IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HOSPIRA, INC., Plaintiff, v. B. BRAUN MEDICAL INC., Defendant.	C.A. No. _____ JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Hospira, Inc. ("Hospira") brings this action for patent infringement against defendant B. Braun Medical Inc. ("Braun") and alleges as follows:

Nature of Case

1. This is an action for infringement of United States Patent Nos. 5,685,844 ("the '844 patent"), 5,378,231 ("the '231 patent"), 7,556,616 ("the '616 patent"), and 7,896,842 ("the '842 patent") (collectively, "the asserted patents").

2. As alleged herein, Braun has infringed and continues to infringe Hospira's patent rights by making, using, importing, selling, and/or offering to sell within the United States infusion pumps, infusion systems, clamps and related technologies covered by one or more claims of each of the asserted patents.

Parties

3. Hospira is a Delaware corporation with a principal place of business in Lake Forest, Illinois.

4. Braun is a Pennsylvania corporation with a principal place of business in Bethlehem, Pennsylvania.

Jurisdiction and Venue

5. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Braun in this action because, on information and belief, Braun transacts business and sells its products within this district, including, but not limited to, the products accused of infringement in this Complaint.

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).

COUNT I

Claims of Infringement of U.S. Patent No. 5,685,844

8. Hospira restates paragraphs 1 through 7 as if fully set forth herein.

9. On November 11, 1997, the ’844 patent, entitled “Medicinal Fluid Pump Having Multiple Stored Protocols,” was duly and legally issued by the United States Patent and Trademark Office. Hospira is the owner of the entire right, title, and interest in the ’844 patent. A true and correct copy of the ’844 patent is attached to this Complaint as Exhibit A.

10. Braun has infringed (literally and/or by equivalents), and continues to infringe, the ’844 patent under 35 U.S.C. §271 by making, using, importing, selling, and/or offering to sell within the United States (including within this judicial district) pumps that embody the inventions claimed in the ’844 patent. For example, Braun makes, uses, sells and offers for sale its Perfusor Space and Infusomat Space infusion pumps, which meet each of the limitations of at least claim 1 of the ’844 patent. In addition, Braun makes and uses modes of its Outlook series infusion pumps that meet each limitation of at least claim 1 of the ’844 patent.

COUNT II

Claims of Infringement of U.S. Patent No. 5,378,231

11. Hospira restates paragraphs 1 through 7 as if fully set forth herein.

12. On January 3, 1995, the ’231 patent, entitled “Automated Drug Infusion System,” was duly and legally issued by the United States Patent and Trademark Office. Hospira is the owner of the entire right, title, and interest in the ’231 patent. A true and correct copy of the ’231 patent is attached to this Complaint as Exhibit B.

13. Braun has infringed (literally and/or by equivalents) the ’231 patent under 35 U.S.C. §271 by making, using, importing, selling, and/or offering to sell within the United States (including within this judicial district) infusion pump systems that embody the inventions claimed in the ’231 patent. Braun makes and uses infusion pump systems that include Perfusor Space and/or Infusomat Space infusion pumps, in combination with Space Com, SpaceOnline, DoseTrac, DoseScan, and/or SpaceControl, that meet each limitation of at least claim 1 of the ’231 patent. In addition, Braun makes and uses infusion pump systems that including models of the Outlook series infusion pumps, in combination with DoseTrac and/or DoseScan, that meet each limitation of at least claim 1 of the ’231 patent.

COUNT III

Claims of Infringement of U.S. Patent No. 7,556,616

14. Hospira restates paragraphs 1 through 7 as if fully set forth herein.

15. On July 7, 2009, the ’616 patent, entitled “Medical Device System,” was duly and legally issued by the United States Patent and Trademark Office. Hospira is the owner of the entire right, title, and interest in the ’616 patent. A true and correct copy of the ’616 patent is attached to this Complaint as Exhibit C.

16. Braun has infringed (literally and/or by equivalents), and continues to infringe, the ’616 patent under 35 U.S.C. §271 by making, using, importing, selling, and/or offering to sell within the United States (including within this judicial district) clamps that embody the inventions claimed in the ’616 patent. For example, Braun makes, uses, sells and offers for sale a clamp for use in its SpaceStation product that meets each of the limitations of at least claim 1 of the ’616 patent.

COUNT IV

Claims of Infringement of U.S. Patent No. 7,896,842

17. Hospira restates paragraphs 1 through 7 as if fully set forth herein.

18. On March 1, 2011, the ’842 patent, entitled “System for Guiding a User During Programming of a Medical Device,” was duly and legally issued by the United States Patent and Trademark Office. Hospira is the owner of the entire right, title, and interest in the ’842 patent. A true and correct copy of the ’842 patent is attached to this Complaint as Exhibit D.

19. Braun has infringed (literally and/or by equivalents), and continues to infringe, the ’842 patent under 35 U.S.C. §271 by making, using, importing, selling, and/or offering to sell within the United States (including within this judicial district) infusion pump systems that embody the inventions claimed in the ’842 patent. For example, Braun makes, uses, sells and offers to sell models of its Outlook series infusion pumps that meet each of the limitations of at least claim 21 of the ’842 patent.

PRAYER FOR RELIEF

WHEREFORE, Hospira requests that the Court enter a judgment against Braun as follows:

(a) adjudging that Braun has infringed the asserted patents under 35 U.S.C. § 271;

(b) permanently enjoining Braun and any third parties acting on its behalf or under its direction or control from further infringement of Hospira's '844, '616, and '842 patents;

(c) ordering Braun to account for and pay to Hospira all damages caused to Hospira by reason of Braun's infringement of the asserted patents, including lost profits and interest thereon, but in no event less than a reasonable royalty;

(d) granting Hospira its reasonable attorney fees under 35 U.S.C. § 285; and

(e) granting any such further and additional relief as this Court deems just and proper.

Date: May 8, 2013

/s/ Mary B. Matterer

Richard K. Herrmann (#405)
Mary B. Matterer (#2696)
MORRIS JAMES LLP
500 Delaware Avenue, Suite 1500
Wilmington, DE 19801
(302) 888-6800
rherrmann@morrisjames.com
mmatterer@morrisjames.com

Attorneys for Plaintiff Hospira, Inc.

OF COUNSEL:

JENNER & BLOCK LLP
Bradford P. Lyerla
Aaron A. Barlow
Michael Skopets
Chad J. Ray
353 N. Clark St.
Chicago, IL 60654-3456
Telephone: (312) 222-9350
Facsimile: 312 527-0484