

✓  
ORIGINAL

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**  
NOV 18 2005  
CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy

BAXA CORPORATION,

Plaintiff,

v.

FORHEALTH TECHNOLOGIES, INC.,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

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

JURY TRIAL DEMANDED

**3 - 05 CV 2274 - D**

COMPLAINT

Plaintiff Baxa Corporation ("Baxa") alleges the following:

JURISDICTION AND VENUE

1. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 101, *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).

PARTIES

2. Baxa is and was at all times relevant herein a Colorado corporation with its principal place of business at 14445 Grasslands Drive, Englewood, Colorado 80112.

3. On information and belief, FORHEALTH Technologies, Inc. ("FORHEALTH") is and was at all times relevant herein a Delaware corporation with its principal place of business at 790 Fentress Boulevard, Daytona Beach, Florida 32114.

THE PATENTS

4. Baxa realleges paragraphs 1-3 of its Complaint.

5. On October 25, 2005, United States Patent No. 6,957,522 B2 (the "'522 patent") entitled "Method and System for Labeling Syringe Bodies" was duly and legally issued to Brian Baldwin, *et al.* A true and correct copy of the '522 patent is attached hereto as Exhibit A. The patent has since been assigned to Baxa.

6. On July 12, 2005, United States Patent No. 6,915,619 B2 (the "'619 patent") entitled "Method for Handling Syringe Bodies" was duly and legally issued to Brian Baldwin. A true and accurate copy of the '619 patent is attached hereto as Exhibit B. The patent has since been assigned to Baxa.

7. On November 9, 2004, United States Patent No. 6,813,868 B2 (the "'868 patent") entitled "Method, System, and Apparatus for Handling, Labeling, Filling and Capping Syringes" was duly and legally issued to Brian Baldwin, *et al.* A true and accurate copy of the '868 patent is attached hereto as Exhibit C. The patent has since been assigned to Baxa.

**COUNT ONE**

**(Infringement of U.S. Patent No. 6,957,522 B2)**

8. Baxa realleges paragraphs 1-7 of its Complaint.

9. FORHEALTH has directly, indirectly, contributorily, and/or by inducement, literally or under the doctrine of equivalents, infringed and continues to infringe the '522 patent by its manufacture, use, sale, and/or offer for sale of products, within this judicial district and elsewhere in the United States, that infringe one or more claims of the '522 patent.

FORHEALTH is liable for its infringement of the '522 patent pursuant to 35 U.S.C. § 271.

10. Baxa is informed and believes, and thereon alleges, FORHEALTH's infringement of the '522 patent has been and continues to be willful, deliberate and in conscious disregard of Baxa's rights, making this an exceptional case within the meaning of 35 U.S.C. § 285.

11. FORHEALTH's infringement of the '522 patent has caused and continues to cause damage to Baxa in an amount to be proven at trial.

**COUNT TWO**

**(Infringement of U.S. Patent No. 6,915,619 B2)**

12. Baxa realleges paragraphs 1-11 of its Complaint.

13. FORHEALTH has directly, indirectly, contributorily, and/or by inducement, literally or under the doctrine of equivalents, infringed and continues to infringe the '619 patent by its manufacture, use, sale, and/or offer for sale of products, within this judicial district and elsewhere in the United States, that infringe one or more claims of the '619 patent.

FORHEALTH is liable for its infringement of the '619 patent pursuant to 35 U.S.C. § 271.

14. Baxa is informed and believes, and thereon alleges, FORHEALTH's infringement of the '619 patent has been and continues to be willful, deliberate and in conscious disregard of Baxa's rights, making this an exceptional case within the meaning of 35 U.S.C. § 285.

15. FORHEALTH's infringement of the '619 patent has caused and continues to cause damage to Baxa in an amount to be proven at trial.

**COUNT THREE**

**(Infringement of U.S. Patent No. 6,813,868 B2)**

16. Baxa realleges paragraphs 1-15 of its Complaint.

17. FORHEALTH has directly, indirectly, contributorily, and/or by inducement, literally or under the doctrine of equivalents, infringed and continues to infringe the '868 patent by its manufacture, use, sale, and/or offer for sale of products, within this judicial district and elsewhere in the United States, that infringe one or more claims of the '868 patent.

FORHEALTH is liable for its infringement of the '868 patent pursuant to 35 U.S.C. § 271.

18. Baxa is informed and believes, and thereon alleges, FORHEALTH's infringement of the '868 patent has been and continues to be willful, deliberate and in conscious disregard of Baxa's rights, making this an exceptional case within the meaning of 35 U.S.C. § 285.

19. FORHEALTH's infringement of the '868 patent has caused and continues to cause damage to Baxa in an amount to be proven at trial.

### **PRAYER FOR RELIEF**

WHEREFORE, Baxa requests that judgment be entered in its favor and against FORHEALTH as follows:

1. Declaring that FORHEALTH has infringed United States Patent Nos. 6,957,522 B2, 6,915,619 B2, and 6,813,868 B2;
2. Permanently enjoining FORHEALTH, its officers, agents, employees, and those acting in privity with them, from further infringement, contributory infringement and/or inducing infringement of United States Patent Nos. 6,957,522 B2, 6,915,619 B2, and 6,813,868 B2;
3. Awarding profits and other damages arising from FORHEALTH's infringement of United States Patent Nos. 6,957,522 B2, 6,915,619 B2, and 6,813,868 B2, including treble damages, to Baxa, together with prejudgment and post-judgment interest, in an amount according to proof;
4. Declaring this to be an "exceptional case" within the meaning of 35 U.S.C. § 285 and awarding treble damages and reasonable attorneys' fees to Baxa; and
5. Awarding Baxa such other costs and such further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Baxa demands a trial by jury on all issues triable of right by a jury.

DATED: November <sup>18<sup>th</sup></sup> 2005

Respectfully Submitted,

BROWN MCCARROLL, L.L.P.

*Richard A. Illmer by Jan with permission*  
Richard A. Illmer  
2001 Ross Avenue, Suite 2000  
Dallas, Texas 75201  
(214) 999-6100  
Fax: (214) 999-6170  
*STEPHEN W. DEINNON*

Of Counsel

David E. Sipiora  
E. Joseph Benz III  
TOWNSEND AND TOWNSEND  
AND CREW LLP  
1200 Seventeenth Street, Suite 2700  
Denver, Colorado 80202  
(303) 571-4000  
Fax: (303) 571-4321

60621047 v1



(12) **United States Patent**  
**Baldwin et al.**

(10) **Patent No.:** US 6,957,522 B2

(45) **Date of Patent:** Oct. 25, 2005

(54) **METHOD AND SYSTEM FOR LABELING SYRINGE BODIES**

(75) **Inventors:** Brian Eugene Baldwin, Centennial, CO (US); Jason Conrad Morton, Littleton, CO (US)

(73) **Assignee:** Baxa Corporation, Englewood, CO (US)

(\* ) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) **Appl. No.:** 10/727,097

(22) **Filed:** Dec. 3, 2003

(65) **Prior Publication Data**

US 2004/0172915 A1 Sep. 9, 2004

**Related U.S. Application Data**

(63) Continuation of application No. 09/928,007, filed on Aug. 10, 2001, now Pat. No. 6,813,868.

(51) **Int. Cl.<sup>7</sup>** ..... B65B 61/02

(52) **U.S. Cl.** ..... 53/411; 53/492; 53/399, 53/48.1; 53/250

(58) **Field of Search** ..... 53/411, 399, 48.1, 53/250, 591, 136.1, 415; 156/552

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

2,194,220 A	3/1940	Elder	40/637
3,228,129 A	1/1966	Gwinn et al.	40/21
3,391,694 A	7/1968	Spaeth	128/218
3,597,826 A	8/1971	Shields	29/208

3,599,389 A	8/1971	Hartman	53/266
3,634,175 A *	1/1972	Delle Vite	156/568
3,650,773 A *	3/1972	Bush et al.	426/383
3,653,176 A	4/1972	Gess	53/64
3,662,517 A	5/1972	Tascher et al.	53/282
3,683,483 A	8/1972	Klettke	29/208
3,698,383 A	10/1972	Baucom	128/2 G

(Continued)

**FOREIGN PATENT DOCUMENTS**

WO WO 98/32690 7/1998 ..... B67C/67/00

*Primary Examiner*—Scott A. Smith

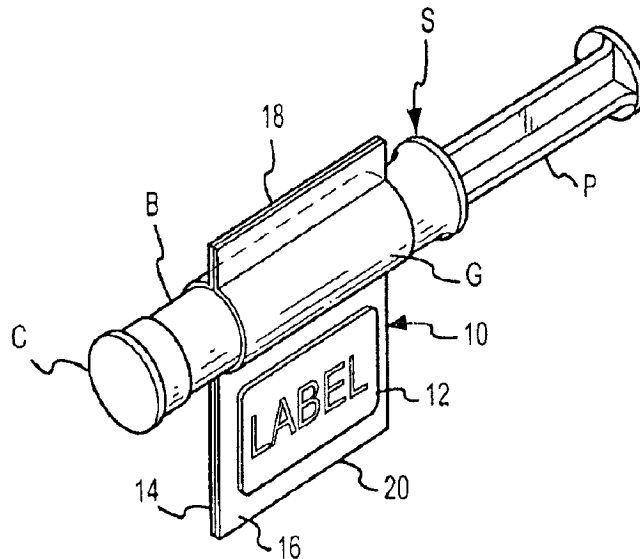
*Assistant Examiner*—Brian Nash

(74) *Attorney, Agent, or Firm*—Marsh Fischmann & Breyfogle LLP

(57) **ABSTRACT**

An inventive method, system and apparatus are provided for syringe handling, and more particularly, for syringe labeling, filling and capping operations. To facilitate syringe handling, an inventive apparatus includes a plurality of syringe bodies interconnected in a predetermined orientation by a belt. Such belt may be of pliable construction and may define a predetermined spacing in between adjacent ones of the syringe bodies, such predetermined spacing corresponding with a distance between holders provided in a handling apparatus. The syringe handling apparatus may provide for the placement of contents-related information on belt segments between adjacent syringe bodies and for separating the belt segments, wherein a flap is left interconnected to each syringe body. The syringe handling apparatus may alternatively or also provide for automated filling of the syringe bodies wherein cap removal, filling and cap replacement operations are completed free from manual handling.

