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ORIGINAL
FILED

MAR 26 2002

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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BOSTON SCIENTIFIC CORPORATION and
TARGET THERAPEUTICS, INC.

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BOSTON SCIENTIFIC CORPORATION
and TARGET THERAPEUTICS, INC.,

CIVIL ACTION NO.

Plaintiffs,

COMPLAINT

v.

DEMAND FOR JURY TRIAL

CORDIS CORPORATION,

Defendant.

BZ

Plaintiffs, Boston Scientific Corporation and Target Therapeutics, Inc. (collectively,
"Plaintiffs"), as and for their Complaint against defendant Cordis Corporation ("Cordis"), state as
follows:

9. By contract, Boston Scientific is the exclusive distributor of products manufactured pursuant to the '415 patent.

10. Cordis is engaged in the manufacture, use, sale and/or offer for sale of detachable coil delivery systems and/or pushable coil vascular occlusion systems ("coil delivery systems") in this district and elsewhere in the United States, which are covered by one or more claims of the '415 patent.

11. Cordis' acts of infringement are willful as Cordis knew or should have known of the '415 patent and that its coil delivery systems infringe the '415 patent.

12. Cordis' acts of infringement have caused reparable and irreparable damage to Plaintiffs and Plaintiffs will continue to suffer damage unless Cordis is enjoined.

**COUNT II – PATENT INFRINGEMENT
(U.S. PATENT NO. 6,010,498)**

13. This claim is made under the provisions of the patent laws of the United States, 35 U.S.C. §§ 271 *et seq.* The allegations of paragraphs 1-12 above are incorporated herein by reference.

14. Target is the exclusive licensee of United States Patent No. 6,010,498 ("the '498 patent"), entitled "ENDOVASCULAR ELECTROLYTICALLY DETACHABLE WIRE AND TIP FOR THE FORMATION OF THROMBUS IN ARTERIES, VEINS, ANEURYSMS, VASCULAR MALFORMATIONS AND ARTERIOVENOUS FISTULAS" that was duly and legally issued on January 4, 2000. A copy of the '498 patent is attached hereto as Exhibit B.

15. By contract, Boston Scientific is the exclusive distributor of products manufactured pursuant to the '498 patent.

16. Cordis is engaged in the manufacture, use, sale and/or offer for sale of coil delivery systems in this district and elsewhere in the United States, which are covered by one or more claims of the '498 patent.

17. Cordis' acts of infringement are willful as Cordis knew or should have known of the '498 patent and that its coil delivery systems infringe the '498 patent.

18. Cordis' acts of infringement have caused reparable and irreparable damage to

1 Plaintiffs and Plaintiffs will continue to suffer damage unless Cordis is enjoined.

2 **COUNT III – PATENT INFRINGEMENT**
 3 **(U.S. PATENT NO. 5,895,385)**

4 19. This claim is made under the provisions of the patent laws of the United States, 35
 5 U.S.C. §§ 271 *et seq.* The allegations of paragraphs 1-18 above are incorporated herein by
 6 reference.

7 20. Target is the exclusive licensee of United States Patent No. 5,895,385 (“the ’385
 8 patent”), entitled “ENDOVASCULAR ELECTROLYTICALLY DETACHABLE WIRE AND TIP
 9 FOR THE FORMATION OF THROMBUS IN ARTERIES, VEINS, ANEURYSMS,
 10 VASCULAR MALFORMATIONS AND ARTERIOVENOUS FISTULAS” that was duly and
 11 legally issued on April 20, 1999. A copy of the ’385 patent is attached hereto as Exhibit C.

12 21. By contract, Boston Scientific is the exclusive distributor of products manufactured
 13 pursuant to the ’385 patent.

14 22. Cordis is engaged in the manufacture, use, sale and/or offer for sale of coil delivery
 15 systems in this district and elsewhere in the United States, which are covered by one or more
 16 claims of the ’385 patent.

17 23. Cordis’ acts of infringement are willful as Cordis knew or should have known of
 18 the ’385 patent and that its coil delivery systems infringe the ’385 patent.

19 24. Cordis’ acts of infringement have caused reparable and irreparable damage to
 20 Plaintiffs and Plaintiffs will continue to suffer damage unless Cordis is enjoined.

21 **RELIEF REQUESTED**

22 WHEREFORE, by reason of the foregoing, Plaintiffs respectfully request that this Court:

23 A. Enter judgment that Cordis has infringed U.S. Patent No. 6,238,415; U.S. Patent
 24 No. 6,010,498; and U.S. Patent No. 5,895,385;

25 B. Enter judgment that Cordis’ acts of patent infringement are willful;

26 C. Preliminarily and permanently enjoin Cordis, its subsidiaries, affiliates, divisions,
 27 officers, agents, servants, employees, directors, partners, representatives, attorneys and all parties
 28 in active concert or participation with it, from engaging in the aforesaid unlawful acts;

- 1 D. Order Cordis to account for and pay to Plaintiffs all damages, including lost profits
2 and interest thereon, caused to Plaintiffs by Cordis' unlawful acts aforesaid;
3 E. Award Plaintiffs increased damages pursuant to 35 U.S.C. § 284;
4 F. Award Plaintiffs their interest, costs, and attorneys' fees incurred in this action; and
5 G. Grant Plaintiffs such other and further relief as the Court may deem just and proper.

6 **JURY TRIAL DEMAND**

7 Plaintiffs demand a trial by jury on all issues so triable raised herein.

8
9
10 DATED: 3/26/2002

Respectfully submitted,

THELEN REID & PRIEST LLP

11
12 By: [Signature]

13 Wynne S. Carvill

14 Attorneys for Plaintiffs

15 BOSTON SCIENTIFIC CORPORATION and
16 TARGET THERAPEUTICS, INC.