

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MEDICAL INFLATABLE EXHIBITS, INC.,	§	CIVIL ACTION NO. 2:22-CV-05230
a Texas Corporation	§	
4615 Southwest Freeway, Suite 600	§	
Houston, Texas 77027,	§	
	§	
Plaintiff,	§	
	§	
v.	§	COMPLAINT
	§	
	§	<u>JURY DEMANDED</u>
	§	
ATLANTIC HEALTH SYSTEM, Inc.,	§	
a New Jersey Corporation,	§	
475 South Street,	§	
Morristown, New Jersey 07962-1905,	§	
	§	
	§	
Defendant.	§	

PLAINTIFF MEDICAL INFLATABLE EXHIBITS' INC.'S ORIGINAL COMPLAINT

NATURE OF THE ACTION

1. This is a civil action for the willful infringement of each of United States Patent Nos. 10,339,835; 9,564,067; and 8,727,786 (and its accompanying Reexamination certificate) under the patent laws of the United States.

THE PARTIES

2. Plaintiff Medical Inflatable Exhibits, Inc. is a Texas corporation having a place of business at 4615 Southwest Freeway, Suite 600, Houston, TX 77027.

3. On information and belief, Defendant Atlantic Health System, Inc. is a nonprofit corporation registered in New Jersey, with a principal place of business at 475 South Street, Morristown, New Jersey 07962-1905, with additional offices and hospitals throughout New Jersey

including an established place of business in 465 South Street, Morristown, New Jersey 07962-1905, and a Registered Agent, Stephen Sepaniak, 475 South Street, Morristown, New Jersey 07962-1905.

JURISDICTION & VENUE

4. This action arises under the patent statutes of the United States, 35 U.S.C. § 271 et seq. Accordingly, the Court has federal question jurisdiction over this matter under 28 U.S.C. §§ 1331 and 1338(a), and diversity jurisdiction under 28 U.S.C. §1332.

5. The Court has personal jurisdiction over Atlantic Health System, Inc.

6. Venue is properly within this District in accordance with 28 U.S.C. § 1391 (b) and (c) and § 1400 (b), and because Defendant is organized and existing under the laws of the State of New Jersey or otherwise has a principal place of business in this District.

FACTS AND BACKGROUND COMMON TO ALL CAUSES OF ACTION

7. As a marketing professional for a large health care provider in 2008, Ms. Lauren Hill was regularly tasked with attending and facilitating public events directed to health education and marketing. While at these events, Ms. Hill imagined a better and more effective way to engage the public and convey heart health information. She conceived the idea of an oversized, but temporary and portable heart exhibit set up at these events – one with a configuration conducive to guiding people through the inside of the exhibit and to “experience” the heart up close. Ms. Hill developed her idea, ultimately turning the concept into a viable product (and service) and the foundation of her own successful business.

8. Ms. Hill established Medical Inflatable Exhibits, Inc. (“MIE”) in 2009 to create and provide large-scale, walk-through, portable, inflatable exhibits for use in education and marketing by the health care service industry. More specifically, MIE markets, uses and leases portable

exhibits presenting the very first large-scale model of the human heart complete with a walk-through passageway and structural features of the human heart (the “MEGA Heart Exhibit”).

9. As the MEGA Heart exhibit’s popularity spread nationwide, the United States Patent and Trademark Office awarded Ms. Hill multiple patents for inventions related to the exhibit’s design.

10. Plaintiff has also been awarded United States Trademark Registration for the word marks MEGAHEART (Reg. No. 3,886,260) and MEGA (Reg. No. 4,087,996), which Plaintiff has used in association with the provision of the heart exhibits throughout the United States.

11. Image 1, below, depicts a MEGA Heart exhibit representative of exhibits MIE has provided to clients and audiences throughout the U.S., including clients and audiences in New Jersey, for over the last ten years.



<https://www.medicalinflatables.com/exhibits/mega-heart/>

IMAGE 1

12. MIE's MEGA Heart exhibit is a large-scale, inflatable, portable model of the human heart equipped with an opening or entrance for access into the inside of the model. The model's infrastructure inflates to provide walls defining multiple sections, each section representing or modeling a chamber of the heart. Both the inside and outside of the model feature physical representation(s) of parts of the human heart anatomy, including physical representations of a heart valve(s) inside the model and of arteries and veins on an outside surface. The MEGA Heart exhibit is sometimes described as a "Giant Walk-through Heart."