21 Claims, 22 Drawing Sheets



US 6,957,522 B2

Page 2

U.S. PATENT DOCUMENTS

3,708,945	A	1/1973	Klettke	52/22	4,763,930	A	8/1988	Matney	283/81
3,713,771	A	* 1/1973	Taylor et al.	436/48	4,815,625	A	3/1989	Filhol et al.	220/23 4
3,770,026	A	* 11/1973	Isenberg	141/2	4,842,028	A	6/1989	Kaufman et al.	141/114
3,791,009	A	2/1974	Gess	29/208	4,884,827	A	12/1989	Kelley	283/81
3,801,291	A	4/1974	Shields	29/208	4,907,394	A	3/1990	Tschepke et al.	53/412
3,802,987	A	4/1974	Noll	156/296	4,921,277	A	5/1990	McDonough	283/81
3,807,119	A	4/1974	Shields	53/22	5,024,347	A	6/1991	Baldwin et al.	222/1
3,823,818	A	7/1974	Shaw	206/390	5,071,168	A	12/1991	Shamos	283/117
3,835,897	A	9/1974	Gess	141/98	5,157,894	A	10/1992	Mini et al.	53/148
3,878,967	A	4/1975	Josin et al.	221/88	5,283,093	A	2/1994	All	428/40 X
3,885,562	A	5/1975	Lampkin	128/218 R	5,321,933	A	* 6/1994	Seifert et al.	53/415
3,955,020	A	5/1976	Cavanagh et al.	428/210 X	5,356,393	A	10/1994	Haber et al.	604/222
3,994,085	A	11/1976	Groselake et al.	283/81 X	5,366,249	A	11/1994	Diemert	283/80
4,115,939	A	9/1978	Marks	40/310	5,390,469	A	2/1995	Shimizu et al.	53/53
4,118,914	A	10/1978	Shields	53/282	5,410,827	A	5/1995	Smith	40/630 X
4,135,561	A	1/1979	Senelonge	141/234	5,468,022	A	11/1995	Linder et al.	283/81 X
4,142,633	A	3/1979	Raghavachari et al.	206/366	5,609,712	A	3/1997	Takumi	156/298
4,167,229	A	9/1979	Keusch et al.	206/343	5,651,775	A	7/1997	Walker et al.	604/207
4,271,587	A	6/1981	Shields	29/809	5,692,640	A	12/1997	Caulfield et al.	227/70
4,278,167	A	7/1981	Van Rowwem	40/310 X	5,765,345	A	6/1998	Svec	53/453
4,312,523	A	1/1982	Haines	282/18	5,884,457	A	3/1999	Ortiz et al.	53/468
4,372,681	A	2/1983	Sallenbach	428/42.1 X	5,954,700	A	9/1999	Kovelman	604/232
4,501,306	A	2/1985	Chu et al.	141/94	5,984,901	A	11/1999	Sudo et al.	604/227
4,579,759	A	4/1986	Breuers	428/36	6,012,595	A	* 1/2000	Thilly	211/60.1
4,628,969	A	12/1986	Jurgens, Jr. et al.	141/1	6,070,761	A	6/2000	Bloom et al.	222/81
4,658,974	A	4/1987	Fujita et al.	40/310 X	6,685,678	B2	* 2/2004	Evans et al.	604/207
4,674,652	A	6/1987	Aten et al.	221/3	6,722,404	B2	* 4/2004	Osborne	141/133
4,718,463	A	1/1988	Jurgens, Jr. et al.	141/11					

