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BACK BAY MEDICAL INC.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

SOUTHERN DIVISION

BACK BAY MEDICAL INC.,

Plaintiff,

vs.

MICROVENTION, INC.,

Defendant.

CASE NO. SA 14-CV-1585

COMPLAINT FOR PATENT INFRINGEMENT

JURY TRIAL DEMANDED

Plaintiff BACK BAY MEDICAL INC. files its Complaint against Defendant MICROVENTION, INC., alleging as follows:

THE PARTIES

1. Plaintiff BACK BAY MEDICAL INC. ("Plaintiff") is a corporation organized and existing under the laws of the State of California with its principal place of business located at 600 Anton Boulevard, Suite 1350, Costa Mesa, CA 92626.

2. Upon information and belief, MICROVENTION, INC. ("Defendant") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Tustin, California. Defendant may be served with process through its registered agent Bruce Cantor, located at 1311 Valencia Avenue, Tustin, CA 92780.

3. Upon information and belief, Defendant is a medical technology company that develops and markets catheter-based, minimally invasive, neuroendovascular technologies for cerebral aneurysms and other neurovascular diseases.

JURISDICTION AND VENUE

4. This is an action for infringement of a United States patent. This Court has exclusive jurisdiction of such action under Title 28 U.S.C. § 1338(a). Upon information and belief, Defendant is subject to personal jurisdiction by this Court. Defendant has committed such purposeful acts and/or transactions in the State of California that it reasonably knew and/or expected that it could be hailed into a California court as a future consequence of such activity. Defendant makes, uses, and/or sells infringing products within the Central District of California and has a continuing presence and the requisite minimum contacts with the Central District of California such that this venue is a fair and reasonable one. Upon information and belief, Defendant has transacted and, at the time of the filing of this Complaint, is continuing to transact business within the Central District of

California. For all of these reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C. §§ 1391(b)(1), (2) and (c)(2) and 28 U.S.C. § 1400(b).

PATENT-IN-SUIT

5. On January 24, 2006, United States Patent No. 6,989,024 B2 ("the Patent-in-Suit") was duly and legally issued for "Guidewire Loaded Stent for Delivery Through a Catheter." A true and correct copy of the Patent-in-Suit is attached hereto as Exhibit A and made a part hereof.

6. As it pertains to this lawsuit, the Patent-in-Suit, very generally speaking, relates to a system for delivery of a vascular prosthesis within tortuous regions of the body having small diameter vessels, such as the peripheral or intracranial vasculature.

FIRST CLAIM FOR RELIEF

(Patent Infringement)

7. Plaintiff repeats and realleges every allegation set forth above.

8. Plaintiff is the owner of the Patent-in-Suit with the exclusive right to enforce the Patent-in-Suit against infringers, and collect damages for all relevant times, including the right to prosecute this action.

9. Upon information and belief, and without authority, consent, right, or license, and in direct infringement of the Patent-in-Suit, Defendant manufactures, makes, has made, uses, practices, imports, provides, supplies, distributes, sells, and/or offers for sale products or systems that infringe one or more claims in the Patent-in-Suit. Such conduct constitutes, at a minimum, patent infringement under 35 U.S.C. § 271(a).

10. More specifically, Defendant, at a minimum, has directly infringed and continues to directly infringe at least Claim 18 of the Patent-in-Suit because it manufactures, makes, has made, uses, practices, imports, provides, supplies, distributes, sells, and/or offers for sale neurovascular intervention prostheses and

delivery systems, including at least the LVIS Intraluminal Support Device and the LVIS Jr. Intraluminal Support Device.

11. Defendant has had actual notice of the Patent-in-Suit at least as early as the receipt of this Complaint.

12. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is, thus, liable to Plaintiff in an amount that adequately compensates Plaintiff for their infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

13. Upon information and belief, Defendant will continue its infringement of the Patent-in-Suit unless enjoined by the Court. Defendant's infringing conduct has caused Plaintiff irreparable harm and will continue to cause such harm without the issuance of an injunction.

14. Plaintiff reserves the right to assert additional claims of the Patent-in-Suit.

PRAYER FOR RELIEF

Plaintiff requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

a. Judgment that one or more claims of the Patent-in-Suit have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;

b. Judgment that Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of their infringing activities and other conduct complained of herein;

c. That Defendant, its officers, agents, servants and employees, and those persons in active concert and participation with any of them, be permanently enjoined from infringement of the Patent-in-Suit. In the alternative, if the Court finds that an injunction is not warranted,

Plaintiff requests an award of post judgment royalty to compensate for future infringement;

d. That Defendant's infringement be found to be willful from the time Defendant became aware of the infringing nature of its services, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284.

e. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendant's infringing activities and other conduct complained of herein;

f. That this Court declare this an exceptional case and award Plaintiff its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and

g. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

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JURY DEMAND

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

DATED: September 30, 2014.

/s/

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