

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

SMP LOGIC SYSTEMS, LLC,

Plaintiff,

v.

JEROME STEVENS
PHARMACEUTICALS, INC.

Defendant.

11-cv-5075

COMPLAINT

JURY DEMANDED

Plaintiff SMP Logic Systems, LLC complains of defendant Jerome Stevens Pharmaceuticals, Inc. (“JSP”) as follows:

JURISDICTION AND VENUE

1. Jurisdiction exists under 28 U.S.C. § 1338(a) because defendant has infringed plaintiff’s patent(s). Federal law, namely the Patent Act of 1952, as amended, 35 U.S.C. § 271, makes patent infringement illegal and actionable through a private cause of action.

2. Defendant has transacted business in this judicial district by selling, or offering to sell and distributing pharmaceutical products that were manufactured in violation of SMP Logic Systems, LLC’s patents either in this judicial district or in the United States.

3. Venue is proper under the general federal venue statute, 28 U.S.C. § 1391(d), and under the specific venue provision relating to patent-infringement cases. 28 U.S.C. § 1400(b).

PARTIES

4. SMP Logic Systems, LLC (“SMP”) is a California limited liability company with offices in Los Angeles, California. SMP is the assignee and owns all right, title and interest in and has standing to sue for infringement of United States Patent Nos. 7,392,107 (“the ‘107 Patent”), 7,379,783 (“the ‘783 Patent”), 7,379,784 (“the ‘784 Patent”), and 7,799,273 (“the ‘273 Patent”) (collectively, the “SMP Patents”).

5. Jerome Stevens Pharmaceuticals, Inc. (“JSP”) is a New York corporation with offices at 60 da Vinci Drive, Bohemia, New York 11716. JSP has previously and is presently manufacturing pharmaceutical products using manufacturing methods that infringe one or more claims of the ‘107 Patent, the ‘783 Patent, the ‘784 Patent, and the ‘273 Patent. JSP has and is presently distributing, selling, or offering for sale in the United States, pharmaceutical products manufactured using the SMP Patents and has infringed each of the SMP Patents either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

BACKGROUND

6. Shane M. Popp is an individual residing in Los Angeles, California. Mr. Popp is the Founder and President of SMP Logic Systems, LLC. Mr. Popp is the inventor of each of the SMP Patents.

7. Mr. Popp is the inventor of a number of issued and currently pending patents relating to pharmaceutical manufacturing processes. The inventions which are the subject of Mr. Popp’s patents are used in many pharmaceutical manufacturing systems.

8. SMP is a software development company focusing exclusively on pharmaceutical manufacturing industries. SMP has designed numerous products to meet the needs of Process Analytical Technology and Quality-by-Design objectives for pharmaceutical manufacturers.

9. Jerome Stevens Pharmaceuticals, Inc. is a pharmaceutical manufacturer of prescription tablet and capsule formulations. JSP distributes its pharmaceutical products nationally through a leading pharmaceutical distributor.

PATENT INFRINGEMENT

Count I – JSP Infringement

10. JSP has infringed and continues to infringe each of the SMP Patents either directly or indirectly through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

11. JSP's infringement, contributory infringement and/or inducement to infringe has injured SMP and it, therefore, is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

12. JSP's infringement, contributory infringement and/or inducement to infringe has been willful and deliberate because it has been given notice of or knew of the SMP Patents and has nonetheless injured and will continue to injure SMP, unless and until this Court enters an injunction, which prohibits further infringement and specifically enjoins further manufacture, use, sale and/or offer for sale of products, services, or methods that come within the scope of the SMP Patents.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, SMP requests a trial by jury on all issues presented that can properly be tried by a jury.

REQUEST FOR RELIEF

WHEREFORE, SMP Logic Systems, LLC asks this Court to enter judgment against Jerome Stevens Pharmaceuticals, Inc. and against its respective subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with the defendant, granting the following relief:

- A. An award of damages adequate to compensate SMP for the infringement that has occurred, together with prejudgment interest from the date infringement began;
- B. All other damages permitted by 35 U.S.C. § 284;
- C. A finding that this case is exceptional and an award to SMP of its attorneys' fees and costs as provided by 35 U.S.C. § 285;
- D. An injunction prohibiting further infringement, inducement and contributory infringement of any of the SMP Patents; and
- E. Such other and further relief as this Court or a jury may deem proper and just.

Dated: July 27, 2011

Respectfully submitted,

/s/ William W. Flachsbart

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