health System, Inc. d/b/a Baptist Montclair Hospital for damages permitted under 35 U.S.C. § 284 including a


reasonable royalty. William Kan also requests any other relief that is permitted by law or equity based on the facts found at the trial of this cause.



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Plaintiff demands jury trial.



Kenneth Lee Cleveland

Please serve defendants at:

Cordis Corporation
A Johnson & Johnson Company
14201 NW 60th Avenue
Miami Lakes, FL 33014

Baptist Montclair Hospital
c/o Baptist Health System, Inc.
Dan R. Hudson, Registered Agent
1509 First National Bldg.
Birmingham, Alabama 35203