

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

<b>KONINKLIJKE PHILIPS</b>	)	
<b>ELECTRONICS, N.V.</b>	)	CASE NO.
	)	
and	)	
	)	
<b>PHILIPS MEDICAL SYSTEMS</b>	)	
<b>(CLEVELAND), INC.,</b>	)	
	)	
Plaintiffs,	)	JUDGE
	)	
v.	)	
	)	
<b>SIEMENS MEDICAL SOLUTIONS</b>	)	
<b>USA, INC.,</b>	)	
	)	
Defendant.	)	
	)	

**COMPLAINT FOR PATENT INFRINGEMENT**  
**AND DEMAND FOR JURY TRIAL**

Plaintiffs Koninklijke Philips Electronics, N.V. and Philips Medical Systems (Cleveland), Inc. (collectively “Philips”) hereby file this Complaint against Defendant Siemens Medical Solutions USA, Inc. (“Siemens”), demanding a jury trial, and hereby complain and aver as follows:

1. This is an action for damages and injunctive relief to remedy acts by Siemens which constitute patent infringement of U.S. Patent No. 5,525,905 (attached as Exhibit A, hereafter “the ‘905 patent”) assigned to and owned by Plaintiff Koninklijke Philips Electronics, N.V. The patented invention at issue is a patient handling system for use in imaging systems, such as combined Positron Emission Tomography (“PET”) and Computed Tomography (“CT”) imaging systems.

### **THE PARTIES**

2. Plaintiff Koninklijke Philips Electronics, N.V. (hereafter “Koninklijke Philips”) is a corporation existing under the laws of The Netherlands, with a principal place of business in Amsterdam, The Netherlands. Koninklijke Philips is the legal owner of the ‘905 patent by assignment.

3. Plaintiff Philips Medical Systems (Cleveland), Inc. (hereafter “Philips Cleveland”) is a corporation existing under the laws of the State of New York, with a principal place of business at 595 Miner Road, Cleveland, Ohio 44143. Philips Cleveland makes and sells patient handling systems for use in imaging systems within the United States, and is a subsidiary of Plaintiff Koninklijke Philips.

4. Defendant Siemens is, upon information and belief, a corporation existing under the laws of the State of Delaware, with a principal place of business at 51 Valley Stream Parkway, Malvern, Pennsylvania 19355. Upon information and belief, Siemens makes and sells patient handling systems for use in imaging systems within the United States.

### **JURISDICTION AND VENUE**

5. This Court has subject matter jurisdiction over this controversy concerning patent infringement by virtue of Title 35 U.S.C., Sections 271 and 281, and Title 28 U.S.C., Sections 1331 and 1338(a).

6. This Court has personal jurisdiction over Siemens pursuant to the provisions of the Ohio Long Arm Statute, O.R.C. § 2307.382, and the laws of the United States.

7. Upon information and belief, Siemens offers to sell and sells patient handling systems for use in imaging systems in the Northern District of Ohio, including such systems covered by the ‘905 patent.

8. Upon information and belief, Siemens regularly transacts business in Ohio, including operation and maintenance of a sales and service office in Dublin, Ohio.

9. Siemens' infringement in the Northern District of Ohio and elsewhere has tortiously injured Philips in the Northern District of Ohio.

10. Upon information and belief, Siemens: (a) is contracting to supply goods in this state and in this judicial district, including patient handling systems for use in imaging systems covered by the '905 patent; (b) regularly does and solicits business in this state and in this judicial district, including supplying patient handling systems for use in imaging systems covered by the '905 patent; (c) engages in a persistent course of conduct by conducting business in this state and in this judicial district, including supplying patient handling systems for use in imaging systems covered by the '905 patent, and maintaining a distribution network in this state and judicial district; and (d) derives substantial revenue from goods purchased or used in this state and in this judicial district, including patient handling systems for use in imaging systems covered by the '905 patent.

