

**U.S. DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

**United States Courts
Southern District of Texas
FILED**

SEP 14 2005

W. Milby, Clerk of Court

**AMERICAN MEDICAL TECHNOLOGIES, INC.,
a Texas corporation,**

Plaintiff,

vs.

Case No.

**VELOPEX INTERNATIONAL, INC.
a Georgia corporation,**

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

Parties and Jurisdiction

1. Plaintiff American Medical Technologies, Inc. is a Texas corporation having a principal place of business at 5655 Bear Lane, Corpus Christi, Texas 78405.
2. Upon information and belief, Defendant Velopex International is a Georgia corporation having offices and a place of business at 105 E. 17th Street, St. Cloud, FL 34769.
3. This action arises under the patent laws of the United States. This Court has jurisdiction under 35 USC Section 281 and 28 USC Section 1338. Venue is proper under 28 USC Section 1400(b) and 28 USC Section 1391(c).

Count I - Patent Infringement

4. Plaintiff realleges Paragraphs 1-3 as if fully set forth herein.
5. Plaintiff is the owner by assignment of U.S. Letters Patent No. 5,275,561 issued January 4, 1994, a copy of which is attached to this complaint as Exhibit A.

6. Upon information and belief, Defendant has infringed said Letters Patent No. 5,275,561 and will continue to do so in this judicial district and elsewhere throughout the United States to the irreparable damage of Plaintiff unless enjoined by this Court; 35 USC Section 271(a), Section 271(b) and Section 271(c).

7. Defendant manufactures (or causes to be manufactured), offers for sale, and sells, dental equipment incorporating the technology of the '561 patent.

8. Defendant was at all times relevant hereto aware of the '561 patent and of its "method for preparing tooth structure for bonding" technology. Defendants had specific knowledge of the '561 patent. Defendant has no license, but has nevertheless deliberately and willfully incorporated the technology of the '561 patent into its own products, and continues to do so, thereby causing irreparable harm and damage to Plaintiff.

9. The aforementioned actions by Defendant has occurred with full knowledge of Plaintiff's patent rights.

10. The aforementioned acts constitute willful infringement of said Letters Patent No. 5,275,561.

WHEREFORE, Plaintiff prays that:

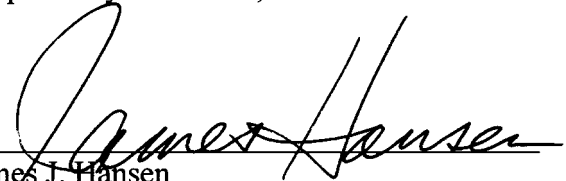
1. the Defendant, officers, agents, employees, successors and assigns and all persons or entities holding by, through or under them and all those acting for them or in their behalf, be preliminarily enjoined during the pendency of this action and thereafter permanently enjoined from further infringement of Plaintiff's Letters Patent No. 5,275,561.

2. the Defendant, account for and pay to Plaintiff all damages sustained by Plaintiff as determined by the jury by reasons of Defendant's infringement of said Letters Patent.

3. this Court declare this case to be exceptional pursuant to 35 USC Section 285 and award Plaintiff triple damages as determined by the jury together with Plaintiff's attorney fees and costs associated with this action.

4. Plaintiff be granted such other and further relief as this Court deems just and equitable.

Respectfully submitted,



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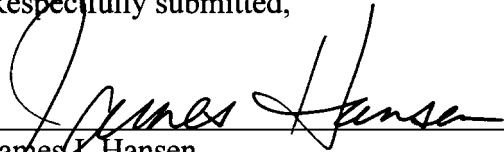
Attorneys for Plaintiff

Date: Sept 13, 2005

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted,



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Date: Sept 13, 2005

A

US005275561A

United States Patent [19]

[11] **Patent Number:** **5,275,561**

Goldsmith

[45] **Date of Patent:** **Jan. 4, 1994**

[54] **METHOD FOR PREPARING TOOTH STRUCTURE FOR BONDING**

4,969,868 11/1990 Wang 604/20
 5,094,615 3/1992 Bailey 433/88
 5,094,839 3/1992 Lowder et al. 424/49

[75] **Inventor:** Daniel S. Goldsmith, West Bloomfield, Mich.