13. The characteristics and overall visual appearance of MIE's heart exhibits present a unique look and feel that serves as a signifier of MIE as the source of the exhibition (i.e., a trade dress). Design elements contributing to the distinctive "overall appearance" of the exhibit include brightly-colored and/or oversized features including an opening and passageway, prominent use of the blue and red colors, soft, resilient surface textures including that of the passageway, informative plaques and displays on the surfaces, and further use of color, graphics, size and texture combinations

14. The typical MIE client and lessee of the MEGA Heart exhibit (collectively, "client") has been a health care services provider, such as a hospital. The exhibit serves as a centerpiece when set up at the client's facility or a public event, or other events organized or managed by third parties. At these events, the client allows guests, young and old, to view the exhibit up close and, to pass through the inside of the exhibit. Being portable, the same exhibit may be moved and set up at different locations, at different times, or simply stowed away until the next event. The MEGA Heart exhibit serves well as an educational tool with features and functionalities that make it uniquely interactive and impressionable. As well, MIE's health care clients hire and set up the MEGA Heart exhibit because it brings recognition and good will to the

client and helps promote the client's health care services offerings in a way different from traditional methods.

15. The MEGA Heart exhibit is well known throughout the United States, particularly among organizations involved in heart health care or health education. The MEGA Heart exhibit has been seen in various advertising media, including the Wall Street Journal, and featured at public events throughout the United States, including events in and around this District. The exhibit has been regularly featured on the internet, and on news reports and television shows, including the national syndicated shows Dr. Oz, The Doctors and Rachael Ray Show. At each such event or other public or commercial display of the exhibit, MIE ensures that the MEGA Heart mark is used as a source or origin indicator for or of the exhibit.

I. The MIE Patents

16. On May 20, 2014, United States Patent No. 8,727,786 B2 was issued for an invention entitled “Inflatable Exhibit of a Human Heart and Method.” A true and correct copy of United States Patent No. 8,727,786 B2 Patent is attached as Exhibit A and incorporated herein.

17. On August 27, 2015, an Ex Parte Reexamination Certificate - United States Patent No. 8,727,786 C1 (the “Reexam Patent”) was issued for an invention entitled “Inflatable Exhibit of a Human Heart and Method” (U.S. Pat. No. 8,727,786 B2 and its accompanying Reexam Patent are collectively referred to as the “‘786 Patent”). A true and correct copy of the Reexam Patent is attached as Exhibit B and incorporated herein.

18. On February 7, 2017, United States Patent No. 9,564,067 (the “‘067 Patent”) was issued for an invention entitled “Inflatable Exhibit of a Human Heart and Method.” A true and copy of the ‘067 Patent is attached as Exhibit C and incorporated herein.

19. On July 2, 2019, United States Patent No. 10,339,835 (the “‘835 Patent”) was issued for an invention entitled “Inflatable Exhibit of a Human Heart and Method.” A true and correct copy of the '835 Patent is attached as Exhibit D and incorporated herein.

20. MIE holds all right, title and interest in and to each of the ‘786 Patent, the ‘067 Patent, and the ‘835 Patent (the “Patents-in-Suit” or the “MIE Patents”). The MIE Patents are directed to a large-scale, inflatable model of the human heart and a related method of use or exhibiting.

21. After issuance of each of the ‘786, ‘067, and ‘845 Patents, MIE marked its MEGA Heart exhibits with the patent number of the issued patents in accordance with 35 U.S.C. § 287.

II. The Atlantic Health System, Inc. Heart Exhibit(s)

22. On information and belief, Atlantic Health System, Inc. and/or one of its parents, subsidiaries or affiliates (“AHS”) acquired and began using, in public and in this District, one or more inflatable models of the human heart with a walk-through passageway as early as 2010 (collectively, the “AHS Heart Exhibit”).

23. The AHS Heart Exhibit includes a structure that may be inflated to present a heart model that is of a size or scale multiple times greater than actual size and has an inside area or space accessible by an opening into the inside of the model.

24. The inflated AHS Heart Exhibit includes an inside space that is of a size sufficient to accommodate more than one person at once and includes spaces representing chambers of the heart.