\* cited by examiner



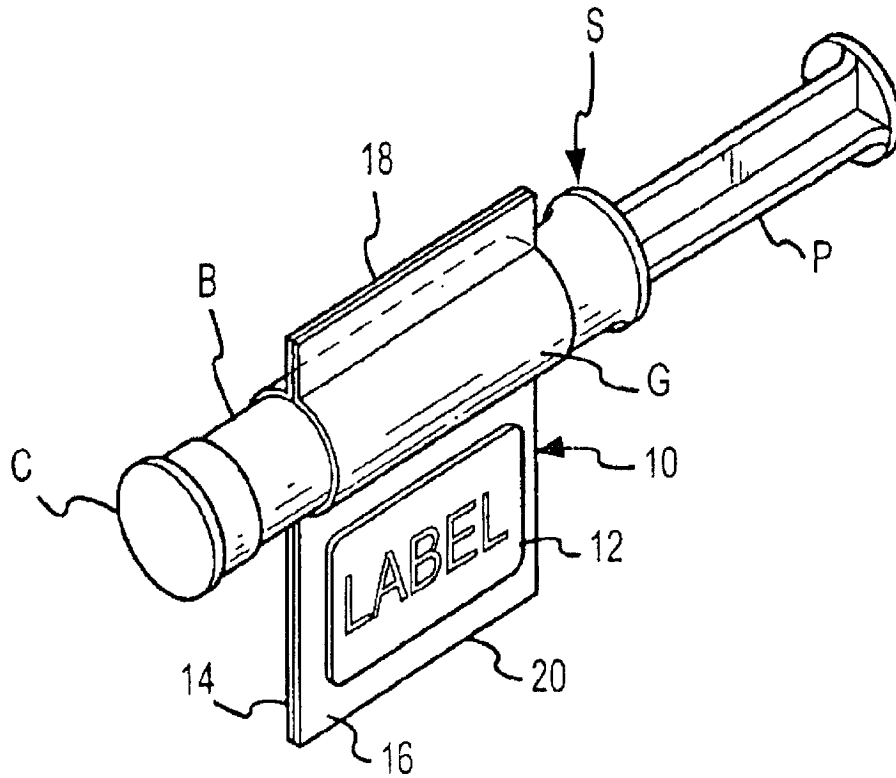


FIG. 1

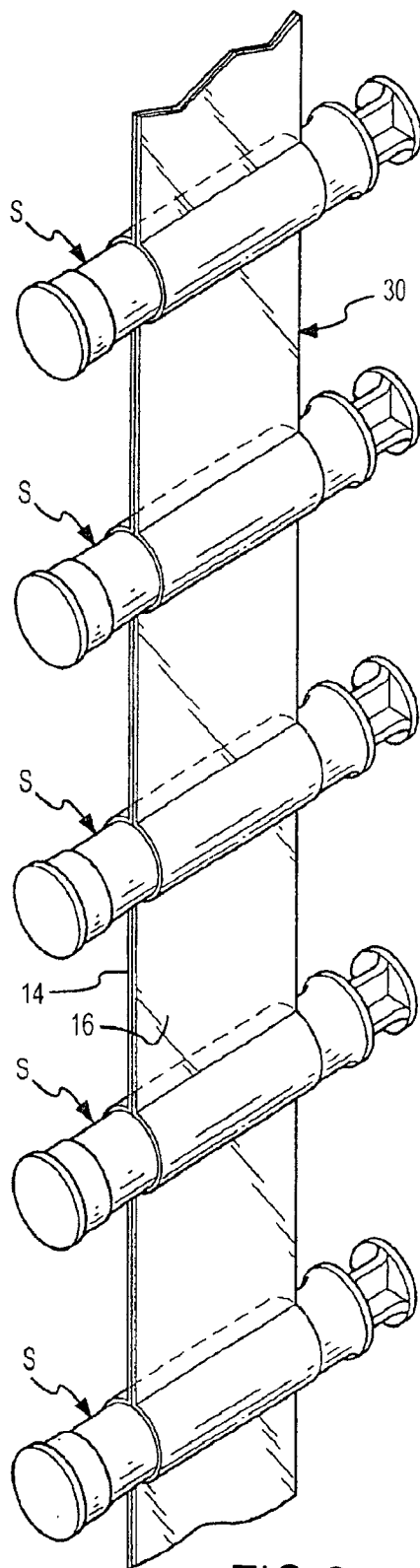


FIG. 2

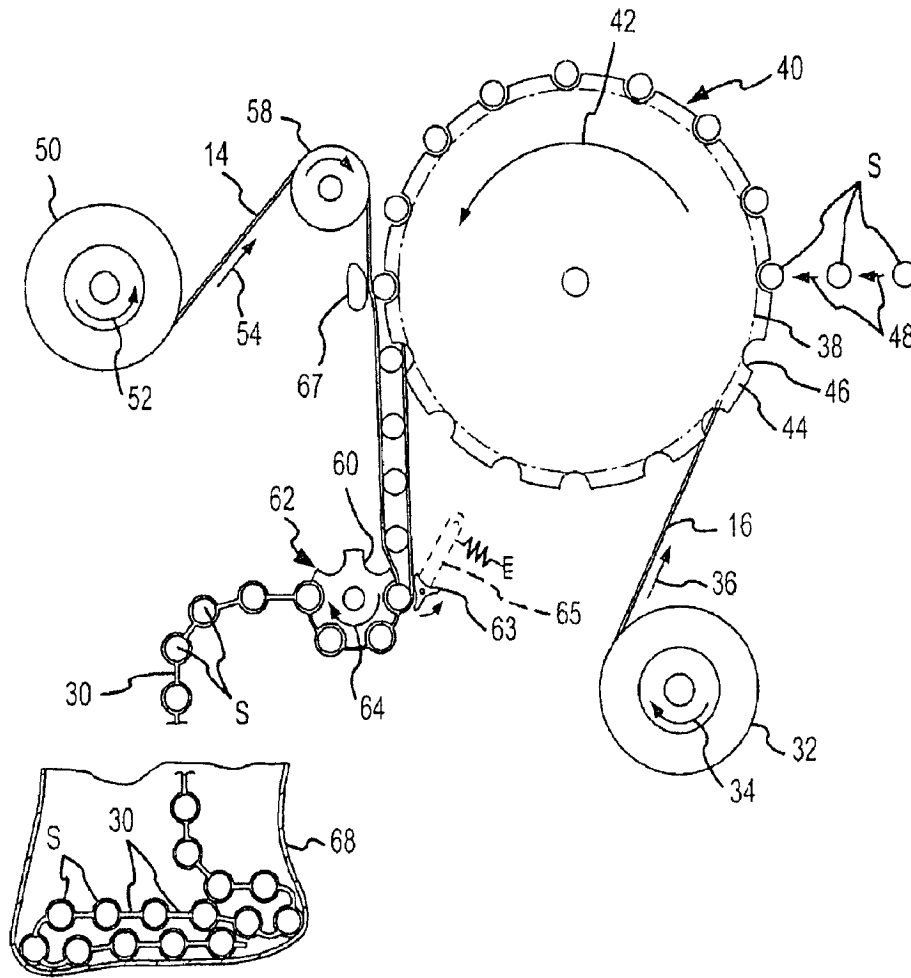


FIG.3

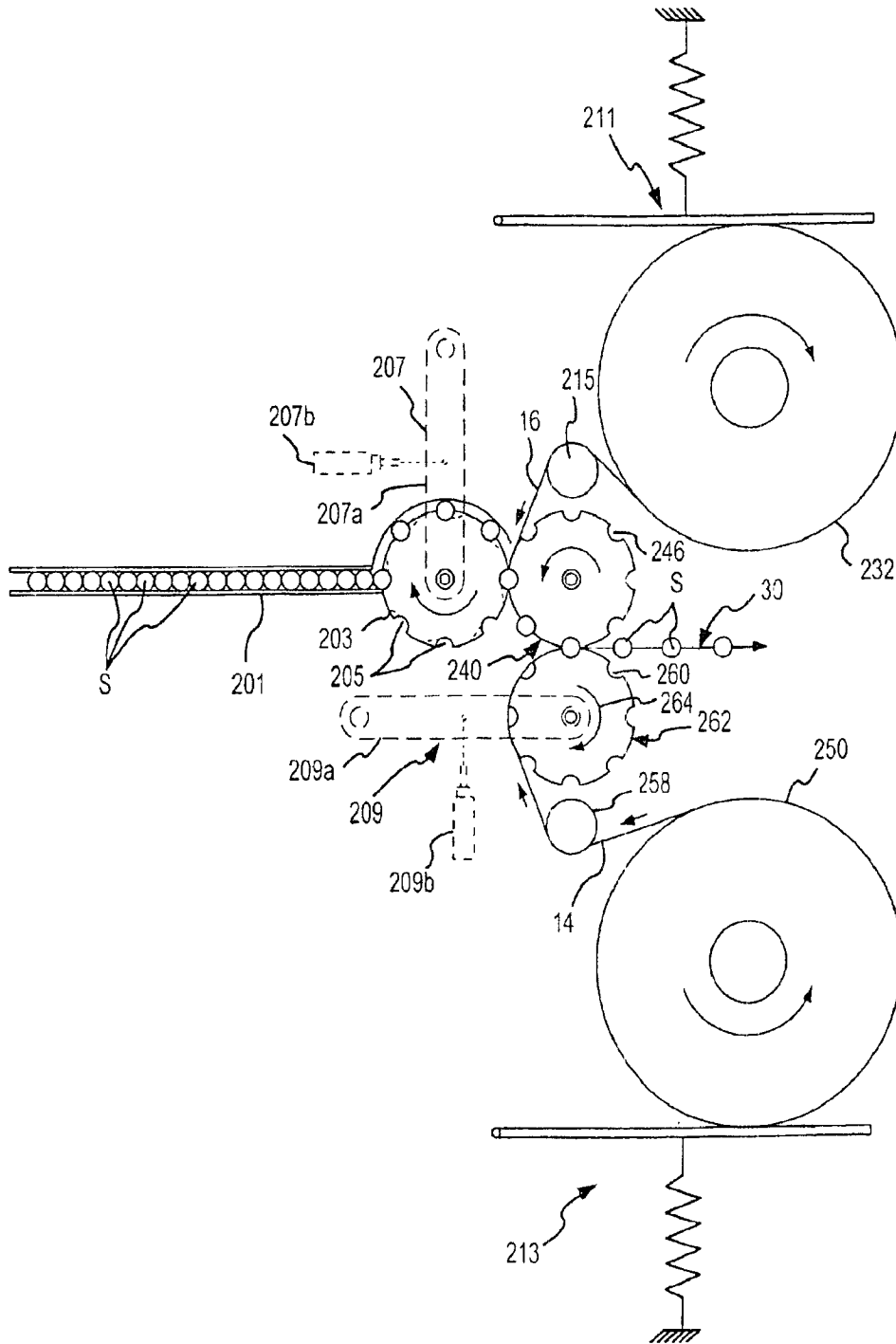


FIG.4

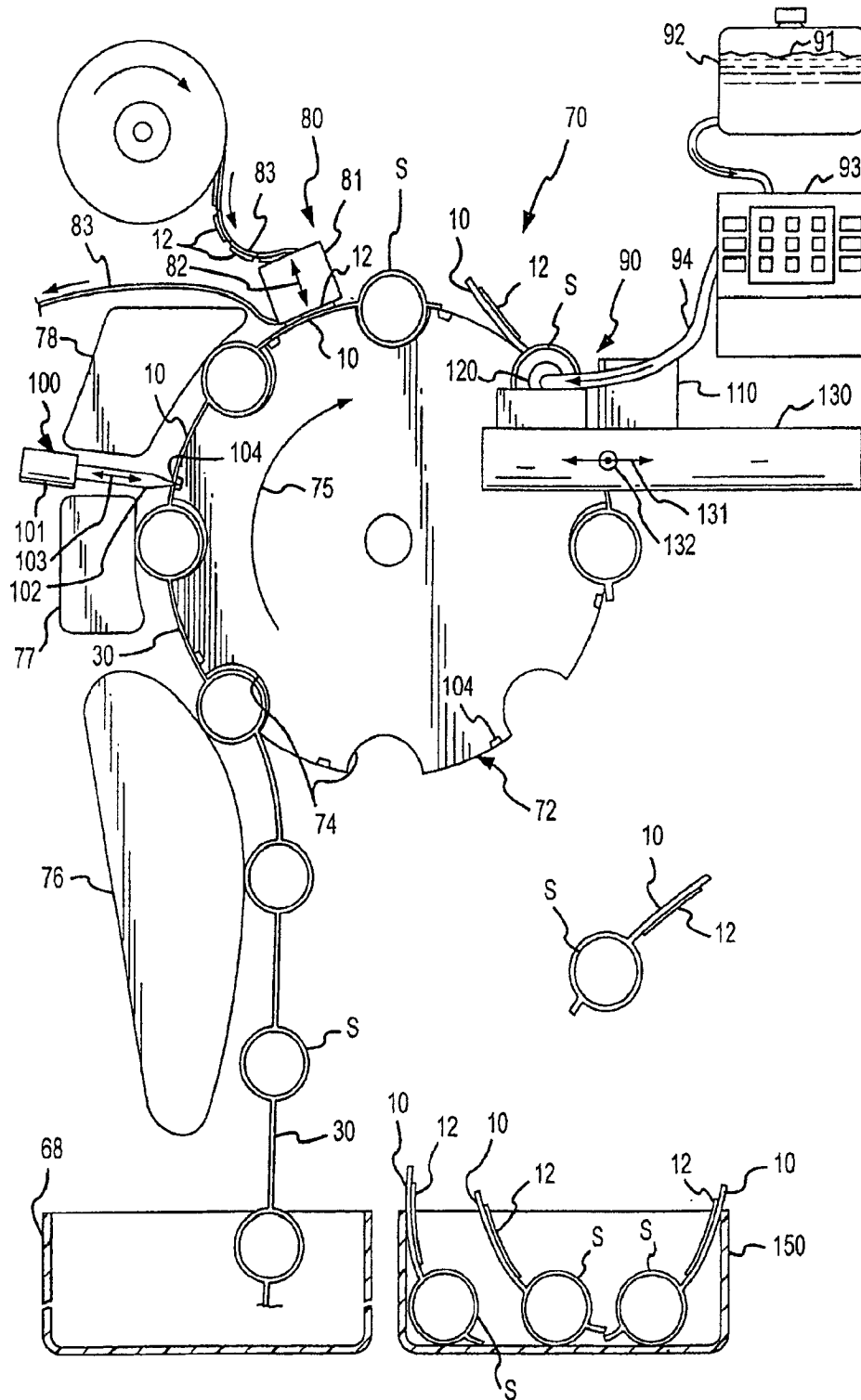


FIG. 5

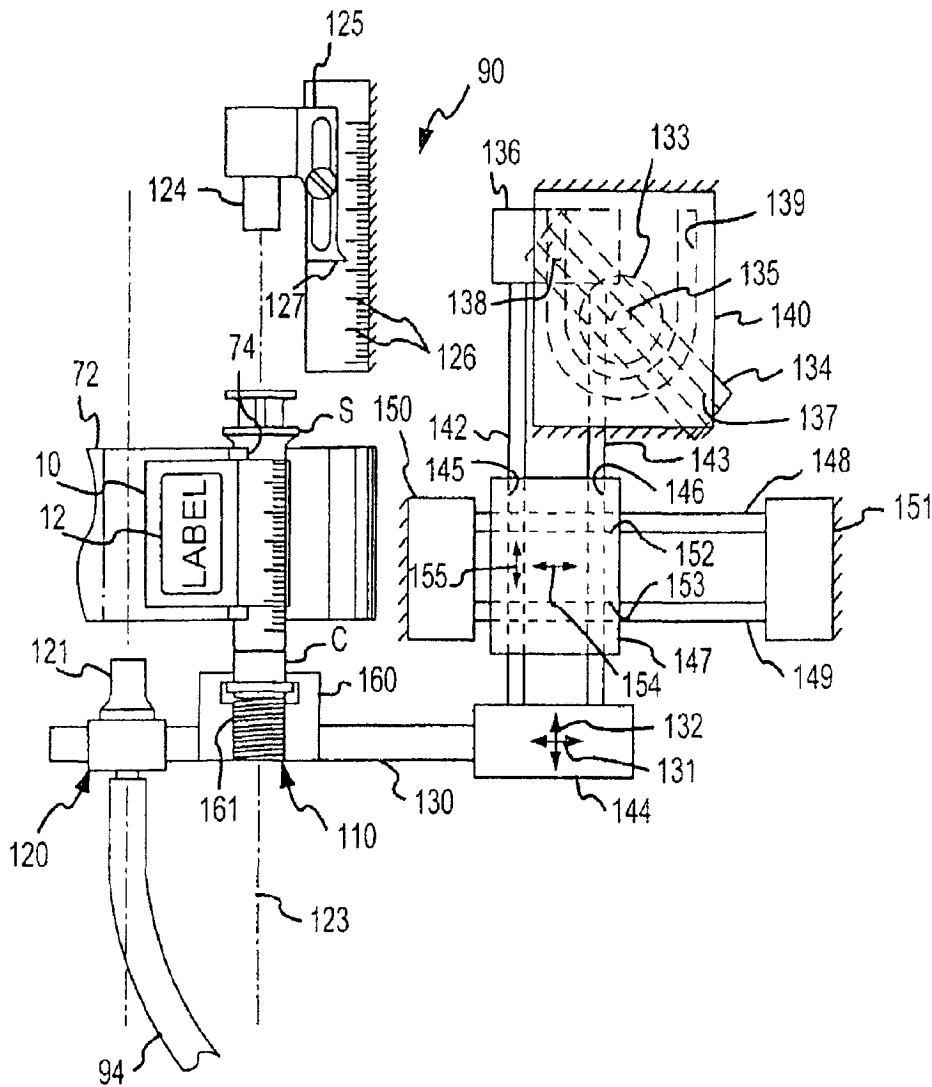