Primary Examiner—Robert P. Swiatek
Assistant Examiner—Cindy A. Cherichetti
Attorney, Agent, or Firm—Gifford, Groh, Sprinkle, Patmore and Anderson

[73] **Assignee:** American Dental Laser, Inc., Troy, Mich.

[21] **Appl. No.:** 862,968

[57] **ABSTRACT**

[22] **Filed:** Apr. 3, 1992

The present invention discloses a method for preparing tooth structure, such as dentin and enamel, for bonding with a composite material. The method includes the steps of creating a fluid stream laden with an abrasive material, such as aluminum oxide. The fluid stream is directed towards the tooth structure so that the abrasive material laden fluid stream impinges upon the tooth structure and roughens it for enhanced bonding with composite material.

[51] **Int. Cl.³** A61C 15/00; A61C 5/00

[52] **U.S. Cl.** 433/216; 433/215

[58] **Field of Search** 433/215, 216, 217

[56] **References Cited**

U.S. PATENT DOCUMENTS

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4,595,365	6/1986	Edel et al.	433/216
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17 Claims, 2 Drawing Sheets

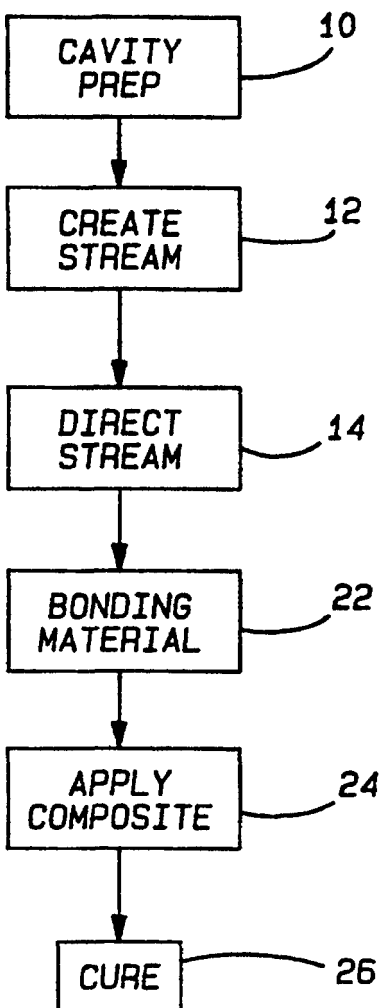




Fig-1
PRIOR ART

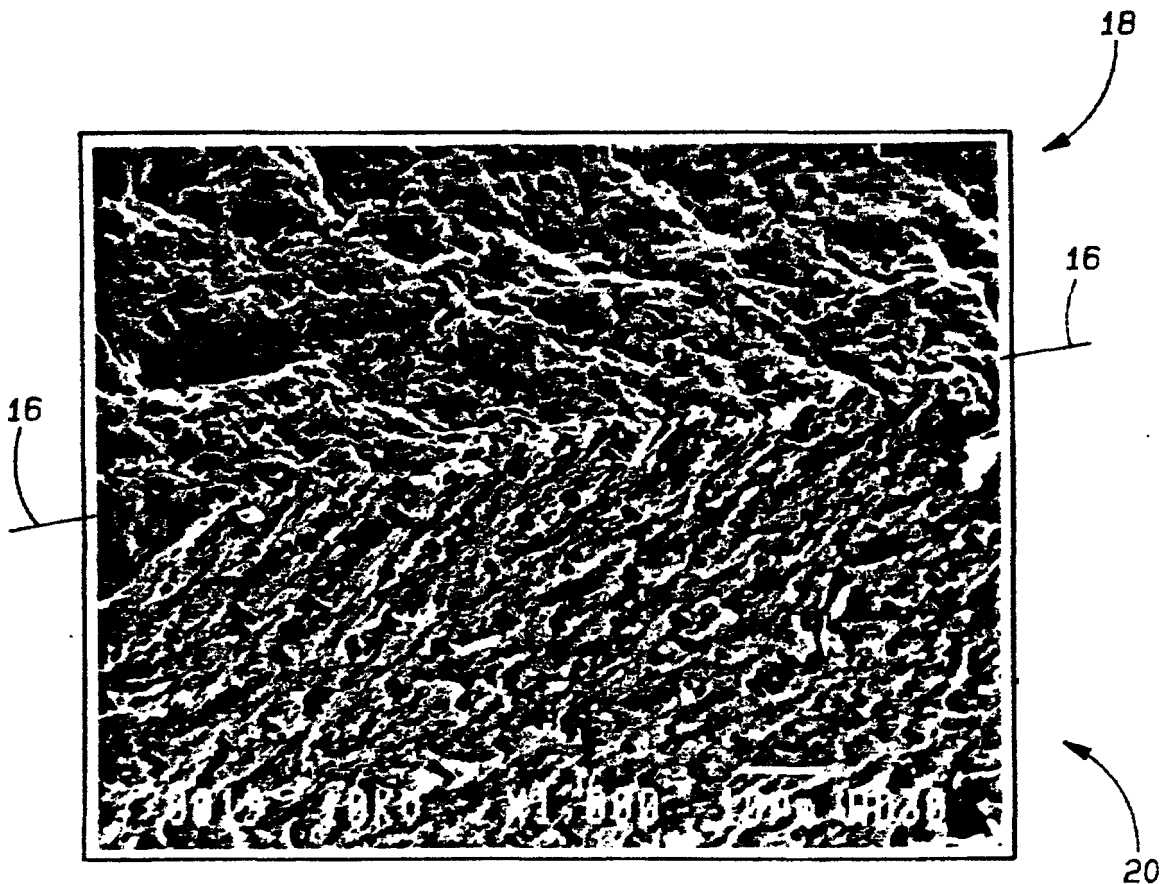


Fig-2

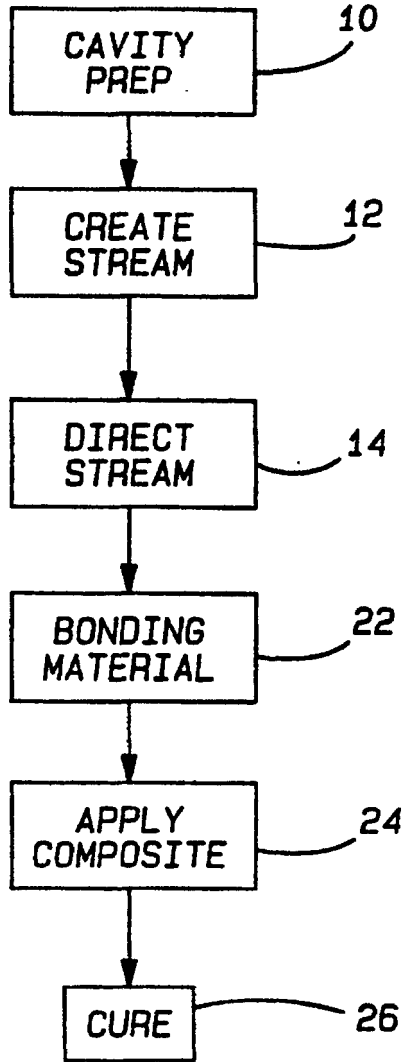


Fig-3

METHOD FOR PREPARING TOOTH STRUCTURE FOR BONDING

BACKGROUND OF THE INVENTION

I. Field of the Invention

The present invention relates generally to dental procedures and, more particularly, to a dental procedure for preparing tooth structure for bonding with composite material.