25. On information and belief, the exhibit or structure in each of Image 2 (see <https://www.patch.com/new-jersey/summit/amp/77256/brayton-students-take-hearty-trip-to-overlook>), and Image 3 (see <https://www.facebook.com/AtlanticHealth/photos/86679607020793>)

below, are AHS Exhibits that were used or displayed by AHS in public on multiple occasions in each of years 2014, 2015, 2016, 2017, 2018, 2019, and 2020.



Brayton School fourth graders got very up and close and personal with a 3-D, inflatable heart at Overlook Hospital Wednesday when they visited on a field trip to learn about cardiovascular health.

IMAGE 2



Atlantic Health System
June 21, 2019

IMAGE 3

26. In Image 3 above, an AHS Heart Exhibit is shown set up in an inflated state and displayed alongside a table with a table cloth bearing the word mark “Atlantic Health System,” which word mark is, on information and belief, used by AHS to identify the AHS organization or signify its products or service offerings.

27. On information and belief, each of Image 4 (<https://www.facebook.com/AtlanticHealth/photos/583897741977289>), Image 5 (<https://www.picuki.com/media/2252659898696218310>), and Image 6 below, depicts an AHS Heart Exhibit owned or leased by AHS sometime between 2014 and present date.



 Atlantic Health System
April 18, 2018 · ■

IMAGE 4



@atlanticealth

11 months ago

Thank you to everyone who attended our Gender Matters: The Impact on [#HeartHealth](#) event last week at the Wayne YMCA! New Vitality senior members and students from John F. Kennedy Elementary School participated in activities that taught them about [#nutrition](#), physical activity and heart health as well as had the opportunity to walk through a giant inflatable heart exhibit. [#NJHealthCare](#) [#HeartMonth](#) [#Community](#) [#CommunityFirst](#) [#CommunityEducation](#) [#HealthyLiving](#)

