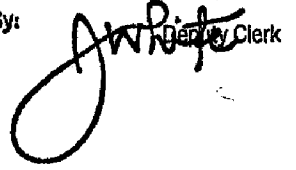


DEC 19 2008

JAMES N. HATTEN, Clerk
By:  Deputy ClerkUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISIONMÖLNLYCKE HEALTH CARE AB)
and MÖLNLYCKE HEALTH CARE)
US, LLC)

Plaintiffs,)

v.)

Smith & Nephew, Inc.,)

Defendant.)
)
)
)

Civil Action File No.

Jury Trial Demanded

1 08 - CV - 3838**CAP****COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiffs Mölnlycke Health Care AB and Mölnlycke Health Care US, LLC, file this Complaint and Jury Demand against Defendant Smith & Nephew, Inc. ("Smith & Nephew") and state as follows:

NATURE OF ACTION

1.

This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271 *et seq.*, arising from Defendant's acts of infringement of United States Patent No. 5,635,201 (the "201 Patent") through

1.

its use, sale, offer to sell, and importation of wound care products under, at least but without limitation, the brand name ALLEVYN[®] Gentle Border.

JURISDICTION AND VENUE

2.

This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1338(a) as this is a case arising under the patent laws of the United States (35 U.S.C. § 1, *et seq.*, and particularly 35 U.S.C. § 271), as well as pursuant to 28 U.S.C. § 1331, as this matter involves a federal question.

3.

This Court has personal jurisdiction over Defendant because it has continuous and systematic contacts with this judicial district and has, either directly or through agents, manufactured, used, sold, or offered for sale, marketed, distributed, or imported into the United States wound care products that infringe the '201 Patent.

4.

Venue is proper in this judicial district under 28 U.S.C. § 1391 and § 1400(b) because the Defendant is subject to personal jurisdiction in this judicial district and has committed acts of patent infringement in this judicial district.

2.

PARTIES

5.

Plaintiff Mölnlycke Health Care AB (“Mölnlycke AB”) is a corporation organized and existing under the laws of Sweden. Mölnlycke AB is the current assignee and owner of the ‘201 Patent and is entitled to enforce all rights arising therefrom, including the right to prevent infringement.

6.

Plaintiff Mölnlycke Health Care US, LLC (“Mölnlycke US”) is a limited liability company organized and existing under the laws of Delaware with its principal place of business located in Norcross, Georgia, within this judicial district. Mölnlycke US is the exclusive licensee of the ‘201 Patent and is entitled to enforce all rights arising therefrom, including the right to prevent infringement.

7.

Defendant Smith & Nephew, Inc. (“Smith & Nephew”) is a corporation organized and existing under the laws of the State of Delaware and having a principal place of business at 1450 E. Brooks Road, Memphis, Tennessee, and having a further place of business in this judicial district at 8601 Dunwoody Place, Atlanta, Georgia 30350. Smith & Nephew is registered with the Georgia

3.

Secretary of State to do business in Georgia. Its registered agent in Georgia for service of process is CT Corporation System, 1201 Peachtree Street, Atlanta, Georgia 30361. Smith & Nephew is in the business of selling health care supplies, including wound care dressings, and is and has been, directly and through its agents and affiliates, doing business within this judicial district and elsewhere in the United States.

FACTUAL BACKGROUND

8.

On June 3, 1997, the United States Patent and Trademark Office duly and legally issued United States Patent No. 5,635,201 (the “’201 Patent”), titled “Method And An Arrangement For Manufacturing Wound Dressings, And A Wound Dressing Manufactured In Accordance With The Method” naming Tomas Fabo as the inventor, who assigned the ‘201 Patent to Plaintiff Mölnlycke AB, which has exclusively licensed it to Plaintiff Mölnlycke US. A copy of the ‘201 Patent is attached as Exhibit A.

9.

The ‘201 Patent relates to a wound dressing having a perforated carrier material and a layer of hydrophobic silicone gel, and a method and apparatus for

4.

manufacturing the wound dressing.

10.

Defendant Smith & Nephew infringes, or contributes to or induces the infringement of, the '201 Patent by manufacturing, using, offering for sale, selling in, and importing into the United States wound dressing products that embody each element of at least one of the claims of the '201 Patent, including but not limited to, wound care products marketed under the brand name ALLEVYN® Gentle Border.

COUNT ONE

INFRINGEMENT OF UNITED STATES PATENT NO. 5,635,201

11.

Plaintiffs re-allege and incorporate by reference the preceding allegations of the Complaint as if they were fully set forth herein. Defendant Smith & Nephew has infringed, induced others to infringe, or contributed to the infringement of the '201 Patent, and continues to do so, by manufacturing, using, offering to sell, selling within, or importing into the United States, without permission from Plaintiffs to do so, products covered by one or more claims of the '201 Patent, including but not limited to, the products marketed under the brand

names ALLEVYN® Gentle Border.

12.

Plaintiffs have suffered monetary damages and other injuries by Defendant's past and continuing infringement, inducement of infringement, or contributory infringement of the '201 Patent in an amount to be proven at trial. Plaintiffs have been irreparably injured by Defendant's past and continuing infringement, inducement of infringement, or contributory infringement of the '201 Patent, and Defendant's infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

13.

Defendant's infringement, inducement of infringement, or contributory infringement of the '201 Patent has been and continues to be willful and deliberate, and Plaintiffs are entitled to recover enhanced damages pursuant to 35 U.S.C. § 284 and attorney's fees and other expenses of litigation pursuant to 35 U.S.C. § 285.

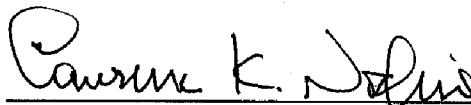
WHEREFORE, Plaintiffs respectfully request that the Court:

a) Enter judgment in favor of Plaintiffs and against Defendant Smith & Nephew, Inc.;

- b) Award Plaintiffs their actual damages, together with prejudgment interest and costs, as a result of Defendant's infringing activities;
- c) Enjoin Defendant from continuing to infringe, induce infringement, or contribute to infringement of the '201 Patent;
- d) Enhance by three times the damages awarded to Plaintiffs as a result of Defendant's willful infringement of the '201 Patent;
- e) Award Plaintiffs their expenses of litigation, including reasonable attorney's fees; and
- f) Award Plaintiffs such other and further relief as may be just and proper.

**PLAINTIFFS DEMAND TRIAL BY JURY ON ALL ISSUES TRIABLE BY
A JURY IN THIS CASE.**

Respectfully submitted, this 19th day of December, 2008.



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PROPERTY PRACTICE OF

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