II. Description of the Prior Art

When decay is removed from tooth structure, such as dentin and enamel, the resulting cavity caused by the removal of the tooth decay must be filled in order to protect the tooth from further decay, infection and the like. Both amalgam and composites have been used to fill the cavity preparation performed by the dentist.

When amalgam is used to fill the cavity preparation performed by the dentist, the dentist typically undercuts the enamel thus forming a pocket in the tooth having a relatively small opening exposed to the exterior of the enamel. Amalgam is then forced into the pocket and is held in place by a mechanical retention with the tooth structure. Although amalgam has proven adequate in filling cavity preparations, it is cosmetically undesirable due to its silver or dark color.

There are, however, composites and other similar materials (hereinafter collectively referred to as composites or composite materials) which are of the same color as the tooth and are used to fill the cavity preparation performed by the dentist when removing the tooth decay. Since these composites are of the same color as the tooth, they are cosmetically more desirable than amalgam.

In order to prepare the tooth structure, i.e. the enamel and dentin and associated tooth material, an acid is typically used to etch the enamel to enhance the bond between the composite and the enamel. The dentin, however, should not be etched because of problems with pulpal insult from acid which can result in increased pulpal sensitivity and other complications.

Consequently, in order to protect the dentin from the acid etch, the dentin is first covered with a primer which not only protects the dentin from the acid during a subsequent enamel etch, but also removes the smear layer caused by the traditional rotary drill used by dentists.

After the dentin has been coated with the primer, an acid etch is then used to etch the enamel surrounding the opening in the tooth structure. FIG. 1 depicts such an acid etch at approximately 3500 magnification. As can be seen from FIG. 1, the acid etch in the enamel caused large crevices and peaks in the enamel.

After the acid etch, the acid is rinsed away with water and the tooth is dried. After drying, a bonding agent is applied to both the dentin as well as the etched enamel. The composite is then applied to the dentin and etched enamel on top of the bonding agent, cured with a light whereupon the composite restoration is completed.

There are, however, a number of disadvantages with this previously known process for cavity preparation for composites. One disadvantage is that the entire procedure for cavity preparation using a composite is a time consuming and relatively difficult procedure for the dentist.

A still further disadvantage of the previously known procedure is that it is very difficult, if not altogether

impossible, for the dentist to apply the primer only to the dentin while leaving the enamel surrounding the cavity preparation exposed for the subsequent acid etch. This is particularly true since the dentin-enamel junction forms only a fine line oftentimes difficult for the dentist to see. Consequently, as a practical matter, the bonding is applied by the dentist not only to the dentin but also to portions of the enamel. Any primer applied to the enamel, however, will prevent the desired acid etch of the enamel and thus degrade the overall integrity of the bonding between the enamel and the composite.

A still further disadvantage of the previously known cavity preparation for composites is that the acid etch creates relatively deep crevices and high peaks in the area of the enamel which is etched as shown in FIG. 1.

While the deep crevices and high peaks of the enamel caused by the acid etch enhance the overall bond between the composite and the enamel, moisture from the rinse following the acid etch can become entrapped in the crevices. Any remaining moisture entrapped within the crevices of the acid etch from insufficient drying weakens the bond between the composite and the enamel.

A still further disadvantage of these previously known cavity preparations for composites is that the polymerization process of the composite places varying magnitudes of stress upon the bond between the dentin and the composite. Such stresses can result in increased sensitivity between the composite and the dentin, especially where gaps exist between the composite and the dentin. Such gaps can result in small movement of the composite when the patient chews or otherwise applies pressure to the composite which also results in increased sensitivity for the tooth.

A still further disadvantage of the previously known cavity preparation using acid etch on the enamel is that gaps frequently result between the composite and the enamel due to the large peaks and valleys in the enamel from the acid etch. These gaps increase the risk of microleakage which allows contaminants to infiltrate the gaps in the enamel and cause additional decay of the tooth from the microleakage.

