

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

Coronary Stent Visualization Corporation,

Plaintiff,

v.

Siemens Medical Solutions USA, Inc.; and
Philips Electronic North America Corporation;

Defendants.

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Civil Action No. 2:07-cv-00544-TJW

Jury Trial Demanded

FIRST AMENDED COMPLAINT

Plaintiff Coronary Stent Visualization Corporation (“Plaintiff” or “CSV”), by and through its attorneys, for its First Amended Complaint against Siemens Medical Solutions USA, Inc. (“Siemens”) and Philips Electronic Corporation North America (“Philips”), hereby states as follows:

I. THE PARTIES

1. Plaintiff CSV is a corporation duly formed and existing under the laws of the State of Delaware, with its principal place of business located at 500 Newport Center Drive, 7th Floor, Newport Beach, California, 92660.

2. On information and belief, Defendant Siemens Medical Solutions USA, Inc. is a New York corporation with a place of business located at 153 E. 53rd St. 56th Floor, New York, New York, 10022. Defendant Siemens Medical Solutions USA, Inc. can be served with process by serving its registered agent for service of process in the State of Texas, CT Corp System, 350 N. St. Paul Street, Dallas, Texas 75201.

3. On information and belief, Defendant Philips Electronic North America Corporation is a Delaware corporation with a place of business located at 1251 Avenue of the Americas, New York, New York 10020. Defendant Philips Electronic North America Corporation can be served with process by serving its registered agent for service of process in the State of Texas, Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701.

II. JURISDICTION AND VENUE

4. This is an action for patent infringement which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§271, 281, 283, 284 and 285. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§1331 and 1338(a).

5. This Court has personal jurisdiction over each of the Defendants because Defendants conduct business in this judicial district and have committed acts of patent infringement in this judicial district.

6. Venue is proper in this district pursuant to 28 U.S.C. §§1391(b), (c) and 1400.

III. PLAINTIFF'S PATENTS

7. The Patents teach systems and methods for the visualization and display of medical procedures, including displaying details of a coronary artery lesion or an arterial segment during cineangiograms. Aspects of the present invention can be usefully applied in stenting procedures, which, over the last 20 years, have seen an enormous increase in frequency throughout the United States and the world.

8. Plaintiff is the exclusive licensee and grantee of all substantial rights and interest in and to: United States Patent No. 5,054,045, issued on October 1, 1991, for "Coronary Tracking Display" ("the '045 patent"), attached as **Exhibit 1**; United States Patent No.

5,457,728, issued on October 10, 1995 for “Coronary Tracking Display” (“the ‘728 patent”), attached as **Exhibit 2**; and United States Patent No. 5,822,391, issued on October 13, 1998 for “Coronary Tracking Display” (“the ‘391 patent”), attached as **Exhibit 3**. The ‘045 patent, the ‘728 patent and the ‘391 patent are referred to collectively as the “Patents.”

IV. DEFENDANTS’ ACTS

A. Philips

9. Philips manufactures, provides, sells, offers for sale and/or distributes infringing systems and methods. Philips provides services, specifications and instructions for the installation and operation of such systems and methods to its customers.

10. Through its actions, Philips has directly infringed the Patents, actively induced others to infringe the Patents and contributed to the infringement by others of the Patents throughout the United States.

11. Neither Plaintiff CSV nor any of its predecessors in interest in and to the Patents has granted Philips a license or any other right to make, use, offer for sale, or sell the invention defined by the claims of the Patents.

12. CSV has suffered and will continue to suffer damages as a result of Defendant Philips’ infringing acts.

B. Siemens

13. Siemens manufactures, provides, sells, offers for sale and/or distributes infringing systems and methods. Siemens provides services, specifications and instructions for the installation and operation of such systems and methods to its customers.

14. Through its actions, Siemens has directly infringed the Patents, actively induced others to infringe the Patents, and contributed to the infringement by others of the Patents in the United States.

15. On information and belief, Defendant Siemens is knowingly and willfully infringing one or more claims of the Patents.

16. Neither Plaintiff CSV nor any of its predecessors in interest in and to the Patents has granted Siemens a license or any other right to make, use, offer for sale, or sell the invention defined by the claims of the Patents.

17. CSV has suffered and will continue to suffer damages as a result of Defendant Siemens' infringing acts.

V. CLAIMS

COUNT ONE (Infringement of the '045 patent)

18. Plaintiff CSV realleges and incorporates herein paragraphs 1- 17.

19. Defendants have directly infringed the '045 patent.

20. Defendants have indirectly infringed the '045 patent by inducing the infringement of the '045 patent and contributing to the infringement of the '045 patent.

21. Upon information and belief, Defendants have jointly infringed the '045 patent.

22. Defendants' aforementioned acts have caused damage to Plaintiff CSV and will continue to do so unless and until enjoined.

COUNT TWO (Infringement of the '728 patent)

23. Plaintiff CSV realleges and incorporates herein paragraphs 1- 22.

24. Defendants have directly infringed the '728 patent.

25. Defendants have indirectly infringed the '728 patent by inducing the infringement of the '728 patent and contributing to the infringement of the '728 patent.

26. Upon information and belief, Defendants have jointly infringed the '728 patent.

27. Defendants' aforementioned acts have caused damage to Plaintiff CSV and will continue to do so unless and until enjoined.

COUNT THREE
(Infringement of the '391 patent)

28. Plaintiff CSV realleges and incorporates herein paragraphs 1- 27.

29. Defendants have directly infringed the '391 patent.

30. Defendants have indirectly infringed the '391 patent by inducing the infringement of the '391 patent and contributing to the infringement of the '391 patent.

31. Upon information and belief, Defendants have jointly infringed the '391 patent.

32. Defendants' aforementioned acts have caused damage to Plaintiff CSV and will continue to do so unless and until enjoined.

VI. JURY DEMAND

33. Plaintiff hereby demands a trial by jury pursuant to Rule 38 of the Rules of Civil Procedure.

VII. PRAYER

WHEREFORE, Plaintiff CSV respectfully requests that the Court:

- A. Enter judgment that Defendants are infringing the '045 patent;
- B. Enter judgment that Defendants are infringing the '728 patent;
- C. Enter judgment that Defendants are infringing the '391 patent;

- D. Pursuant to 28 U.S.C. §283, permanently enjoin each Defendant, its agents, servants and employees, and all those in privity with the Defendants or in active concert and participation with any of the Defendants, from engaging in acts of infringement of the Patents;
- E. Award Plaintiff CSV past and future damages together with interest and costs to compensate for the infringement by Defendants of the Patents in accordance with 35 U.S.C. §284;
- F. Increase such award by up to three times the amount found or assessed in accordance with 35 U.S.C. §284;
- G. Declare this case exceptional pursuant to 35 U.S.C. §285; and
- H. Award Plaintiff CSV its costs, disbursements, and attorneys' fees and such further and additional relief as is deemed appropriate by this Court.

Respectfully submitted,



Dated: **February 20, 2008**

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 20th day of February, 2008.

A handwritten signature in black ink, appearing to read "Eric M. Albritton", written over a horizontal line.

Eric M. Albritton