IMAGE 5

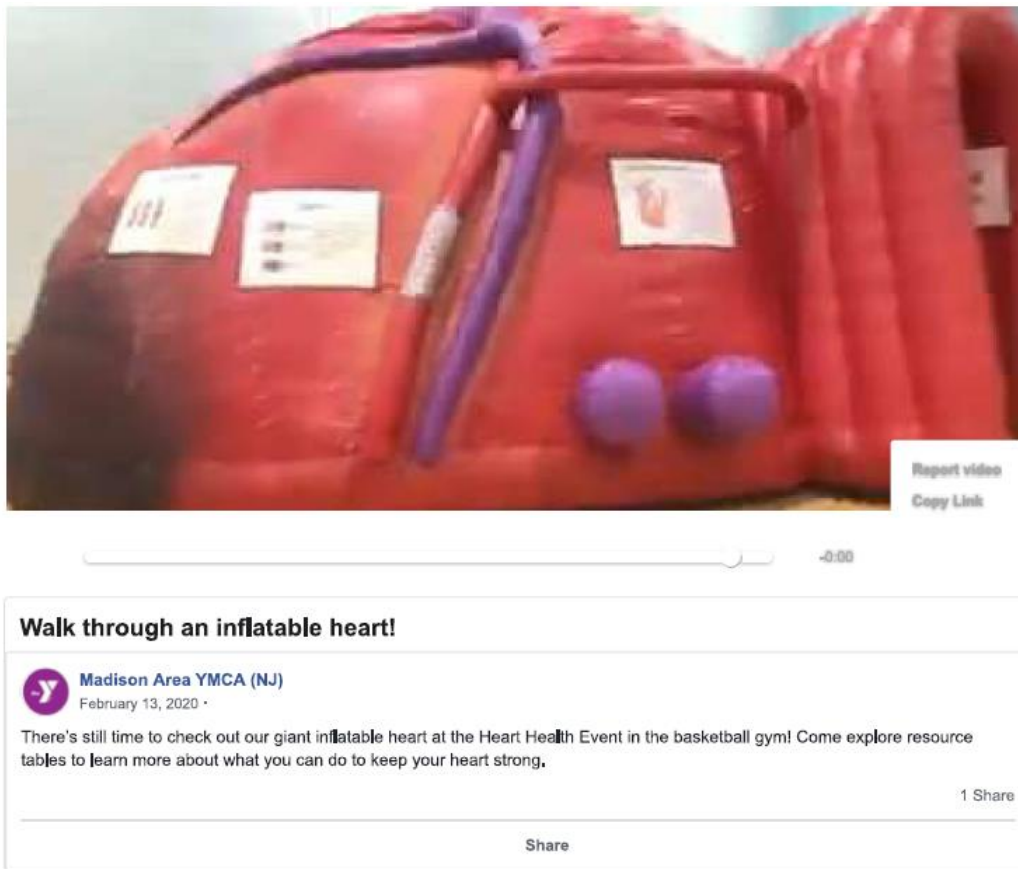


IMAGE 6

28. On information and belief, each AHS Exhibit in Images 2-6 includes inflatable vertical walls that define, at least, partly, internal sections or spaces representative of the four chambers of the heart, a passageway traversing the four chambers, an entrance and an exit to/from the passageway, and physical representations of the mitral valve and tricuspid valve.

29. On information and belief, AHS displayed or caused to be displayed in this District, at least one inflatable human heart exhibit or model with an inside space accessible through an opening on an outside surface, including any one of the AHS Exhibits referred to above or depicted in Images 2-6, on multiple occasions in each of years 2014, 2015, 2016, 2017, 2018, 2019, and 2020.

30. The exhibits or models described in the previous paragraph, including any of the AHS Exhibits, are now collectively referred to, herein, as Infringing Models or Infringing Model.

31. The Infringing Models include brightly-colored and/or oversized features including an opening and passageway, soft, resilient surface textures including that of the walls of the passageway, informative plaques and displays on the surfaces, and other color graphics and oversized features that contribute to a “look and feel” of the exhibit.

32. On information and belief, since at least May 20, 2014, AHS has displayed the Infringing Model(s) at events or locations in conjunction with AHS’s promotion of its health care service offerings or those of one of its parents, subsidiaries or affiliates.

33. On information and belief, AHS acquired and began using at least one of the Infringing Model(s) after learning of and leasing an MIE MEGA Heart Exhibit.

34. On information and belief, AHS used and displayed an Infringing Model(s) after it knew or should have known about MIE’s filing of a patent application directed to a large-scale inflatable model of human heart or the issuance of a patent to MIE on such a model of a human heart.

35. On information and believe, AHS has affiliated facilities and operations throughout New Jersey, and has been affiliated with, or has conducted business, as “Chilton Medical Center,” “Morristown Medical Center,” “Overlook Medical Center,” “Newton Medical Center,” and “Hackettstown Medical Center” and has displayed the Infringing Model(s) in different counties in New Jersey and at various locations, including at its own facilities, affiliated facilities, and other facilities. See Exhibit E.

36. MIE informed AHS as early as June 8, 2010, by letter (the “2010 Letter”), of the pending MIE patent application that later issued as the ‘786 Patent, and that MIE had become

aware of AHS using and displaying the Infringing Model(s) that shared several features in common with one or more claims in the pending MIE patent application. MIE also requested more information, including identification of each Infringing Model(s) owned, licensed, leased, sold, or used by AHS, photos or sketches of these displays or exhibits, and an accounting of dates and locations. MIE informed AHS as early as January 26, 2021, through a letter (the “2021 Letter”), of the MIE Patents, and that MIE had become aware of AHS using and displaying the Infringing Model(s) that shared several features in common with one or more claims in the MIE Patents. MIE again requested more information, including identification of each Infringing Model(s) owned, licensed, leased, sold, or used by AHS, photos or sketches of these displays or exhibits, and an accounting of dates and locations. Since the date of the 2021 Letter, MIE and AHS have engaged in discussions regarding a potential legal dispute without resolution, and MIE believes AHS possesses and has available for continued use, the Infringing Model(s) discussed above.

Count I: Infringement of the '835 Patent by AHS

37. MIE restates and incorporates by reference the allegations in the foregoing paragraphs of this Complaint as if fully set forth herein.

38. Image 2, above, depicts an inflated heart structure that, on information and belief, AHS displayed (hereinafter referred to as “Infringing Model 1”) in public on or after July 2, 2019.

39. Image 3, above, depicts an inflated heart structure that, on information and belief, AHS had set up and displayed (hereinafter referred to as “Infringing Model 2”) in public on or after July 2, 2019.