SUMMARY OF THE PRESENT INVENTION

The present invention provides a method for cavity preparation for composites and similar materials which overcomes all of the above mentioned disadvantages of the previously known methods.

In brief, the present invention comprises the step of creating a fluid stream laden with abrasive material. Preferably aluminum oxide is utilized as the abrasive material and the aluminum oxide has an average size of between 2 and 100 microns. Although any fluid can be used, preferably air is used.

The abrasive material laden fluid stream is then directed towards the tooth structure, i.e. both the enamel and the dentin, so that the stream laden with abrasive material impinges upon the tooth structure and roughens it. Furthermore, by maintaining the impingement of the abrasive material laden fluid stream on the dentin for a sufficient time, the stream appears to close the a tubules in the dentin thereby resulting in decreased tooth sensitivity.

Following roughening of the tooth structure by the abrasive material laden stream, the dentist applies both the bonding and the composite to the tooth structure

and cures the composite in the conventional fashion thus completing the tooth restoration.

BRIEF DESCRIPTION OF THE DRAWING

A better understanding of the present invention will be had upon reference to the following detailed description when read in conjunction with the drawing in which:

FIG. 1 is a microphotograph illustrating an acid etched enamel at approximately 3500 magnification;

FIG. 2 is a microphotograph illustrating the effect of cavity preparation in accordance with the present invention; and

FIG. 3 is a flow chart illustrating the preferred embodiment of the present invention.

DETAILED DESCRIPTION OF A PREFERRED EMBODIMENT OF THE PRESENT INVENTION

The present invention provides an improved method for surface modification and preparation following removal of tooth decay for use with composite restorations. Furthermore, as used herein, the term composites includes veneers, resins, glass ionomers, ceramics, porcelain and similar materials. Such materials are typically attached to the tooth by a bonding material, as well as mechanical adhesion to the teeth structure.

With reference now to FIG. 3, the dentist first performs a cavity preparation at step 10 in order to prepare the cavity for subsequent bonding with the composite. The cavity preparation at step 10, i.e. removal of the tooth decay, can be performed either conventionally, such as with a rotary drill, or through other means, such as with a laser, an air abrasive system or the like.

Following the cavity preparation at step 10, both the dentin and a portion of the enamel surrounding the opening in the tooth are exposed. It is this opening and adjacent enamel (not shown) which will be subsequently filled and/or covered by the composite.

In accordance with the present invention, following the cavity preparation at step 10, a fluid stream laden with abrasive material is created or initiated by the dentist at step 12 using any conventional equipment. Such equipment typically uses air as the fluid and aluminum oxide as the abrasive material. Typically, pressurized air is used to create the air flow and preferably the pressure of the pressurized air is variably controlled by the dentist between 20-200 psi. The aluminum oxide of the present invention has an average size of between 2 and 100 microns although other types and sizes of abrasive material can alternatively be used.

After creating or initiating the abrasive material laden fluid stream, the dentist directs the abrasive material laden fluid stream toward the tooth structure at step 14 which will undergo restoration with a composite. Furthermore, the dentist directs the fluid stream so that the abrasive material impinges on the tooth structure, i.e. dentin and surrounding enamel, which roughens the tooth structure in preparation for the composite.

With reference now to FIG. 2, the portion of FIG. 2 above line 16 indicated by arrow 18 illustrates tooth structure roughened by an abrasive laden fluid stream in accordance with the present invention. As can be seen from area 18 of FIG. 2, the tooth structure, while roughened by the abrasive material, does not exhibit the deep peaks and valleys of a conventional acid etch such as shown in FIG. 1. Furthermore, the area 18 roughened in accordance with the present invention includes not only the enamel, but also the dentin.

