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8 Attorneys for Plaintiff  
9 Ivera Medical Corporation

10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 IVERA MEDICAL CORPORATION,  
13 Plaintiff,  
14 v.  
15 HOSPIRA, INC.  
16 Defendant.

Case No. 12-cv-1582-H (JMA)

**FIRST AMENDED COMPLAINT**

**JURY TRIAL DEMANDED**

17  
18 Plaintiff Ivera Medical Corporation (“Ivera”) for its First Amended Complaint  
19 against Defendant Hospira, Inc. (“Hospira”) avers as follows:

20 **PARTIES**

21 1. Plaintiff Ivera is a California corporation that maintains its principal place of  
22 business at 3525 Del Mar Heights Road, Suite 430, San Diego, California, 92130.

23 2. Defendant Hospira is a Delaware corporation with its principal place of business  
24 at 275 North Field Drive, Lake Forest, Illinois 60045.

25 **JURISDICTION**

26 3. This Court has personal jurisdiction over Hospira because, on information  
27 and belief, Hospira purposefully ships the infringing LifeShield Effect-IV products  
28

1 through established distribution channels into the State of California and the Southern  
2 District of California. On information and belief, Hospira is engaged in substantial and  
3 regular business in the State of California and the Southern District of California.

4 4. Venue is proper under 28 U.S.C. §§1391(b) and (c) and 1400(b) because  
5 Hospira offers the infringing products for sale in the Southern District of California and  
6 because Hospira is subject to personal jurisdiction in the Southern District of California.

7 **BACKGROUND**

8 5. Ivera manufactures, markets, and sells the Curoc® Port Protector, a device  
9 that disinfects and protects the entry port on certain types of valves used with intravenous  
10 lines to help reduce bloodstream infections in hospital patients.

11 6. On June 26, 2012, United States Patent No. 8,206,514 (the ‘514 patent), on  
12 an invention entitled “Medical Implement Cleaning Device,” was duly and legally issued  
13 by the United States Patent and Trademark Office. A copy of the ‘514 patent is attached  
14 hereto as Exhibit A.

15 7. Ivera has been at all times, and still is, the owner of the entire right, title and  
16 interest in and to the ‘514 patent.

17 8. Hospira sells throughout the United States a product line it refers to as the  
18 LifeShield Effect-IV Cap for Needleless Valves.

19 **FIRST CAUSE OF ACTION**

20 **COUNT I**

21 **(INFRINGEMENT OF THE ‘514 PATENT)**

22 9. Ivera realleges and incorporates the previous paragraphs of this Complaint as  
23 though set forth in full herein.

24 10. Hospira has used, offered for sale, sold, and/or imported into the United  
25 States products, including at least the LifeShield Effect-IV Cap, which literally and under  
26 the doctrine of equivalents infringes one or more claims of the ‘514 patent in violation of  
27 35 U.S.C. §271.

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1 11. Ivera has been damaged and has suffered irreparable injury due to acts of  
2 infringement by Hospira and will continue to suffer irreparable injury unless Hospira's  
3 activities are enjoined.

4 12. Ivera has suffered and will continue to suffer substantial damages by reason  
5 of Hospira's acts of patent infringement alleged above, and Ivera is entitled to recover  
6 from Hospira the damages sustained as a result of Hospira's acts.

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8 **PRAYER FOR RELIEF**

9 WHEREFORE, Ivera prays that judgment be entered by this Court in its favor and  
10 against Hospira as follows:

11 A. That Hospira has infringed the '514 patent;

12 B. Permanently enjoining and restraining Hospira, its agents, affiliates,  
13 subsidiaries, servants, employees, officers, directors, attorneys and those persons in active  
14 concert with or controlled by Hospira from further infringing the '514 patent;

15 C. For an award of damages adequate to compensate Ivera for the damages it  
16 has suffered as a result of Hospira's conduct, including pre-judgment interest;

17 D. That Hospira be directed to withdraw from distribution all infringing  
18 products, whether in the possession of Hospira or its distributors or retailers, and that all  
19 infringing products or materials be impounded or destroyed;

20 E. For monetary damages in an amount according to proof;

21 F. For interest on said damages at the legal rate from and after the date such  
22 damages were incurred;

23 G. That this is an exceptional case and for an award of Ivera's attorney fees and  
24 costs;

25 H. For such other relief as the Court may deem just and proper.  
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**DEMAND FOR JURY TRIAL**

Plaintiff Ivera hereby demands a jury trial as to all issues that are so triable.

Dated: September 20, 2012 X-PATENTS, APC

By: /s/Jonathan Hangartner  
JONATHAN HANGARTNER

Attorneys for Plaintiff Ivera Medical Corporation

Ivera Medical Corporation v. Hospira, Inc.,  
U.S.D.C. (SD Cal.) Case No. 12-cv-1582 H (JMA)

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**CERTIFICATE OF SERVICE**

I am employed in the County of San Diego; I am over the age of eighteen years and not a party to the within entitled action; my business address is 5670 La Jolla Boulevard, La Jolla, CA 92037.

On September 20, 2012, I served the following document(s) described as:


**FIRST AMENDED COMPLAINT**

on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

Ms. Nancy Esp, Legal Assistant  
Hospira, Inc.  
275 N. Field Drive  
Lake Forest, IL 60045

- BY MAIL:** I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at San Diego, California in the ordinary course of business.
- BY ELECTRONIC TRANSFER:** I caused all pages of the above-entitled document to be sent to the recipients noted above via electronic transfer (email) to the email address provided: russ@ercolanilawgroup.com.
- BY OVERNIGHT DELIVERY:** I served such envelope or package to be delivered on the same day to an authorized courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier.
- FEDERAL:** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 20, 2012, at La Jolla, California.

  
Bethany R. Greene