40. Infringement of the ‘835 Patent by AHS arises from events including, but not limited to, the use and display of Infringing Model 1 and/or Infringing Model 2 by AHS, its parents, guests, partners, or its affiliates, in this District on or after July 2, 2019.

41. On information and belief, AHS owned or leased (from a third party) Infringing Models 1 and 2.

42. Claim 1 of '835 Patent is reproduced below:

1. A large scale exhibit of a human heart comprising:
 - an infrastructure presenting a three-dimensional, at least partial, representation of the human heart at a scale greater than at least 10:1; and
 - wherein the exhibit further includes an outside surface of the infrastructure modeling the outside of the human heart and an inside surface of the infrastructure modeling the inside of the human heart, the inside surface including three-dimensional forms representing physical features of the heart, including chambers of the heart;
 - wherein the exhibit further includes an opening through said outside surface; and
 - wherein said infrastructure is inflatable to a scale greater than 10:1, including inflatable walls, to define physical representations of chambers of the heart.

43. On information and belief, AHS, by itself or through a parent, agent, subsidiary, or affiliate, provided, set up, or displayed Infringing Model 2 on February 25, 2020 in Wayne, New Jersey at an American Heart Month event (the "2020 Wayne Event").

44. Infringing Model 2 is shown in Image 5, above, and in annotated Image 7, below, which includes annotations provided to highlight features that, on information and belief, correspond with certain elements of infringed claims of the MIE Patents.



@atlanticealth

11 months ago

Thank you to everyone who attended our Gender Matters: The Impact on [#HeartHealth](#) event last week at the Wayne YMCA! New Vitality senior members and students from John F. Kennedy Elementary School participated in activities that taught them about [#nutrition](#), physical activity and heart health as well as had the opportunity to walk through a giant inflatable heart exhibit. [#NJHealthCare](#) [#HeartMonth](#) [#Community](#) [#CommunityFirst](#) [#CommunityEducation](#) [#HealthyLiving](#)

IMAGE 7

45. On information and belief, AHS or one its subsidiaries or affiliates set up and displayed Infringing Model 2 as part of an exhibit manned or sponsored by AHS or one of its, agents, subsidiaries or affiliates at the 2020 Wayne Event, and, thereby, provided an Infringing Model with an infrastructure presenting a three-dimensional, at least partial, representation of the human heart at a scale greater than at least 10:1. See No. 1, Image 7.

46. On information and belief, AHS or one its parents, subsidiaries or affiliates set up and displayed Infringing Model 2 and, thereby, provided an Infringing Model that included an outside surface (See No. 2, Image 7) of the infrastructure modeling the outside of the human heart and an inside surface (See No. 3, Image 7) of the infrastructure modeling the inside of the human heart, the inside surface including three-dimensional forms representing physical features of the heart, including chambers (See No. 4, Image 7) of the heart.

47. In displaying Infringing Model 2, AHS provided, on information and belief, an exhibit that includes an inflated infrastructure inflated to a scale greater than 10:1, including inflatable walls, and defining physical representations of chambers of the heart (see Nos. 1, 3, and 4, Image 7).

48. In displaying Infringing Model 2, AHS provided, on information and belief, an exhibit that included an opening through its outside surface (see No. 5, Image 7).

49. On information and belief, AHS displayed, for public viewing, Infringing Model 1 and/or Infringing Model 2 multiple times in this District between July 2, 2019 and present date.

50. On information and belief, Infringing Model 1, Infringing Model 2, and other Infringing Model(s) share the features alleged herein and thus, the foregoing allegations in paragraphs 45-50 also apply to each of multiple times AHS has displayed any of the Infringing Model(s) at events since July 2, 2019.

51. In view of the features of Infringing Model 1, Infringing Model 2, and other Infringing Model(s), and related activity since July 2, 2019, as described above, AHS, by itself, or through its parents, guests, subsidiaries, affiliates, and/or agents infringed – literally and/or under the doctrine of equivalents – at least representative Claim 1 of the ‘835 Patent.

52. At least some of the claims of the ‘835 Patent, other than Claim 1, are also infringed - literally and/or under the doctrine of equivalents - through use or promotion of Infringing Model 1, Infringing Model 2, and/or other Infringing Model(s) since July 2, 2019, in this State and in this District.

