IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

2014 FEB 26 PM 12:10

SUN NUCLEAR CORPORATION,
a Florida corporation; and
JOHNS HOPKINS UNIVERSITY,
a Maryland corporation,

Plaintiffs,

vs.

Case No. 6:14-cv-321-Orl-36DAB

MOBIUS MEDICAL SYSTEMS, LP,
a Texas limited partnership;

Defendant.
_____/

INJUNCTIVE RELIEF REQUESTED

JURY TRIAL REQUESTED

COMPLAINT

Plaintiffs SUN NUCLEAR CORPORATION, and JOHNS HOPKINS UNIVERSITY, through their undersigned counsel, for their complaint against Defendant MOBIUS MEDICAL SYSTEMS, LP, states:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff SUN NUCLEAR CORPORATION ("Sun") is a Florida corporation with its principle place of business in Melbourne, Florida.

2. Plaintiff JOHNS HOPKINS UNIVERSITY ("JHU") is a Maryland corporation.

3. Defendant MOBIUS MEDICAL SYSTEMS, LP ("Mobius") is a Texas limited liability company, which sells and offers products which infringe the patents-in-suit.

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has *in personam* jurisdiction as to Mobius as Mobius is subject to both general and specific jurisdiction in this State. More particularly, Mobius regularly conducts business activity in the State of Florida, has appointed agents to act on its behalf in the State of Florida and this District, and upon information and belief, sells and offers to sell products that infringe one or more claims of JHU's patents in the State of Florida.

6. Venue properly lies within this judicial district and division, pursuant to 28 U.S.C. §§1391(c) and 1400(b).

STATEMENT OF FACTS

7. JHU is the assignee for U.S. Patent 8,325,878 (the "'878 Patent"). A true and correct copy of the '878 Patent is attached hereto as Exhibit A.

8. JHU has licensed all of its rights to the inventions claimed in the '878 Patent exclusively to Sun in the field of use practiced by Mobius.

9. Upon information and belief, Mobius has sold and offered for sale products that directly or indirectly infringe upon one or more claims of the Patent-in-Suit.

10. Plaintiffs have not granted Mobius a license to practice the '878 Patent for the accused products.

Action for Infringement of the '878 Patent

11. Mobius has made and/or offered for sale and sold and/or distributed products, including but not limited to a product identified as "Mobius 3D," that infringe directly, by inducement and/or contributorily, one or more claims of the '878 Patent.

12. Plaintiffs are entitled to compensatory damages and injunctive relief for Mobius' infringing activities.

13. Upon information and belief, Mobius lacks justifiable belief that there is no infringement or that the infringed claims are invalid or has acted with objective and subjective recklessness in its infringing activity. Mobius' infringement is therefore willful, and Plaintiffs are entitled to an award of exemplary damages, attorneys' fees, and costs in bringing this action.

Wherefore, Plaintiffs pray this Honorable Court enter such preliminary and final orders and judgments as are necessary to provide Plaintiffs with the following requested relief:

A. A preliminary and then permanent injunction enjoining Mobius from infringing the '878 Patent;

B. An award of damages against Mobius under 35 U.S.C. §284 in an amount adequate to compensate Plaintiffs for Mobius' infringement, but in no event less than a reasonable royalty for the use made by Mobius of the inventions set forth in the '878 Patent;

C. An award against Mobius for exemplary damages, attorneys' fees, and costs under 35 U.S.C. § 285; and

D. Such other and further relief as this Court deems just and proper.

JURY TRIAL REQUEST

Plaintiffs request a trial by jury as to all matters so triable.

Respectfully submitted February 26, 2014.

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