FIG.6a

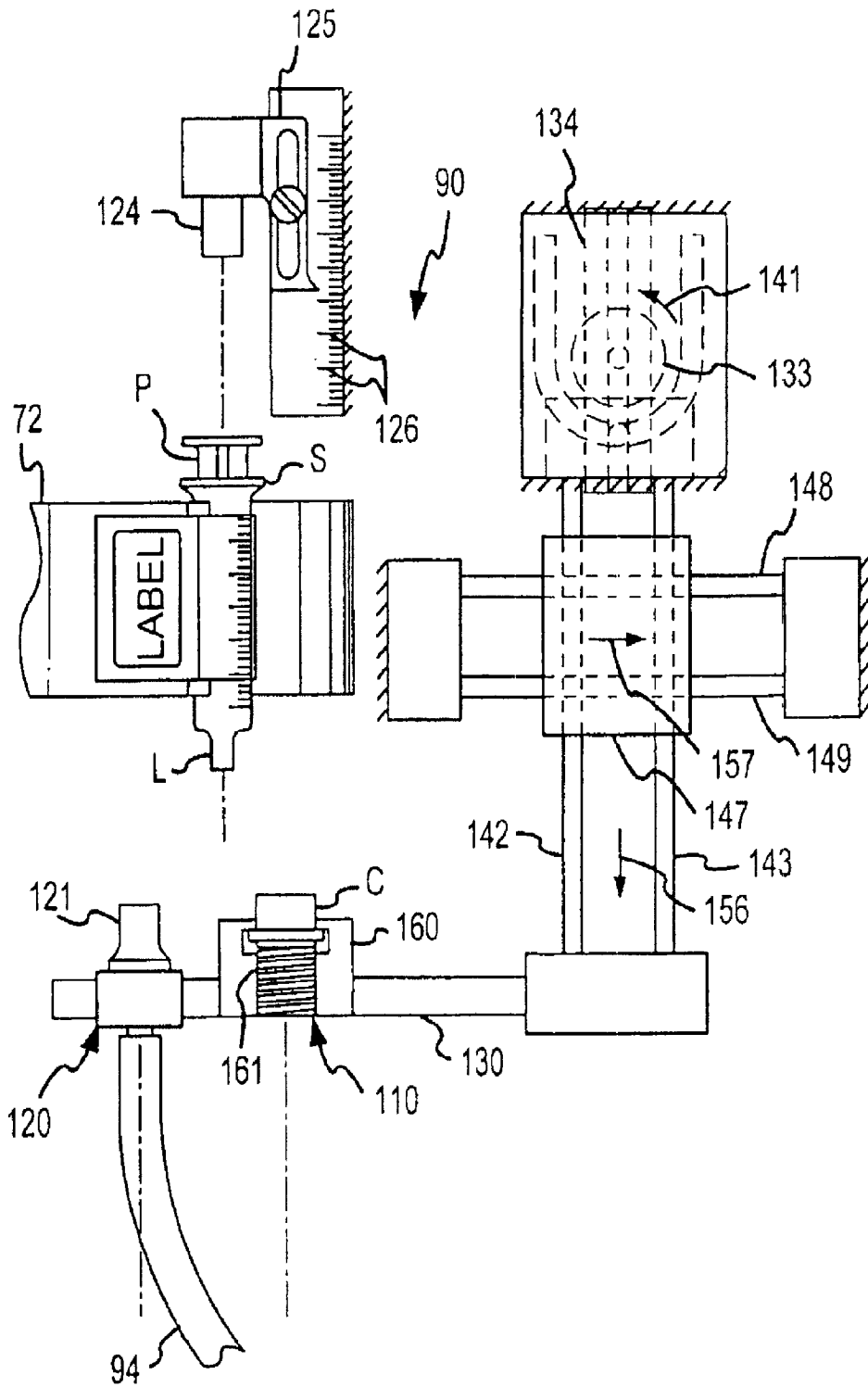


FIG.6b

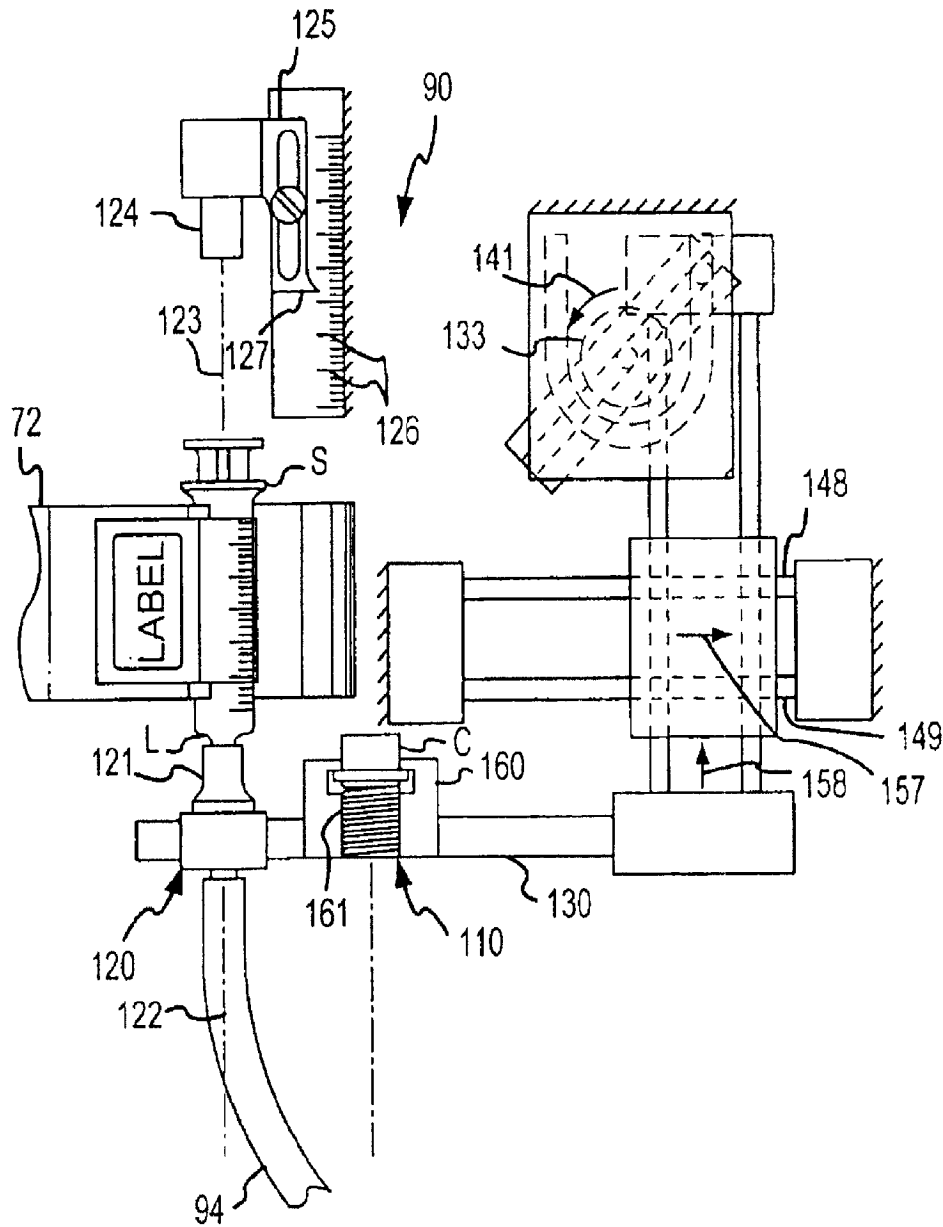


FIG.6c



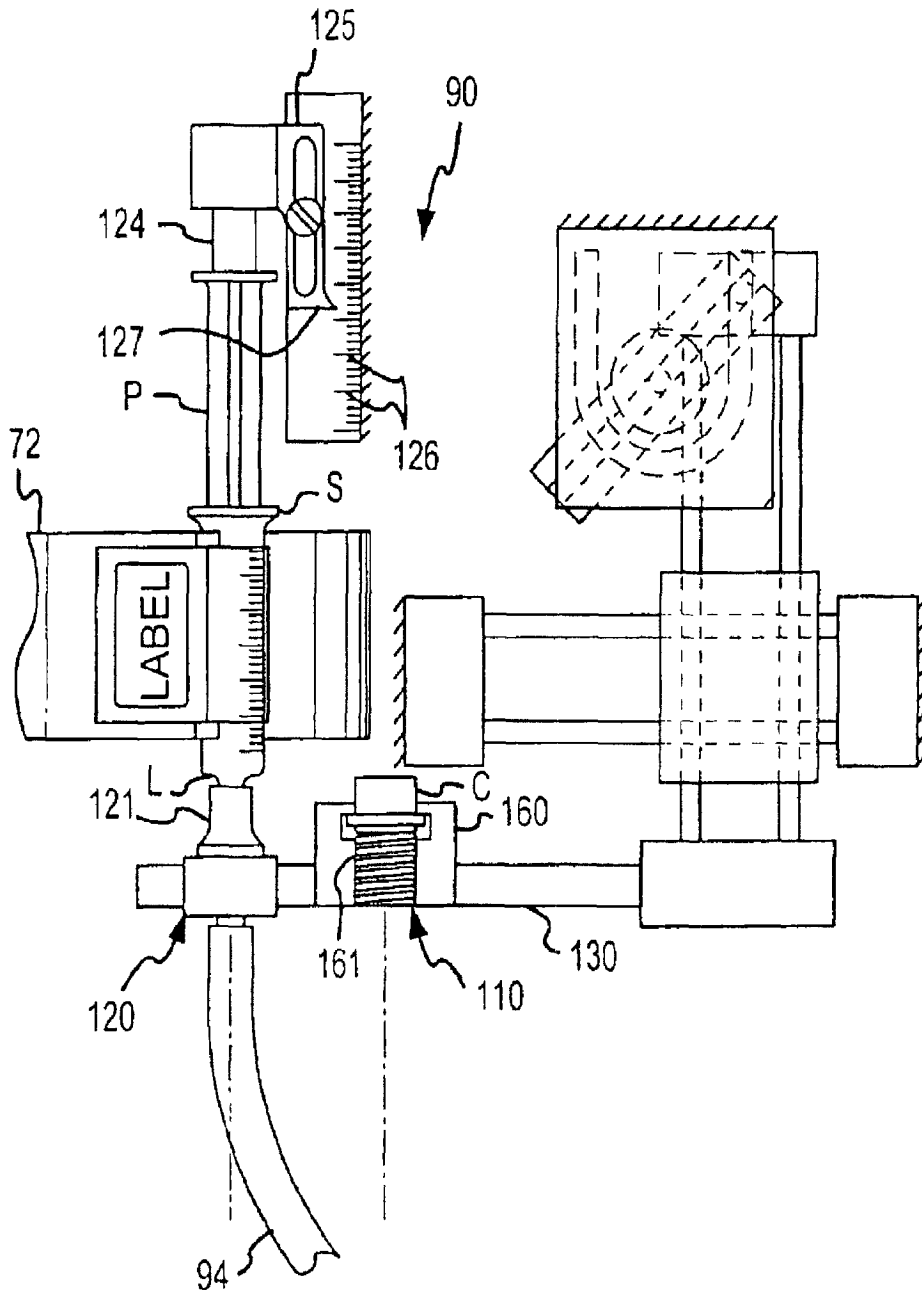


FIG.6d

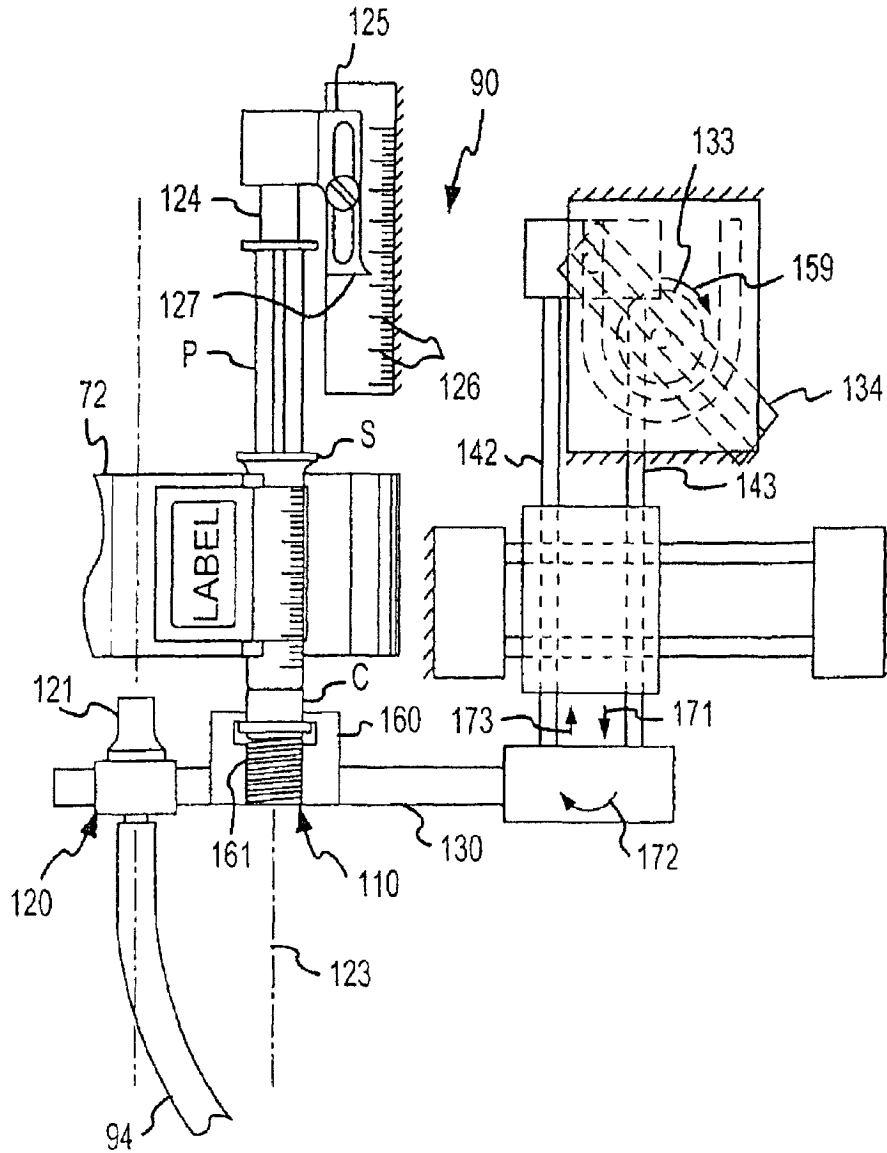


FIG.6e

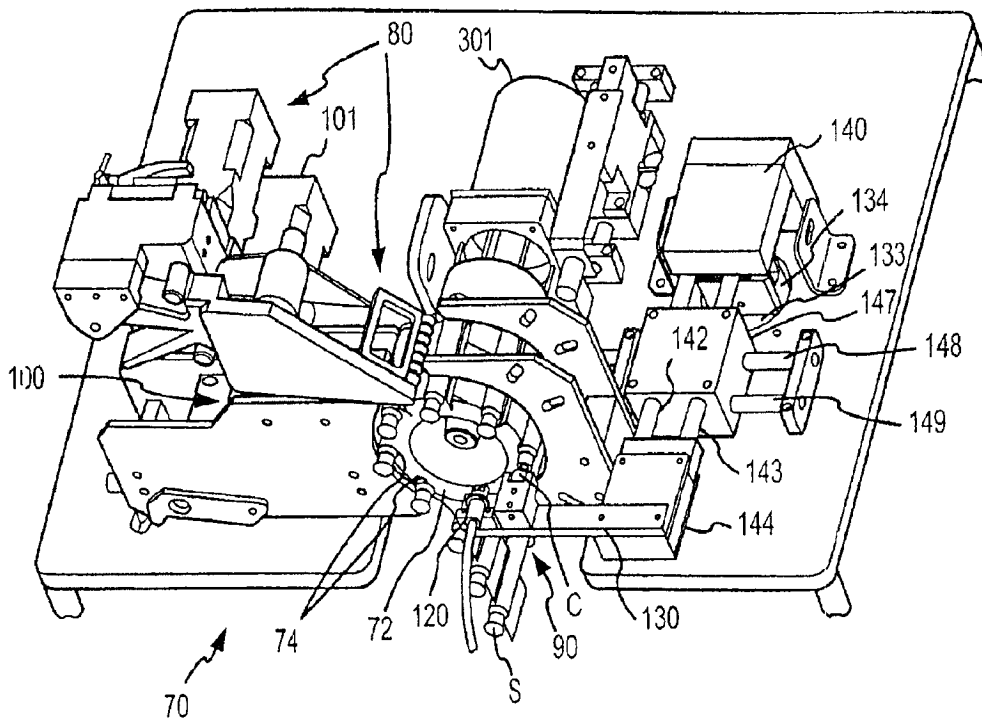


FIG.7a

US 6,957,522 B2

U.S. Patent

Oct. 25, 2005