53. In addition to directly infringing the MIE Patents pursuant to 35 U.S.C. §271 (a), either literally or under the doctrine of equivalents, or both, AHS indirectly infringed one or more claims of the ‘835 Patent by instructing, directing, permitting and/or requiring others, including its customers, purchasers, partners, agents, parents, subsidiaries, affiliates, and guests to use Infringing Model 1, Infringing Model 2, and/or other Infringing Model(s) in the promotion of events and other products and services, and/or to perform all or some of the method claims of the ‘835 Patent, either literally or under the doctrine of equivalents, or both.

54. In addition to its direct infringement, AHS knowingly induced and/or contributed to the infringement of the ‘835 Patent, including at least Claim 1, by its parents, subsidiaries, affiliates, guests, invitees, customers, agents, and event partners and collaborators with specific intent to induce infringement, and/or with willful blindness to the possibility that its acts induce infringement, through activities relating to the promotion, use, set-up, or display of Infringing Model 1, Infringing Model 2, and/or other Infringing Model(s), in the United States.

55. On information and belief, AHS used Infringing Model 1, Infringing Model 2, and/or other Infringing Model(s) having had actual notice of the ‘835 Patent and of its

infringement of that patent. Because AHS had knowledge of '835 Patent rights and proceeded to directly and indirectly infringe, AHS's infringement is willful. Willful infringement of the '835 Patent entitles MIE to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

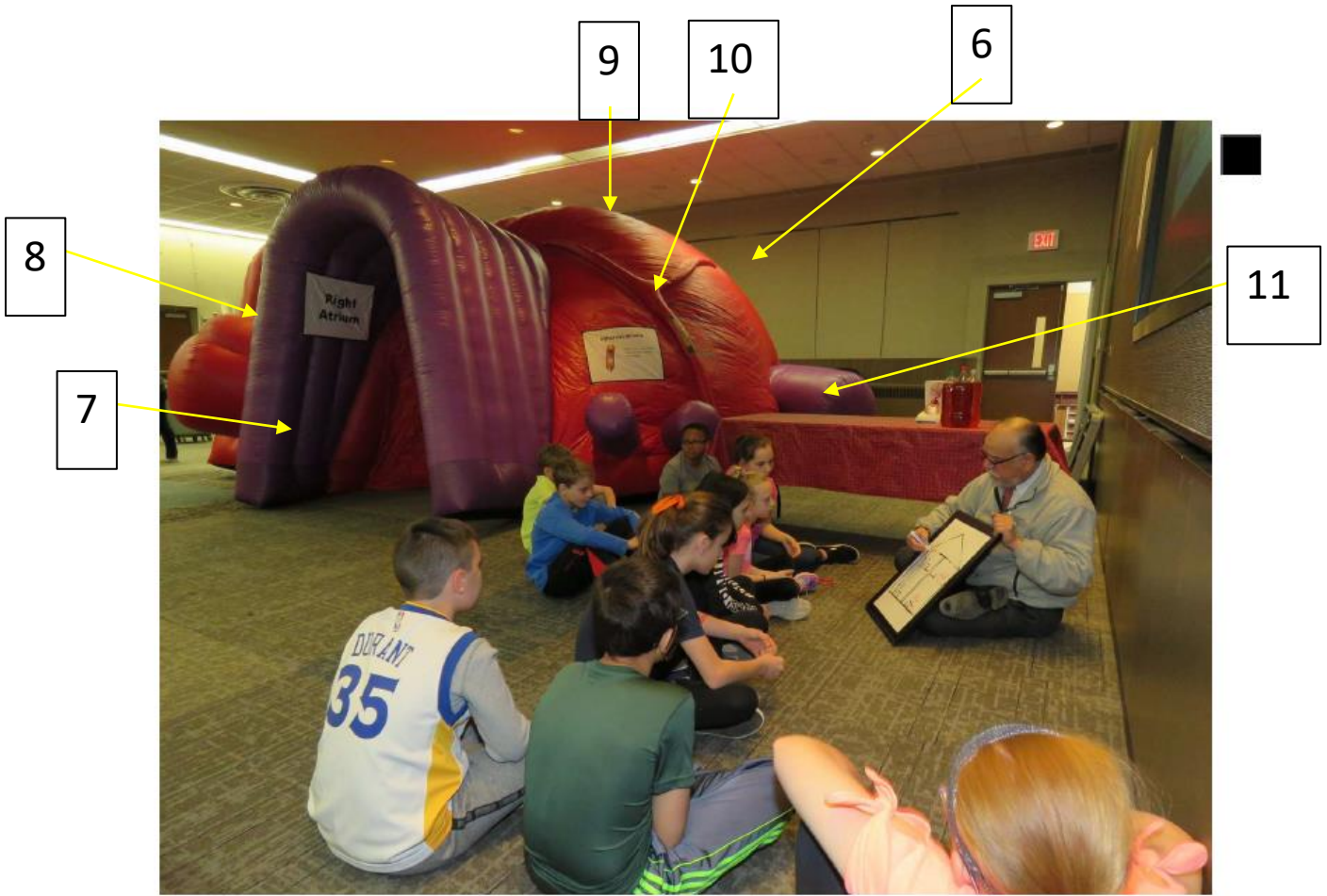
56. AHS's past and continuing infringement of the '835 Patent has damaged and will continue to damage MIE in the amount to be proven at trial.