Still referring to FIG. 2, the area 20 below the line 16 illustrates dentin which is unmodified by the abrasive material laden fluid stream. As illustrated in area 20, the tubules in the dentin are exposed to the surface of the dentin. In sharp contrast to this, the area 18 roughened by the abrasive material appears to close or otherwise cover the tubules and it is believed that this results in decreased sensitivity of the dentin.

With reference again to FIG. 3, after the tooth structure including both the dentin and the enamel have been roughened at step 14, the dentist then applies a bonding material to the tooth structure at step 22 and subsequently applies the composite to the bonding material at step 24. The composite is then cured at step 26 and the restoration is completed.

The method of the present invention thus achieves numerous advantages over the previously known methods for bonding composites to tooth structure. First, since the acid etch of the enamel is completely eliminated, it is no longer necessary for the dentist to protect the dentin by coating the dentin with a primer prior to the acid etch. This not only saves time for the dentist, but also eliminates the previously known problem of unintentionally applying the primer to areas of the enamel where etching was desired.

A still further advantage of the present invention is that, since the acid etch has been eliminated, it is no longer necessary to wash the acid from the tooth structure following the acid etch. As such, with the present invention, it is no longer necessary to dry the tooth structure of water following the surface modification of the tooth structure. Likewise, since the water a rinse has been eliminated, the likelihood of entrapped moisture on the tooth structure and the previously known resulting degradation of the composite bond is also eliminated.

A still further advantage of the present invention is that the composite material is bonded not only to the enamel as in the previously known methods, but also to the dentin. Such bonding of the composite to the dentin effectively eliminates any gaps which may be present between the composite and the dentin thus performing a firmer bond and support between the composite and the dentin. This firmer bond reduces the likelihood of sensitivity caused by small movement of the composite relative to the dentin.

It is believed that a still further advantage of the present invention is that the abrasive material effectively closes the tubules present in the dentin prior to restoration of the tooth. By closing the tubules, the likelihood of sensitivity of the tooth is further diminished.

Furthermore, the relatively small peaks and valleys, as contrasted with an acid etch, caused by the method of the present invention in the enamel and dentin reduces the possibility of microleakage through gaps between the composite and the tooth structure. This not only provides a better bond between the composite and the tooth structure, but also minimizes the risk of microleakage.

From the foregoing, it can be seen that the present invention provides a novel method for cavity preparation for composites. It has also been found that by using a less abrasive material, such as sodium bicarbonate, entrained in the fluid stream, the fluid stream with the less abrasive material can be used to clean teeth, remove plaque and tartar and the like. As with the cavity preparation, the sodium bicarbonate is preferably entrained

within an air flow stream. Having described my invention it can be seen that the present invention provides a novel means of preparing a cavity preparation for composites, as well as cleaning teeth. Having described my invention, however, many modifications thereto will become apparent to those skilled in the art to which it pertains without deviation from the spirit of the invention as defined by the scope of the appended claims.

I claim:

1. A method for preparing a tooth structure for bonding with a composite material comprising the steps of: creating a fluid stream laden with abrasive material, directing said fluid stream towards the tooth structure for a time sufficient so that the abrasive material laden fluid stream impinges upon the tooth structure and roughens the tooth structure wherein said creating step comprises the step of variably metering abrasive material into the fluid stream, and

wherein said metering step comprises the step of metering between one gram per minute and fifteen grams per minute of abrasive material into the fluid stream.

2. The invention as defined in claim 1 wherein said tooth structure comprises dentin and enamel wherein said directing step comprises the step of directing the impingement of the abrasive material laden fluid stream against both the enamel and the dentin.

3. The invention as defined in claim 1 wherein said abrasive material comprises aluminum oxide.

4. The invention as defined in claim 3 wherein said abrasive material has an average size of between two and one hundred microns.

5. The invention as defined in claim 1 wherein said fluid is air.

6. The invention as defined in claim 5 wherein said step of creating a fluid stream comprises the step of using a compressed air source and varying the pressure of the compressed air source.