Sheet 12 of 22

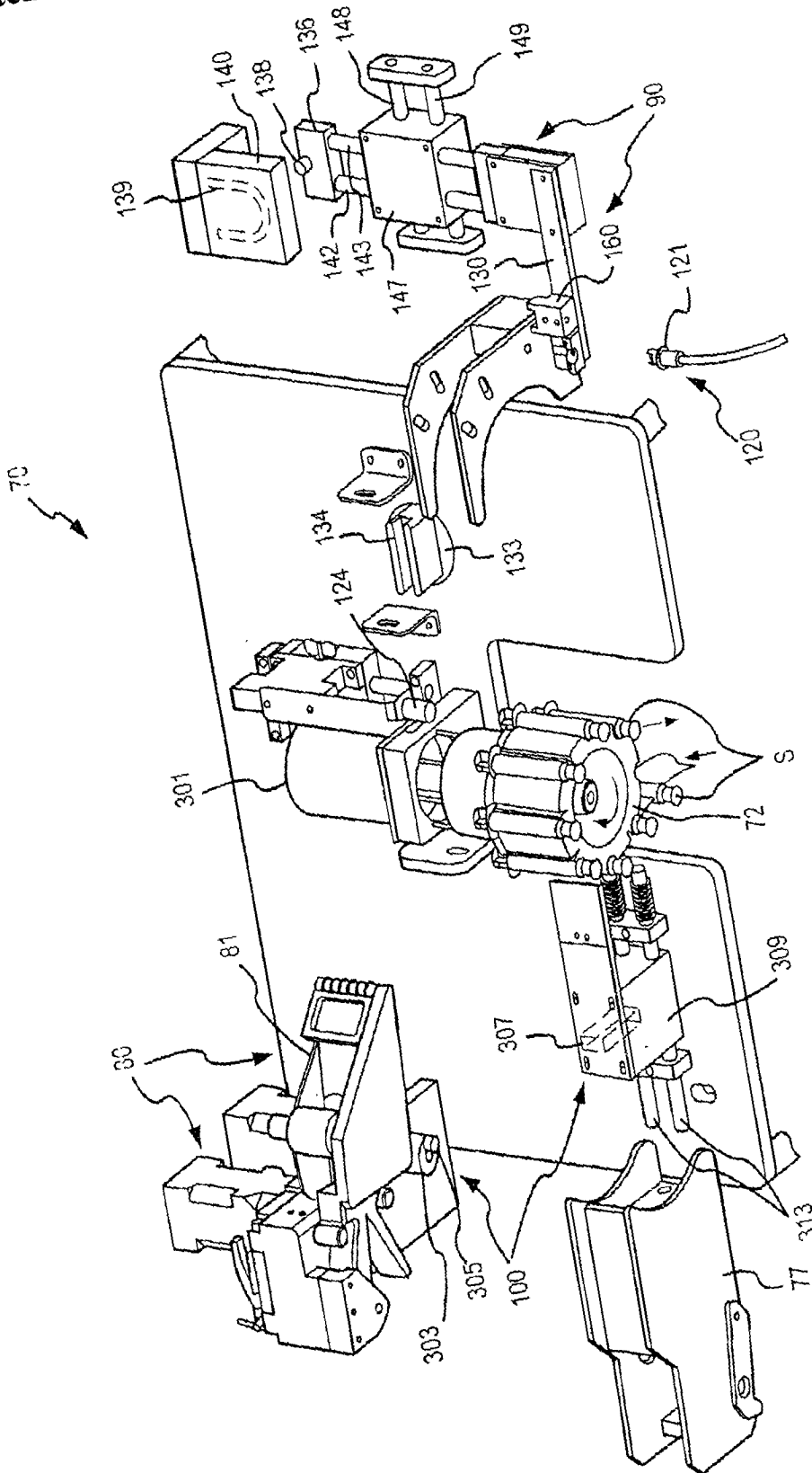


FIG. 7b

US 6,957,522 B2

Sheet 13 of 22

Oct. 25, 2005

U.S. Patent

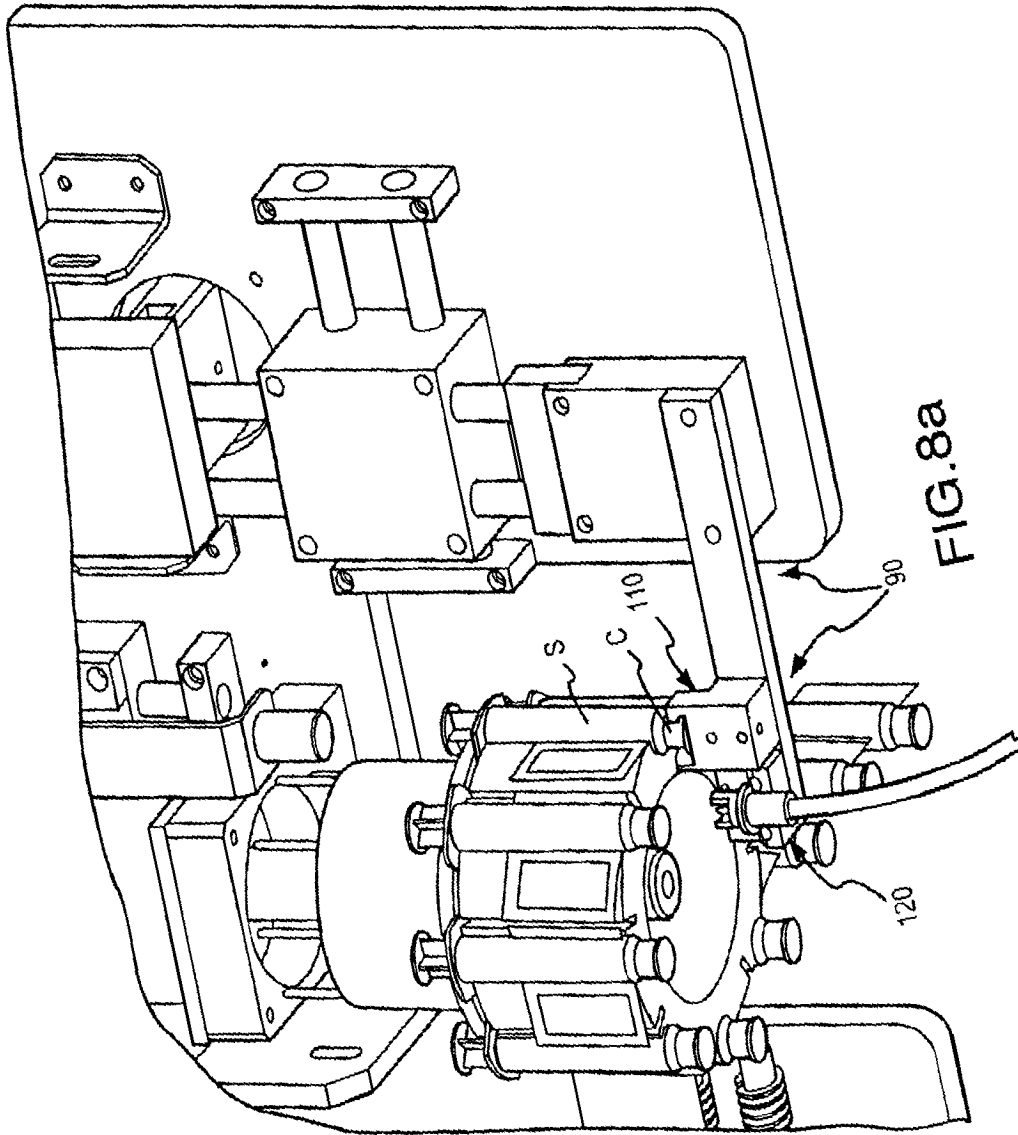


FIG. 8a

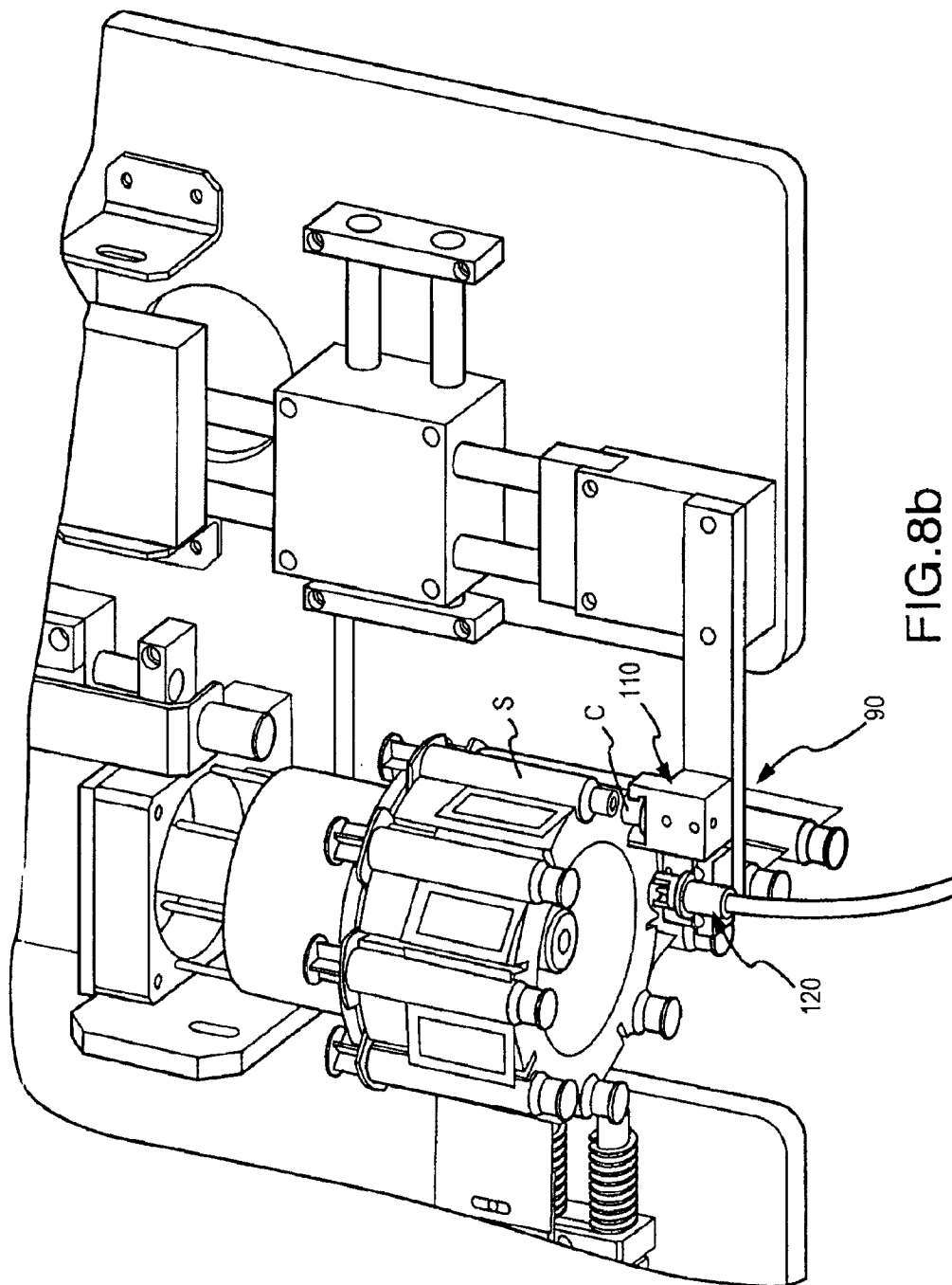


FIG. 8b

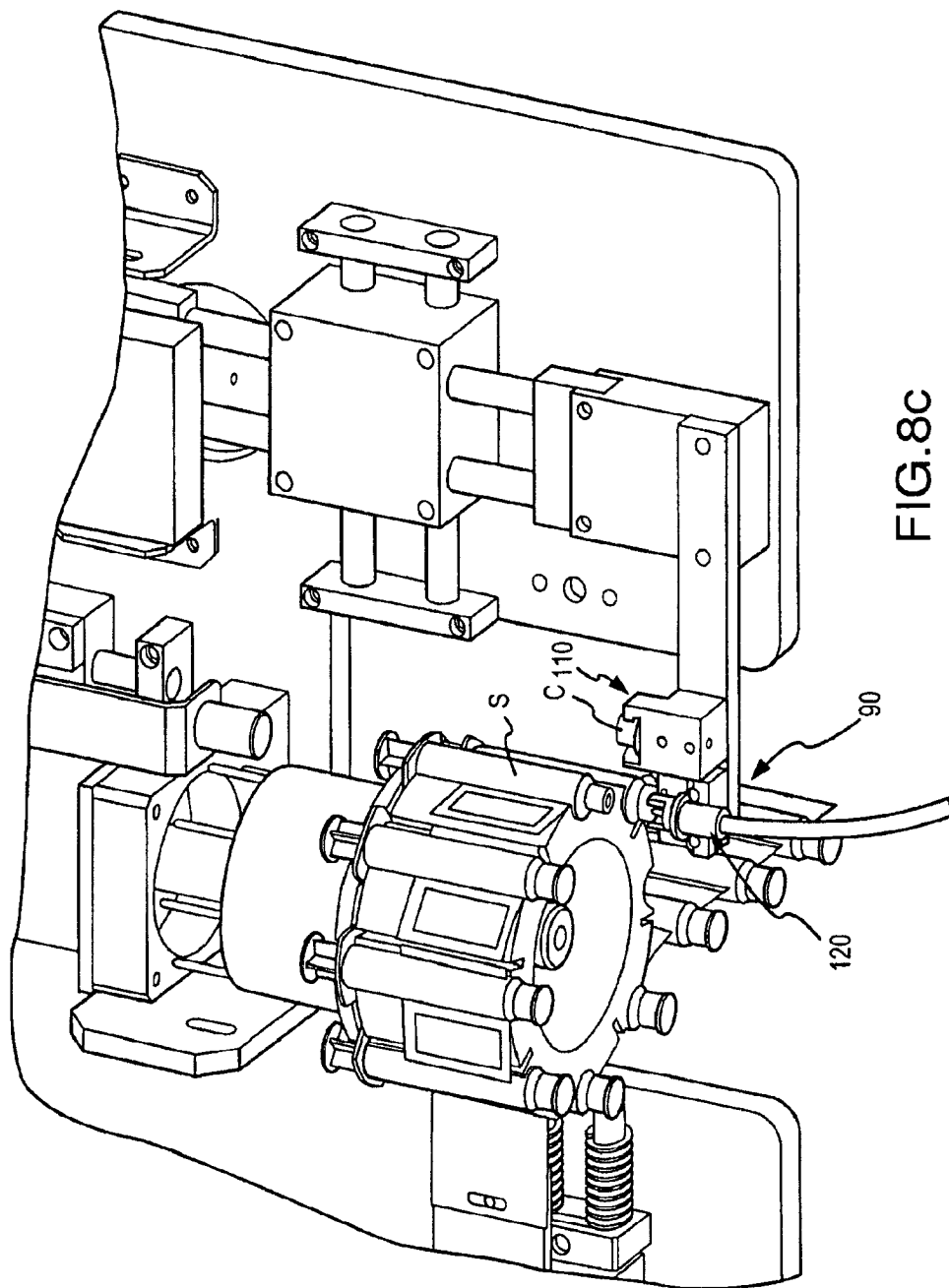


FIG. 8C