57. Unless and until enjoined by this Court, AHS will continue to directly and indirectly infringe the '835 Patent. AHS's infringing acts are causing and will continue to cause MIE irreparable harm, for which there is no adequate remedy at law. Under 35 U.S.C. § 283, MIE is entitled to a permanent injunction against further infringement.

Count II: Infringement of the '067 Patent by AHS

58. MIE restates and incorporates by reference the allegations in the forgoing paragraphs of this Complaint as if fully set forth herein.

59. On information and belief, Images 8 and 9, below, are photos from two Facebook posts (see <https://www.facebook.com/atlantichealth/photos/583897631977300>) and <https://www.facebook.com/atlantichealth/photos/583897741977289>, respectively) posted on August 18, 2018 showing an AHS Heart Exhibit set up and displayed ("Infringing Model 3") at an event (the "2018 Event"). The images include annotations provided to highlight features that, on information and belief, correspond with certain elements of infringed claims of the MIE Patents, and, which, are referred to in the following paragraphs. Image 8 is an annotated version of Image 4, discussed above.



 Atlantic Health System
April 18, 2018 · ■

IMAGE 8

facebook

9

Log In



Atlantic Health System

April 18, 2018 ·

IMAGE 9

60. On information and belief, AHS owned or leased (from a third party) Infringing Model 3.

61. Infringement of the '067 Patent by AHS arises from activities including, but not limited to, the use and display of Infringing Model 1, Infringing Model 2, Infringing Model 3, and/or other Infringing Model(s) by AHS, its parents, subsidiaries, guests, partners, or affiliates, in the United States and in this district, since February 17, 2017, including the use of Infringing Model 3 at the 2018 Event.

62. On information and belief, AHS participated in the display and presentation of the Infringing Model 3 and AHS personnel observed attendees at the 2018 events enter Infringing Model 3 through an opening.

63. Claim 7 of the '067 Patent is reproduced below:

7. An inflatable exhibit of a human heart comprising:
an inflatable infrastructure inflatable to a three-dimensional representation of the human heart at a scale greater than 15:1; and
a walk-through passageway defined, at least in part, by the inflated infrastructure, and extending through the inflated infrastructure;
wherein the infrastructure includes inflatable walls that are inflatable to define rooms representing chambers of the heart and the walk-through passageway; and
an outside surface shaped and contoured to represent at least portions of the outside of a human heart and extending over each of the rooms representing chambers of the heart, the outside surface including three-dimensional forms representing physical features of the heart.

64. On information and belief, AHS by itself or through an agent, parent, subsidiary, or affiliate, provided, set up, and/or displayed Infringing Model 3, which is an inflatable exhibit of

a human heart that includes an inflatable infrastructure inflatable to a three-dimensional representation of a human heart at a scale greater than 15:1. See No. 6, Image 8.

65. Infringing Model 3 includes a walk-through passageway. See No. 7, Images 8 and 9.

66. Infringing Model 3 includes inflatable walls (See No. 8, Images 8 and 9) that are inflated to define rooms representing chambers of the heart (See No. 9, Images 8 and 9) and the walk-through passageway.