7. The invention as defined in claim 6 wherein said pressure varies from twenty to two hundred psi.

8. The invention as defined in claim 1 wherein said tooth structure includes exposed tubules and further comprising the step of maintaining impingement of the abrasive material laden fluid stream on the tooth structure for a time sufficient to close said tubules.

9. The invention as defined in claim 1 wherein said abrasive material comprises sodium bicarbonate powder.

10. A method for restoration of tooth structure using a composite comprising the steps of:

creating a fluid stream laden with abrasive material, directing said fluid stream towards the tooth structure for a time sufficient so that the abrasive material laden fluid stream impinges upon the tooth structure and roughens the tooth structure, thereafter applying a bonding material on the tooth structure that has been roughened, thereafter applying composite to the bonding material, and curing the bonding material.

11. The invention as defined in claim 10 wherein said bonding material applying step is performed immediately following said directing step.

12. The invention as defined in claim 10 wherein said tooth structure comprises dentin and enamel wherein said directing step comprises the step of directing the impingement of the abrasive material laden fluid stream against both the enamel and the dentin.

13. The invention as defined in claim 10 wherein said abrasive material comprises aluminum oxide.

14. The invention as defined in claim 13 wherein said abrasive material has an average size of between two and one hundred microns.

15. The invention as defined in claim 10 wherein said fluid is air.

16. The invention as defined in claim 10 wherein said tooth structure includes exposed tubules and further comprising the step of maintaining impingement of the abrasive material laden fluid stream on the tooth structure for a time sufficient to close said tubules.

17. A method for preparing a tooth structure for bonding with a composite material comprising the steps of:

creating a fluid stream laden with abrasive material, directing said fluid stream towards the tooth structure for a time sufficient so that the abrasive material laden fluid stream impinges upon the tooth structure and roughens the tooth structure, wherein said tooth structure includes exposed tubules and further comprising the step of maintaining impingement of the abrasive material laden fluid stream on the tooth structure for a time sufficient to close said tubules.

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REEXAMINATION CERTIFICATE (2848th)

United States Patent [19]

[11] **B1 5,275,561**

Goldsmith

[45] **Certificate Issued Apr. 16, 1996**

[54] **METHOD FOR PREPARING TOOTH STRUCTURE FOR BONDING**

[75] Inventor: **Daniel S. Goldsmith**, West Bloomfield, Mich.

[73] Assignee: **American Dental Laser, Inc.**, Troy, Mich.

Reexamination Request:

No. 90/003,619, Nov. 2, 1994

Reexamination Certificate for:

Patent No.: **5,275,561**
 Issued: **Jan. 4, 1994**
 Appl. No.: **862,968**
 Filed: **Apr. 3, 1992**

[51] Int. Cl.⁶ **A61C 15/00; A61C 5/00**
 [52] U.S. Cl. **433/216; 433/215**
 [58] Field of Search **433/215, 216, 433/88**

[56] **References Cited**

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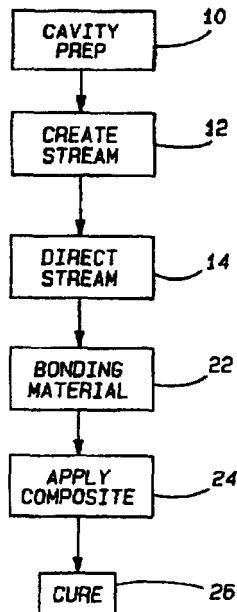
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Primary Examiner—Cary E. O'Connor

[57] **ABSTRACT**

The present invention discloses a method for preparing tooth structure, such as dentin and enamel, for bonding with a composite material. The method includes the steps of creating a fluid stream laden with an abrasive material, such as aluminum oxide. The fluid stream is directed towards the tooth structure so that the abrasive material laden fluid stream impinges upon the tooth structure and roughens it for enhanced bonding with composite material.



