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U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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

LUMITEX, INC.,

Plaintiff,

v.

SHEFFMED TRADE SERVICES LTD.,

Defendant.

1:04CV2225

JUDGE

JUDGE A. BRICH

**COMPLAINT FOR PATENT INFRINGEMENT**  
**WITH JURY DEMAND**

Plaintiff, Lumitex, Inc. (LUMITEX), by its undersigned attorneys, for its  
Complaint against Defendant Sheffmed Trade Services Ltd. (SHEFFMED),  
states as follows:

1. Plaintiff LUMITEX is an Ohio corporation having its principal place of business at 8443 Dow Circle, Strongsville, Ohio 44136.
2. On information and belief, Defendant SHEFFMED is a United Kingdom company having its principal place of business at Unit A, 40 Clifton Street, Don Valley, Sheffield S9 2DQ, United Kingdom.

3. This action arises under the Patent Laws of the United States, Title 35, United States Code. This Court has jurisdiction under 28 U.S.C. § 1338(a).

4. Venue is proper in this district under 28 U.S.C. § 1391(b) because Defendant is an alien and exports products to the United States for sale in this country.

5. Plaintiff is the owner by assignment of United States Patent No. 6,504,985 (the '985 patent) entitled "ILLUMINATED SURGICAL RETRACTOR". The '985 patent was duly and legally issued by the United States Patent and Trademark Office (USPTO) on January 7, 2003. A copy of the '985 patent is attached hereto as Exhibit A.

6. The '985 patent is still in force and effect and is presumed valid under the United States patent laws.

7. Defendant has been and is now infringing, contributorily infringing, and inducing infringement of the '985 patent by advertising, selling and offering for sale "Neon" surgical retractors embodying the inventions disclosed and claimed in the '985 patent in the United States.

8. Defendant has infringed the '985 patent with full knowledge of the existence thereof and of the rights of Plaintiff with respect thereto. Such acts of infringement by Defendant have been and continue to be willful and deliberate and Plaintiff believes they will continue in the future unless enjoined by this Court.

9. By reason of Defendant's acts of infringement, contributory infringement and inducing infringement of the '985 patent complained of herein,

Plaintiff has been and will continue to be damaged unless Defendant is enjoined by this Court.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for the following relief:

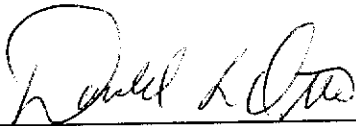
1. A judgment against Defendant for its infringing acts.
2. A judgment that Defendant's infringement has been willful.
3. A judgment against Defendant awarding Plaintiff damages suffered by Plaintiff including lost profits on account of Defendant's infringement of the '985 patent, together with interest.
4. A judgment that Plaintiff's damages be trebled.
5. Preliminary and final injunctions against further infringements of the '985 patent by Defendant and any entity acting in concert with it.
6. A judgment that this is an exceptional case and that Plaintiff be awarded reasonable attorneys' fees.
7. A judgment that Defendant be directed to pay Plaintiff its costs incurred in this action and such other and further relief as the Court deems just and equitable.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands trial by jury of all jury triable issues pleaded herein.

LUMITEX, INC.

Dated: 11/8/04

By   
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