

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

FILED
CHARLOTTE, N.C.

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U.S. DISTRICT COURT
W. DIST. OF N.C.

BSN MEDICAL, INC.

Plaintiff,

vs.

M-PACT WORLDWIDE
MANAGEMENT CORPORATION, dba
M-PACT WORLDWIDE, INC.

Defendant

Case No. 3:01cv596-M

COMPLAINT

(Jury Trial Demanded)

COMES NOW the Plaintiff, BSN Medical, Inc. (hereinafter referred to as "BSN Medical" or "Plaintiff") and for its Complaint against Defendant M-Pact Worldwide Management Corporation (hereinafter referred to as "M-Pact" or "Defendant"), alleges and says:

A. JURISDICTION AND VENUE

1. This civil action arises under the Patent Laws of the United States, United States Code, Title 35, Section 1 et seq., and in particular, 35 U.S.C. §§ 271.

2. Jurisdiction is proper in this Court under the provisions of 28 U.S.C. § 1338(a) in that the claims of the Complaint arise under the Patent Laws of the United States.

3. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1), (2) and (c), and 28 U.S.C. § 1400(b). Upon information and belief, the Defendant M-Pact conducts business in this district and division.

4. This Court has jurisdiction pursuant to 28 U.S.C. §1331.

B. PARTIES

5. Plaintiff BSN Medical is a business corporation organized and existing under the laws of the State of Delaware, is domesticated in North Carolina and has its principal place of business in Charlotte, N.C.

6. Upon information and belief, Defendant M-Pact is a business corporation organized and existing under the laws of the state of Kansas and has its principal place of business at 1040 OCL Parkway, Eudora, KS 66025.

C. CLAIM FOR RELIEF AGAINST DEFENDANT

Patent Infringement

7. Plaintiff BSN Medical is the owner by assignment of all right, title and interest in and to:

(a) United States Patent No. 4,770,299 entitled "Roll Form Medical Bandage";

(b) United States Patent No. 4,869,046 entitled "Roll Form Medical Bandaging Product and Method of Constructing Same; and

(c) United States Patent No. 4,899,739 entitled "Roll Form Medical Bandaging Product."

hereinafter referred to as the "BSN Medical Patents."

8. Defendant has infringed and continue to infringe the BSN Patents by making, using, selling and offering for sale in this District and elsewhere, products that come within the scope of the BSN Patents in violation of the Patent Laws of the United States, including, inter alia, 35 U.S.C. § 271, or which contributorily infringe and induce infringement of the BSN Patents.

9. Defendants have knowledge of the 'BSN Patents and are making, using, selling or offering for sale infringing medical bandaging products with knowledge of said BSN Patents, and therefore are willfully infringing the BSN Patents.

10. These acts of infringement are irreparably harming and causing damage to Plaintiff BSN Medical and will continue to do so unless and until restrained by this Court.

WHEREFORE, Plaintiff prays:

A. That this Court preliminarily and permanently enjoin Defendant from infringing the BSN Patents in accordance with 35 U.S.C. §283 and engaging in any advertising or sales of its infringing products;

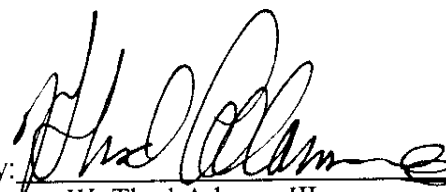
B. That Plaintiff be awarded judgment against Defendant for damages resulting from its infringement of the BSN Patents, and that such damages be trebled in accordance with provisions of 35 U.S.C. §284, and for reasonable attorneys' fees in accordance with 35 U.S.C. §285;

C. That this Court order the impounding and destruction of all Defendant's products that infringe the BSN Patents;

D. That this Court award Plaintiff interest, cost and such further relief that this Court deems just and equitable; and

E. That this Court order Defendant to pay Plaintiff all its reasonable taxable costs and attorneys' fees in a sum and manner deemed appropriate by this Court based on the deliberate and willful infringement by Defendants as set forth in this Complaint.

Date: 10/30/01

By: 
W. Thad Adams, III
Attorney for the Plaintiff

OF COUNSEL:

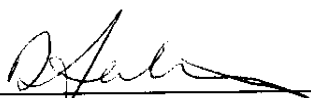
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VERIFICATION OF COMPLAINT

Darrell K. Jenkins, being first duly sworn, deposes and says that he is the President of Plaintiff, BSN Medical, Inc., that he has read the attached Complaint, and that the statements made therein are true except as to those matters stated upon information and belief, and as to those matters, he believes them to be true.

This, the 22nd day of October, 2001.



Darrell K. Jenkins
President, BSN Medical, Inc.

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Kelly R. Crump, hereby certify and acknowledge that Darrell K. Jenkins, President of BSN Medical, Inc., after being duly sworn, appeared before me this day and executed the foregoing Verification of Complaint.

This the 22nd day of October, 2001.



Notary Public

My Commission Expires: My Commission Expires August 6, 2002

SEAL.