1

**REEXAMINATION CERTIFICATE
ISSUED UNDER 35 U.S.C. 307**

THE PATENT IS HEREBY AMENDED AS
INDICATED BELOW.

Matter enclosed in heavy brackets [] appeared in the patent, but has been deleted and is no longer a part of the patent; matter printed in italics indicates additions made to the patent.

ONLY THOSE PARAGRAPHS OF THE
SPECIFICATION AFFECTED BY AMENDMENT
ARE PRINTED HEREIN.

Column 2, lines 57-58:

Between one and fifteen grams per minute of abrasive material is variably metered into the fluid stream.

AS A RESULT OF REEXAMINATION, IT HAS BEEN
DETERMINED THAT:

The patentability of claim 17 is confirmed.

Claims 5 and 11 having been finally determined to be unpatentable, are cancelled.

Claims 1, 6 and 10 are determined to be patentable as amended.

Claims 2-4, 7-9 and 12-16, dependent on an amended claim, are determined to be patentable.

New claims 18 and 19 are added and determined to be patentable.

1. A method for preparing a tooth structure for bonding with a composite material comprising the steps of:

creating a fluid stream laden with abrasive material, directing said fluid stream towards the tooth structure for a time sufficient so that the abrasive material laden fluid stream impinges upon the tooth structure and roughens the tooth structure wherein said creating step comprises the step of variably metering abrasive material into the fluid stream, and

wherein said metering step comprises the step of metering between one gram per minute and fifteen grams per minute of abrasive material into the fluid stream,

wherein said fluid is air.

6. The invention as defined in claim [5] 1 wherein said step of creating a fluid stream comprises the step of using a compressed air source and varying the pressure of the compressed air source.

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10. A method for restoration of tooth structure using a composite comprising the steps of:

creating a fluid stream laden with abrasive material, directing said fluid stream towards the tooth structure for a time sufficient so that the abrasive material laden fluid stream impinges upon the tooth structure and roughens the tooth structure,

thereafter applying a bonding material on the tooth structure that has been roughened,

thereafter applying composite to the bonding material, and

curing the bonding material,

wherein said bonding material applying step is performed immediately following said directing step.

18. A method for preparing a tooth structure for bonding with a composite material comprising the steps of:

creating a fluid stream laden with abrasive material, directing said fluid stream towards the tooth structure for a time sufficient so that the abrasive material laden fluid stream impinges upon the tooth structure and roughens the tooth structure wherein said creating step comprises the step of variably metering abrasive material in the fluid stream, and

wherein said metering step comprises the step of metering between one gram per minute and fifteen grams per minute of abrasive material into the fluid stream,

wherein said tooth structure includes exposed tubules and further comprising the step of maintaining impingement of the abrasive material laden fluid stream on the tooth structure for a time sufficient to close said tubules.

19. A method for restoration of tooth structure using a composite comprising the steps of:

creating a fluid stream laden with abrasive material, directing said fluid stream towards the tooth structure for a time sufficient so that the abrasive material laden fluid stream impinges upon the tooth structure and roughens the tooth structure,

thereafter applying a bonding material on the tooth structure that has been roughened,

thereafter applying composite to the bonding material, and

curing the bonding material,

wherein said tooth structure includes exposed tubules and further comprising the step of maintaining impingement of the abrasive material laden fluid stream on the tooth structure for a time sufficient to close said tubules.

* * * * *

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

I. (a) PLAINTIFFS

AMERICAN MEDICAL TECHNOLOGIES INC.

DEFENDANTS

Velopex International, Inc.

(b) County of Residence of First Listed Plaintiff Corpus Christi
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Osceola
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 28 USC Sec. 1400(b) and 28 USC Section 1391(c)

Brief description of cause:
 Patent Infringement

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____ CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 9/13/05 SIGNATURE OF ATTORNEY OF RECORD James Hansen

FOR OFFICE USE ONLY: RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____