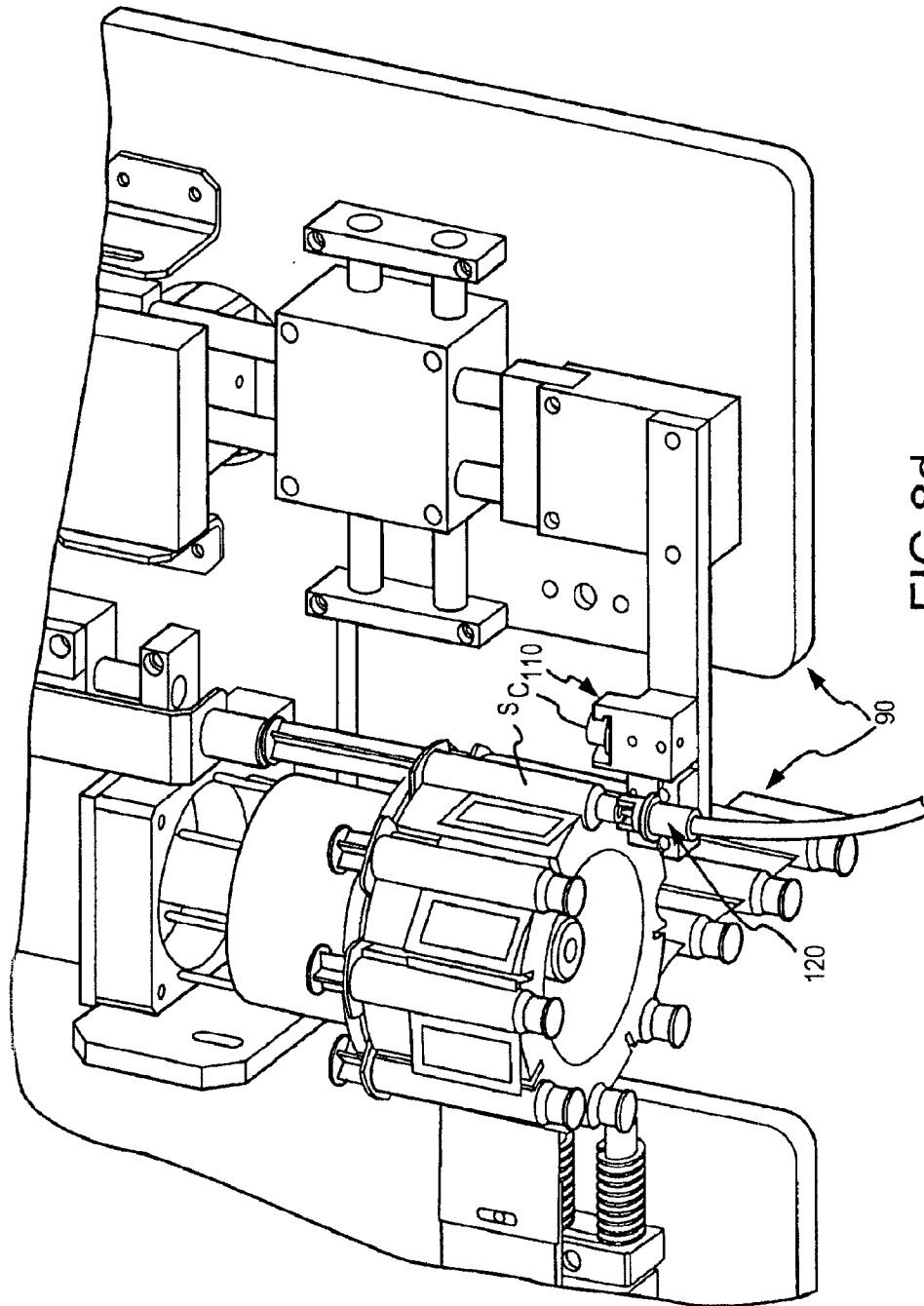


FIG. 8d



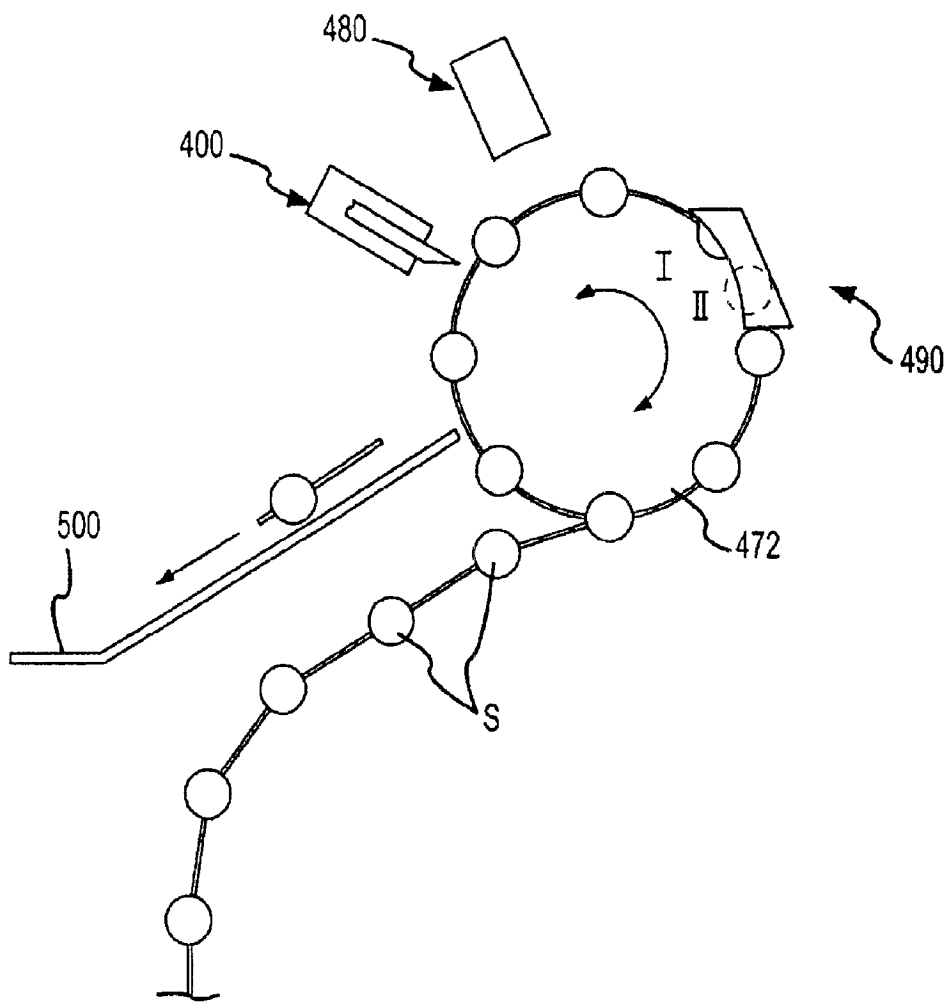


FIG.9

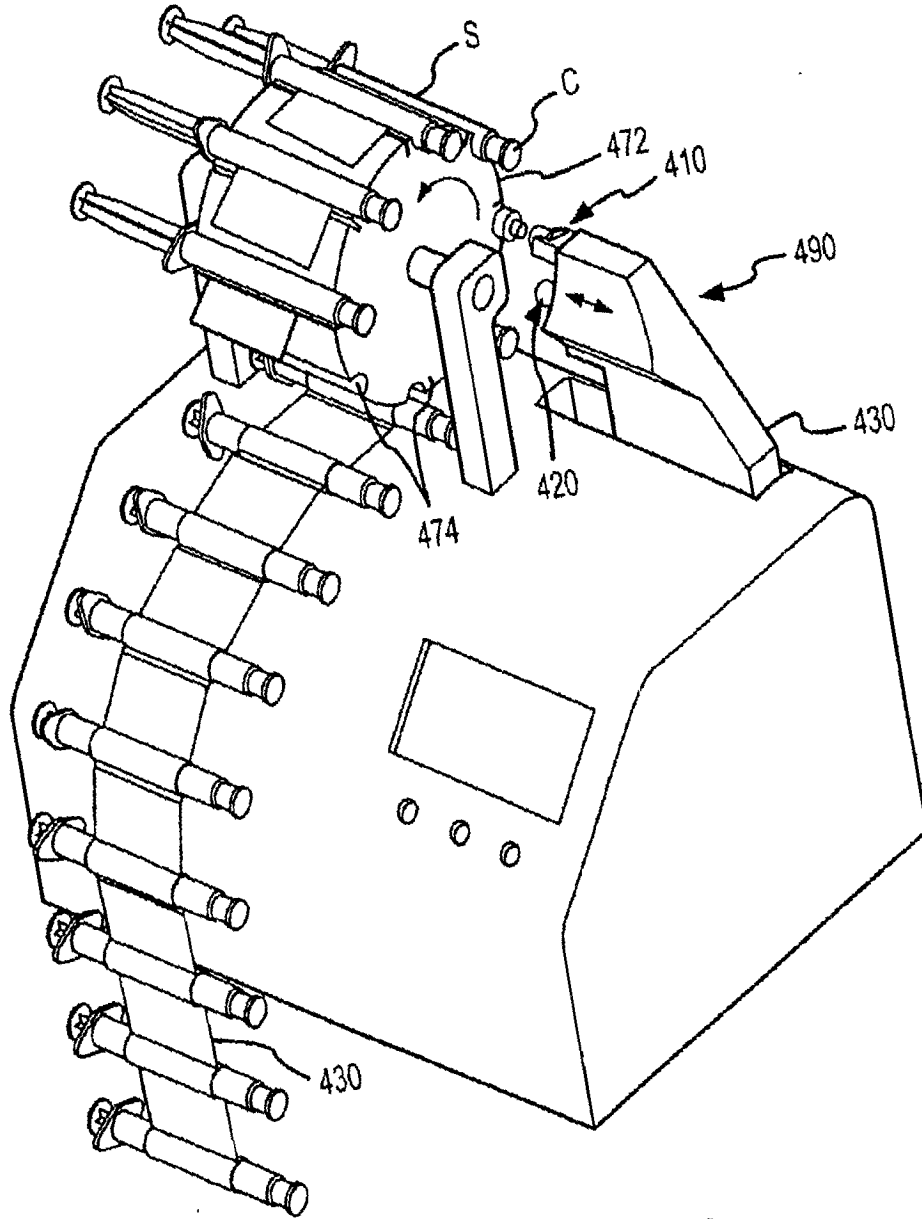


FIG. 10

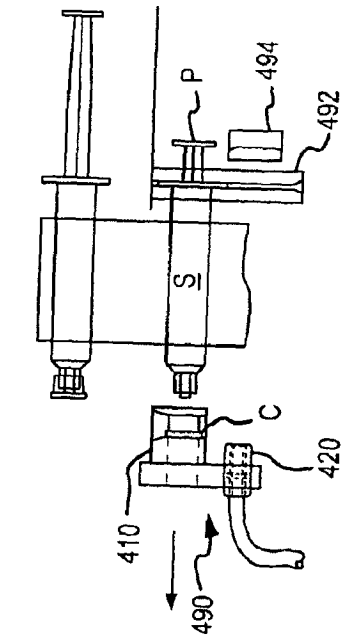


FIG. 11a

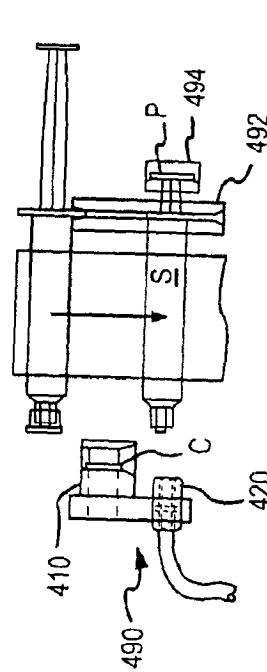


FIG. 11b

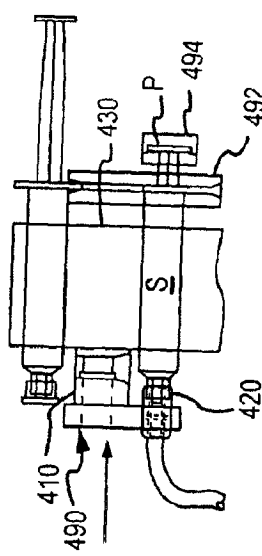


FIG. 11c

