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

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

BSN MEDICAL, INC.)
)
) Plaintiff,)
)
) vs.)
)
) THE ST. JOHN COMPANIES, INC.)
)
) Defendant)

Case No. **3: 04 CV 117**

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW the Plaintiff, BSN Medical, Inc. (hereinafter referred to as "BSN Medical" or "Plaintiff") and for its Complaint against Defendant The St. John Companies, Inc. (hereinafter referred to as "St. John" 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 St. John conducts business in this district and division.
4. This Court has jurisdiction pursuant to 28 U.S.C. § 1331.

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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 St. John is a business corporation organized under the laws of the State of California and has a principal place of business at 25167 Anza Drive, Valencia, CA 91355.

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. 4,899,738 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 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. Defendant have knowledge of the 'BSN Patents and is using, selling or offering for sale infringing medical bandaging products with knowledge of the BSN Patents, and therefore is 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 award Plaintiff interest, cost and such further relief that this Court deems just and equitable; and

D. 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.

Respectfully submitted,
BSN Medical, Inc.

By: 

W. Thad Adams, III
Attorney for the Plaintiff

Of Counsel:

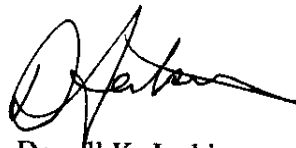
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VERIFICATION OF COMPLAINT

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 8th day of March, 2004.



Darrell K. Jenkins
President, BSN Medical, Inc.

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Angela G. Days, 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 8th day of MARCH, 2004.

Notary Public

My Commission Expires: December 2, 2007

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