11. Venue is proper in this judicial district pursuant to Title 28 U.S.C., Sections 1391 and 1400(b).

**COUNT 1**  
**(Patent Infringement)**

12. Philips incorporates as if fully rewritten herein each statement recited above.

13. On June 11, 1996 the '905 patent was duly and legally issued. A true and correct copy of the '905 patent is attached hereto as Exhibit A.

14. Koninklijke Philips is the owner of all right, title and interest in the '905 patent by virtue of assignment.

15. Upon information and belief, Siemens has been infringing, is infringing, and unless enjoined will continue to infringe the '905 patent by using, offering to sell, and selling patient handling systems for use in imaging systems, in violation of the United States patent laws.

16. Upon information and belief, Siemens has been infringing, is infringing, and unless enjoined will continue to infringe the '905 patent by importing into the United States, or making, offering to sell, selling, or using within the United States, products patented in the '905 patent, in violation of the United States patent laws.

17. Philips believes Siemens' Biograph PET / CT scanner falls within the scope of one or more claims in the '905 patent. More specifically, based on the information currently reasonably available to Philips, it is believed that at least claims 1 and 21 of the '905 patent cover the Siemens Biograph PET / CT scanner, and that other claims may be infringed as well. Philips' allegations of infringement are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

18. The harm to Philips within this judicial district and elsewhere in the United States resulting from the acts believed to be an infringement of the '905 patent by Siemens, is irreparable, continuing, and not fully compensable by money damages.

19. Upon information and belief, Siemens has profited and will continue to profit by its infringing activities. Philips has been damaged by Siemens' activities believed to infringe the '905 patent. The amount of monetary damages which Philips has suffered by the acts of Siemens cannot be determined without an accounting.

20. Siemens' infringement of the '905 patent has been willful, justifying a recovery by Philips of three times the amount of Philips' actual damages.

21. This is an exceptional case under 35 U.S.C. § 285, so that Philips is entitled to recover its reasonable attorney fees.

**PRAYER FOR RELIEF**

WHEREFORE, Philips prays:

- (a) for a judgment that the '905 patent is not invalid and is enforceable;
- (b) for a judgment that Siemens has infringed the '905 patent;
- (c) for an injunction against further infringement of the '905 patent by Siemens, including Siemens' officers, directors, employees, agents, licensees, servants, successors, and assigns, and any and all persons acting in privity with them, either directly, by inducing others to infringe, or by contributing to the infringement of others;
- (d) for an accounting to establish Philips' damages and for judgment against Siemens awarding this damage amount;
- (e) for an assessment of costs against Siemens;
- (f) for a finding that Siemens' infringement has been willful, and a trebling of Philips' actual damages;
- (g) for a finding that this is an exceptional case, and an award of attorney fees to Philips; and

(h) for such other and further relief as may be just and appropriate.

Respectfully submitted,

Dated: September 3, 2008

By: /s/ George R. Hoskins  
JOHN S. CIPOLLA (0043614)  
jcipolla@calfee.com  
GEORGE R. HOSKINS (0069793)  
ghoskins@calfee.com  
CHET BONNER (0075014)  
cbonner@calfee.com  
CALFEE, HALTER & GRISWOLD LLP  
800 Superior Avenue, Suite 1400  
Cleveland, Ohio 44114  
Phone: (216) 622-8200  
Fax: (216) 241-0816

Attorneys for Plaintiffs

**PLAINTIFF'S DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and Rule 38.1 of the Local Rules of this Court, Plaintiffs Koninklijke Philips Corporation and U.S. Philips Corporation hereby demand a jury trial.

Respectfully submitted,

Dated: September 3, 2008

By: /s/ George R. Hoskins  
JOHN S. CIPOLLA (0043614)  
jcipolla@calfee.com  
GEORGE R. HOSKINS (0069793)  
ghoskins@calfee.com  
CHET BONNER (0075014)  
cbonner@calfee.com  
CALFEE, HALTER & GRISWOLD LLP  
800 Superior Avenue, Suite 1400  
Cleveland, Ohio 44114  
Phone: (216) 622-8200  
Fax: (216) 241-0816

Attorneys for Plaintiffs