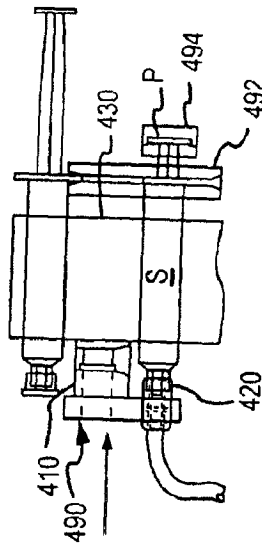


FIG. 11d

U.S. Patent

Oct. 25, 2005

Sheet 20 of 22

US 6,957,522 B2

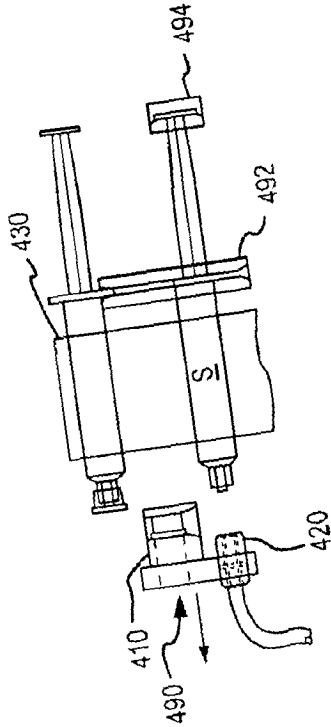


FIG. 11f

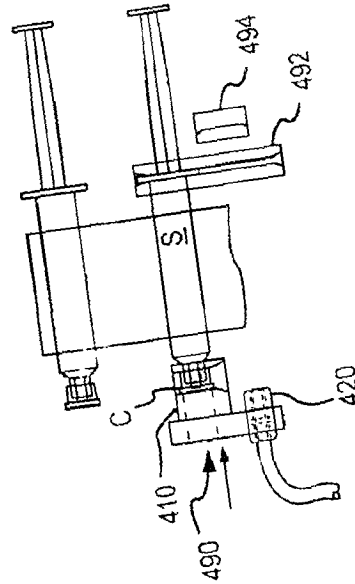


FIG. 11h

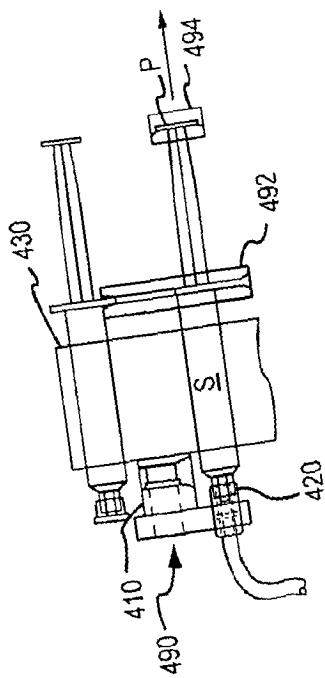


FIG. 11e

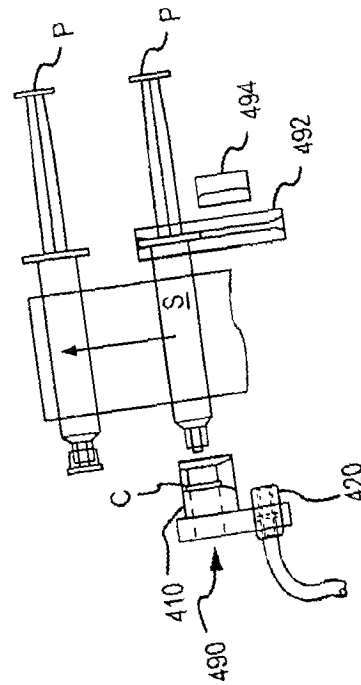


FIG. 11g

