

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

THE JOHNS HOPKINS UNIVERSITY
3400 North Charles Street
113 Garland Hall
Baltimore, Maryland 21218

and

ARROW INTERNATIONAL, INC.
2400 Bernville Road
Reading, Pennsylvania 19605

Plaintiffs,

v.

Civil Action No. _____

DATASCOPE CORPORATION
14 Philips Parkway
Montvale, New Jersey 07645

Serve on:
The Prentice Hall Corporation System
11 East Chase Street
Baltimore, Maryland 21202

Defendant.

COMPLAINT

Plaintiffs The Johns Hopkins University (“JHU”) and Arrow International, Inc. (“Arrow”), by undersigned counsel, sue Defendant Datascope Corporation (“Datascope”), and allege as follows:

PARTIES

1. Plaintiff JHU is a non-profit corporation organized under the laws of the State of Maryland having a principal place of business at 3400 N. Charles Street, 113 Garland Hall,

Baltimore, Maryland 21218.

2. Plaintiff JHU is engaged in the business of higher education and medical training.

3. Plaintiff Arrow is a corporation organized under the laws of the Commonwealth of Pennsylvania, having an address and place of business at 2400 Bernville Road, Reading, Pennsylvania 19605.

4. Plaintiff Arrow is engaged in the design, development, manufacture and sale of medical products.

5. On information and belief, Defendant Datascope is a corporation organized under the laws of the State of Delaware having an address and place of business at 14 Philips Parkway, Montvale, New Jersey 07645.

6. Defendant Datascope manufactures products for clinical health care.

JURISDICTION AND VENUE

7. Defendant Datascope has continuous systematic contacts with Maryland and/or specific contacts with Maryland sufficiently related to this cause of action to warrant the exercise of personal jurisdiction by this Court.

8. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

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

FACTS COMMON TO ALL CLAIMS

10. Plaintiff JHU is the owner of United States Letters Patent No. 7,108,704 (“the ‘704 Patent”) entitled “Percutaneous Mechanical Fragmentation Catheter System,” issued by the United States Patent and Trademark Office on September 19, 2006. A copy of the ‘704

Patent is attached hereto as **Exhibit 1**.

11. The '704 Patent was invented by Dr. Scott O. Trerotola. The patent claims a method for clearing blood clots from vascular grafts in hemodialysis patients.

12. Plaintiff Arrow is the exclusive licensee of the '704 Patent.

13. Arrow manufactures and sells the Arrow-Trerotola PTD, a device specifically designed for carrying out the method of the '704 Patent.

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 7,108,704)

14. Defendant Datascope is now engaged in, and has engaged in, the offer for sale and sale of the Datascope ProLumen Rotational Thrombectomy System (the "ProLumen System"). On information and belief, the ProLumen System includes instructions for carrying out the methods claimed by the '704 Patent.

15. By offering for sale and selling the ProLumen System, Datascope has induced and is inducing others to infringe and/or has contributed to and is contributing to infringement by others of the '704 Patent in violation of 35 U.S.C. § 271. On information and belief, Datascope will continue to do so unless enjoined by this Court.

16. Datascope has made and is making unlawful gains and profits from its inducement of infringement and/or contributory infringement of the '704 Patent and has thereby deprived and continues to deprive Plaintiffs of rights and remunerations which would have accrued to them but for Datascope's patent infringement.

17. As a direct consequence of the acts and practices alleged, Plaintiffs have been, are being, and, unless such acts and practices are enjoined by the Court, will continue to be injured in their business and property rights, and have suffered, are suffering, and will continue to

suffer injury and damages for which they are entitled to relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs JHU and Arrow pray for relief against Defendant Datascope as follows:

A. For judgment declaring that Defendant has induced the infringement of and/or contributorily infringed United States Letters Patent No. 7,108,704;

B. For permanent injunctive relief enjoining Defendant, its officers, agents, servants, representatives, employees, attorneys, successors, and assigns, and all persons and entities acting in concert with them, from inducing or contributing to the infringement of United States Letters Patent No. 7,108,704 by directly or indirectly making or causing to be made, using or causing to be offered for sale, selling or causing to be sold, or importing or causing to be imported, any product designed to be used to practice the methods of said patents;

C. For an accounting of all uses, offers for sale, sales, importation, promotions and advertising for all products which can be used to infringe United States Letters Patent No. 7,108,704;

D. For monetary relief as follows:

1. Damages including lost profits and interest thereon, but in any event no less than a reasonable royalty, caused by reason of Defendant's inducement of infringement or contributory infringement of United States Letters Patent No. 7,108,704; and

2. Prejudgment and post-judgment interest as well as Plaintiffs' costs, expenses and attorney's fees in this action, as authorized by 35 U.S.C. §§ 284 and 285; and

E. For such other, further and different relief as the Court deems just and proper.

Respectfully submitted,



Lawrence P. Fletcher-Hill (Bar No. 07626)

lfletcherhill@gfrlaw.com

GORDON, FEINBLATT, ROTHMAN,
HOFFBERGER & HOLLANDER LLC

The Garrett Building

233 East Redwood Street

Baltimore, Maryland 21202

Office: [410] 576-4254

Facsimile: [410] 576-4269

Of Counsel:

Kenneth P. George

kgeorge@arelaw.com

Ira E. Silfin

isilfin@arelaw.com

Rebecca R. Eisenberg

reisenberg@arelaw.com

AMSTER, ROTHSTEIN & EBENSTEIN LLP

90 Park Avenue

New York, New York 10016

Office: [212] 336-8000

Facsimile: [212] 336-8001

*Attorneys for Plaintiffs The Johns Hopkins
University and Arrow International, Inc.*

Dated: October 13, 2006

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Complaint are being served this 13th day of October, 2006, upon counsel for Datascope Corp. in the following manner:

by hand upon,

Kevin F. Arthur, Esq.
Kramon & Graham, P.A.
One South Street
Suite 2600
Baltimore, Maryland 21202-3201

and, by first-class mail, postage prepaid, upon,

Roy H. Wepner, Esq.
Lerner, David, Littenberg, Krumholz
& Mentlik, LLP
600 South Avenue West
Westfield, New Jersey 07090-1497



Lawrence P. Fletcher-Hill

398391.1
10/13/06