

directly or indirectly within the State of Pennsylvania in sufficient volume and frequency to confer personal jurisdiction in this district.

3. With respect to all Defendants, venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b) because each defendant is subject to personal jurisdiction in this district. With respect to defendant Stryker Trauma, venue is also proper pursuant to 28 U.S.C. § 1391(d).

THE PARTIES

4. Plaintiff is a Pennsylvania partnership having its principal place of business at 1302 Wrights Lane East, West Chester, PA 19380, in Chester County. Plaintiff designs, develops, manufactures and markets skeletal fixation devices.

5. On information and belief, Stryker Corporation (“Stryker Corp.”) is a Michigan corporation having its headquarters located at 2825 Airview Boulevard, Kalamazoo, Michigan, 49002, and having a registered office address at 2725 Fairfield Road, Kalamazoo, Michigan, 49002.

6. On information and belief, Stryker Trauma AG (“Stryker Trauma”) is a Swiss corporation, having a business location of Bohnackerweg 1, 2545 Selzach, Switzerland. Stryker Trauma also is known as Stryker Trauma – Selzach AG and Stryker Trauma SA. On information and belief, Stryker Trauma is a wholly-owned subsidiary of Stryker Corp.

7. On information and belief, Howmedica Osteonics Corporation (“Howmedica”) is a New Jersey corporation having its principal place of business at 325 Corporate Drive, Mahwah, New Jersey, 07430. Howmedica is a registered owner of the fictitious business name “Stryker Orthopaedics.” On information and belief, Howmedica is a wholly-owned subsidiary of Stryker Corp.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 5,976,141

8. Plaintiff re-alleges and incorporates by reference paragraphs 1-7 above, as though fully stated herein.

9. On November 2, 1999, United States Letters Patent No. 5,976,141 entitled “Threaded Insert for Bone Plate Screw Hole” was duly and legally issued to Plaintiff, as assignee. This patent is referred to herein as the “the ‘141 patent.”

10. Possessing all substantial rights to the ‘141 patent and the ‘141 patent being in full force and effect, Plaintiff has the right to sue for infringement thereof.

11. Upon information and belief, Defendants Stryker Corp., Stryker Trauma, and Howmedica are infringing the ‘141 patent, either directly or contributorily, by making, using, selling, offering for sale, importing, or supplying bone plate assembly devices, including the AxSOS Locking Plate System, or actively inducing the infringement of the ‘141 patent by making, using, selling, or offering for sale such devices, all in violation of 35 U.S.C. § 271 et seq., and will continue to do so unless enjoined by this Court.

12. By reason of Defendants Stryker Corp.’s, Stryker Trauma’s, and Howmedica’s acts of infringement, Plaintiff has suffered and is suffering damages, including impairment of the value of the ‘141 patent, in an amount yet to be determined.

13. Defendants Stryker Corp.’s, Stryker Trauma’s, and Howmedica’s acts of infringement are causing irreparable harm to Plaintiff and will continue to cause irreparable harm unless enjoined by this Court.

14. Upon information and belief, Defendants Stryker Corp.’s, Stryker Trauma’s, and Howmedica’s continued infringement of the ‘141 patent is willful and justifies a trebling of

damages pursuant to 35 U.S.C. § 284. Further, this as an exceptional case supporting an award of reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays the Court for the following relief:

1. That Defendants Stryker Corp., Stryker Trauma, and Howmedica, their officers, partners, employees, agents, representatives, attorneys and all persons acting or claiming to act on their behalf or under their direction or authority and all persons acting in concert or in participation with Stryker Corp., Stryker Trauma, and Howmedica, be enjoined during the pendency of this action, and thereafter perpetually from:

- (a) making, using, offering for sale, selling or supplying any and all infringing devices in violation of the '141 patent, and
- (b) inducing others to violate the '141 patent.

2. That Defendants Stryker Corp., Stryker Trauma, and Howmedica be required to deliver up to Plaintiff for destruction any and all advertising, marketing or distribution materials related to Stryker Corp., Stryker Trauma, and Howmedica's infringing products.

3. That Defendants Stryker Corp., Stryker Trauma, and Howmedica be required to account for and pay over to Plaintiff the cumulative damages sustained by Plaintiff by reason of Defendants Stryker Corp., Stryker Trauma, and Howmedica's unlawful acts of patent infringement, herein alleged, that the amount of recovery be increased as provided by law, up to three times, and that interest be awarded to Plaintiff.

4. That Plaintiff be awarded its reasonable costs and attorneys' fees.

5. That Plaintiff have such other and further legal or equitable relief as the Court may deem necessary or appropriate.

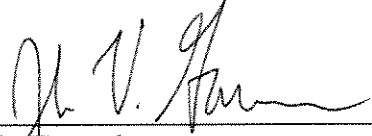
DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury for each and every issue so permitted by law and statute.

Respectfully submitted,

Dated: December 29, 2006

By: _____


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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SYNTHES (U.S.A.), a Pennsylvania
partnership,

Plaintiff,

v.

STRYKER CORPORATION, a Michigan
corporation, STRYKER TRAUMA AG, a
Swiss corporation, HOWMEDICA
OSTEONICS CORPORATION (d/b/a
STRYKER ORTHOPAEDICS), a New Jersey
corporation

Defendants

:
:
: CIVIL ACTION
: NO. _____
:
: COMPLAINT FOR PATENT
: INFRINGEMENT
:
: JURY TRIAL DEMANDED
:
:
:

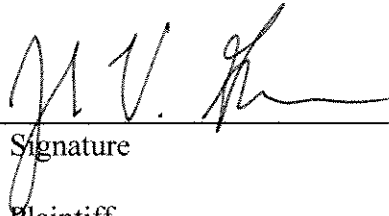
DISCLOSURE STATEMENT

Synthes (U.S.A.) is a partnership between Syth, Inc. and Synthes North America, Inc., each of whom has the following parent corporation and publicly held corporation that owns 10% or more of its stock:

Synthes, Inc.

12/29/06

Date



Signature

Counsel for: Plaintiff

Federal Rule of Civil Procedure 7.1 Disclosure Statement

(a) WHO MUST FILE: NONGOVERNMENTAL CORPORATE PARTY. A nongovernmental corporate party to an action or proceeding in a district court must file two copies of a statement that identifies any parent corporation and any publicly held corporation that owns 10% or more of its stock or states that there is no such corporation.

(b) TIME FOR FILING; SUPPLEMENTAL FILING. A party must:

- (1) file the Rule 7.1(a) statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court, and
- (2) promptly file a supplemental statement upon any change in the information that the statement requires.