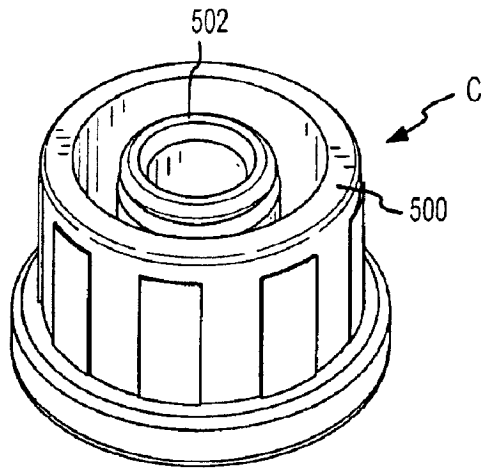


FIG. 12A

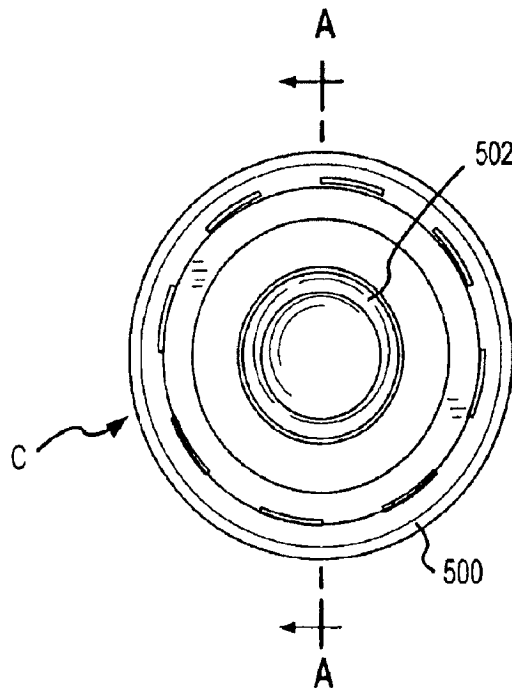


FIG. 12b

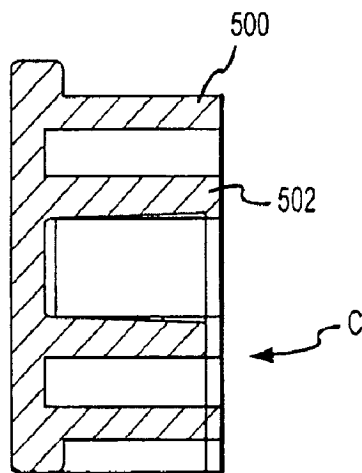


FIG. 12c

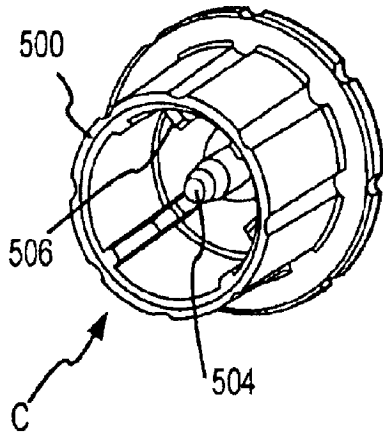


FIG. 13a

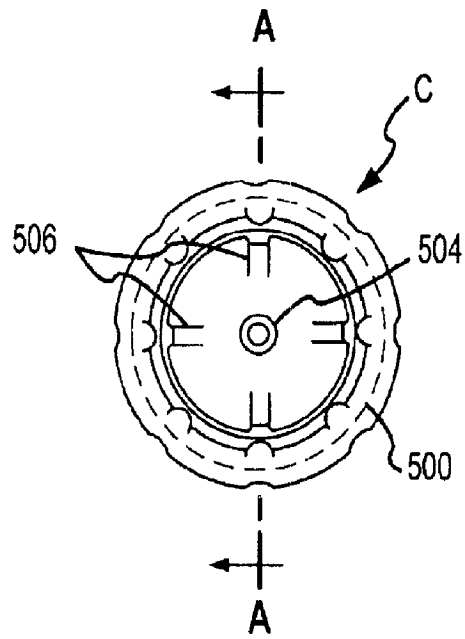


FIG. 13b

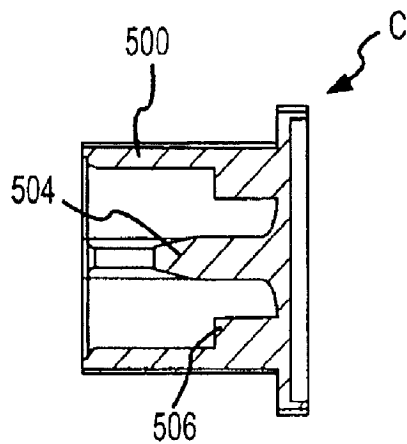


FIG. 13c