

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

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CLERK, US DISTRICT COURT
MIDDLE DISTRICT OF FL
JACKSONVILLE FLORIDA

REMBRANDT VISION)
TECHNOLOGIES, L.P.,)
)
Plaintiff,)
)
v.)
)
COOPER VISION, INC.,)
)
Defendant.)
_____)

Case No.: 3:11-cv-1057-J-37 mcl

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Rembrandt Vision Technologies, L.P.

("Rembrandt Vision") states and alleges as follows:

Parties

1. Rembrandt Vision is a limited partnership organized under the laws of the state of New Jersey with its principal place of business at 401 City Avenue, Suite 900, Bala Cynwyd, Pennsylvania 19004.

2. Defendant CooperVision, Inc. ("CooperVision") is a New York corporation, with its principal place of business at 370 Woodcliff Drive, Suite 200, Fairport, New

York 14450, and conducts business throughout this judicial district and throughout the United States.

Jurisdiction

3. This Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), in that this action arises under the federal patent statutes, 35 U.S.C. §§ 271 and 281-285.

4. This Court has personal jurisdiction over CooperVision because it has committed acts giving rise to this action within Florida and within this judicial district and has established minimum contacts within the forum such that the exercise of jurisdiction over CooperVision would not offend traditional notions of fair play and substantial justice.

Venue

5. Venue in the Middle District of Florida is proper pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b) because CooperVision has committed acts within this judicial district giving rise to this action, and CooperVision has and continues to conduct business in this judicial

district, including one or more acts of selling, using, importing and/or offering for sale infringing products in this district. Judicial economy also renders venue in this district proper.

Background

6. The United States Patent and Trademark Office duly and legally issued United States Patent Number 5,712,327, entitled "Soft Gas Permeable Contact Lens Having Improved Clinical Performance," to Dr. Sing-Hsiung Chang and Mei-Zyh Chang on January 27, 1998. The '327 patent is attached as Exhibit A.

7. Dr. and Mrs. Chang worked for many years on making improvements to the oxygen permeability and tear-wettability of contact lenses, in particular soft contact lenses. Apart from the '327 patent, Dr. Chang is the named inventor of three other patents relating to soft, oxygen permeable contact lenses.

8. Based on agreements with Dr. and Mrs. Chang, Rembrandt Vision is the owner of all right, title, and interest, including the right to sue, enforce, and recover

damages for all infringement—past, present, and future—of the '327 patent.

COUNT I
Patent Infringement (the '327 Patent)

9. Rembrandt Vision restates and realleges each of the allegations set forth above and incorporates them herein.

10. CooperVision has known of the '327 patent since at least July 2009.

11. CooperVision has infringed and continues to infringe the '327 patent by making, using, selling and/or offering to sell within the United States silicone hydrogel contact lenses that embody one or more of the claims of the '327 patent, or by contributing to the infringement of the '327 patent, inducing others to infringe the '327 patent, or carrying out other acts constituting infringement under 35 U.S.C. § 271(f). Such infringing conduct includes, but is not limited to, making, using, selling, or offering to sell silicone hydrogel contact lenses.

12. CooperVision does not have a license or permission to use the claimed subject matter in the '327 patent.

13. As a direct and proximate result of CooperVision's infringement of the '327 patent, Rembrandt Vision has been injured and has been caused significant financial damage.

14. CooperVision disregarded an objectively high likelihood that its actions constitute infringement of the '327 patent. CooperVision's infringement, therefore, has been and is willful.

15. CooperVision will continue to willfully infringe the '327 patent, and thus cause irreparable injury and damage to Rembrandt Vision, unless enjoined by this Court.

Prayer for Relief

Rembrandt Vision prays for the following relief:

1. Entry of judgment that CooperVision has willfully infringed the '327 patent and is liable to Rembrandt Vision for infringement.

2. An award of damages adequate to compensate Rembrandt Vision for CooperVision's infringement of the '327 patent.

3. An award of treble damages pursuant to 35 U.S.C. § 284 for CooperVision's willful infringement.

4. A post-judgment equitable accounting of damages for the period of infringement of the '327 patent following the period of damages established by Rembrandt Vision at trial.

5. An order enjoining CooperVision from infringing, inducing others to infringe, or contributing to the infringement of the '327 patent.

6. If a permanent injunction is not granted, a judicial determination of the conditions for future infringement such as an ongoing royalty or such other relief as the Court deems appropriate.

7. An order requiring CooperVision to deliver for destruction all infringing products in its possession.

8. A finding that this case is exceptional pursuant to 35 U.S.C. § 285.

9. An award of prejudgment interest, costs and disbursements, and attorney fees.

10. Such other and further relief as Rembrandt Vision may be entitled to in law and equity.

Jury Demand

A jury trial is demanded on all issues so triable, pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Respectfully submitted,

BEDELL, DITTMAR, DEVAULT, PILLANS & COXE
Professional Association

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