67. Infringing Model 3 includes an outside surface shaped and contoured to represent at least portions of the outside of a human heart (See No. 10, Image 8) and extending over each of multiple rooms representing chambers of the heart, the outside surface including three-dimensional forms representing physical features of the heart. See Nos. 10 and 11, Image 8.

68. On information and belief, Infringing Model 3 is the same exhibit as Infringing Model 1 or Infringing Model 2.

69. The allegations of the foregoing paragraphs, in respect to Infringing Model 3, also apply to Infringing Model 1 and Infringing Model 2, as described above, and in respect to activity since February 17, 2017.

70. On information and belief, AHS provided, set up, or displayed an inflatable heart exhibit multiple occasions between February 17, 2017 and present date, and each time that heart exhibit was either Infringing Model 1, Infringing Model 2, Infringing Model 3, and/or another Infringing Model(s) having the same features as those described above in respect to Infringing Models 1, 2, or 3, and, in so doing, infringed one or more claims in the '067 Patent.

71. In view of the features of Infringing Model 1, Infringing Model 2, and Infringing Model 3, and other Infringing Model(s) and related activity since February 17, 2017, as described

above, AHS, by itself, or through its subsidiaries, parents, affiliates, and/or agents infringed – literally and/or under the doctrine of equivalents – at least representative Claim 7 of the ‘067 Patent.

72. At least some of the other claims of the '067 Patent are also infringed - literally and/or under the doctrine of equivalents - through use or promotion of Infringing Model 1, Infringing Model 2, Infringing Model 3, and/or another Infringing Model(s) by AHS since February 17, 2017.

73. In addition to directly infringing the MIE Patents pursuant to 35 U.S.C. §271 (a), either literally or under the doctrine of equivalents, or both, AHS indirectly infringed one or more claims of the ‘067 Patent by instructing, directing, permitting and/or requiring others, including its customers, purchasers, partners, agents, parents, affiliates, subsidiaries, and guests to use Infringing Model 1, Infringing Model 2, Infringing Model 3, and/or another Infringing Model(s) in the promotion of events and other products and services, and/or to perform all or some of the method claims of the ‘067 Patent, either literally or under the doctrine of equivalents, or both.

74. In addition to direct infringement of the ‘067 Patent, AHS knowingly induced and/or contributed to the infringement of the ‘067 Patent, including at least Claim 7, by its parents, subsidiaries, affiliates, guests, invitees, customers, agents, and event partners and collaborators with specific intent to induce infringement, and/or with willful blindness to the possibility that its acts induce infringement, through activities relating to the promotion, use, set-up, or display of Infringing Model 1, Infringing Model 2, Infringing Model 3, and/or other Infringing Model(s) in the United States.

75. On information and belief, AHS used and displayed Infringing Model 1, Infringing Model 2, Infringing Model 3, and/or other Infringing Model(s) having had actual

notice of the '067 Patent and of its infringement of that patent. Because AHS had knowledge of '067 Patent rights and proceeded to directly and indirectly infringe, AHS's infringement is willful. Willful infringement of the '067 Patent entitles MIE to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

76. AHS's past and continuing infringement of the '067 Patent has damaged and will continue to damage MIE in the amount to be proven at trial.

77. Unless and until enjoined by this Court, AHS will continue to directly and indirectly infringe the '067 Patent. AHS's infringing acts are causing and will continue to cause MIE irreparable harm, for which there is no adequate remedy at law. Under 35 U.S.C. § 283, MIE is entitled to a permanent injunction against further infringement.

Count III: Infringement of the '835 Patent by AHS

78. MIE restates and incorporates herein the allegations set forth in the foregoing paragraphs.

79. On information and belief, AHS participated in a Heart Health event on February 13, 2020 (the "2020 Madison Event") at the Madison Area YMCA in or around Madison, New Jersey.

80. On information and belief, Images 10-15 below depict an inflated heart structure – an AHS Heart Exhibit provided by AHS at the 2020 Madison event, with annotations highlighting features of the exhibit corresponding with elements of infringed claims in the '786 Patent, as alleged in the following paragraphs.

81. On information and belief, Images 10-15 are still shots from a video posted on Facebook showing the AHS Heart Exhibit ("Infringing Model 4") displayed by AHS at the 2020

Madison

Event

(see

<https://www.facebook.com/MadisonAreaYMCA/videos/657337761472491/>).

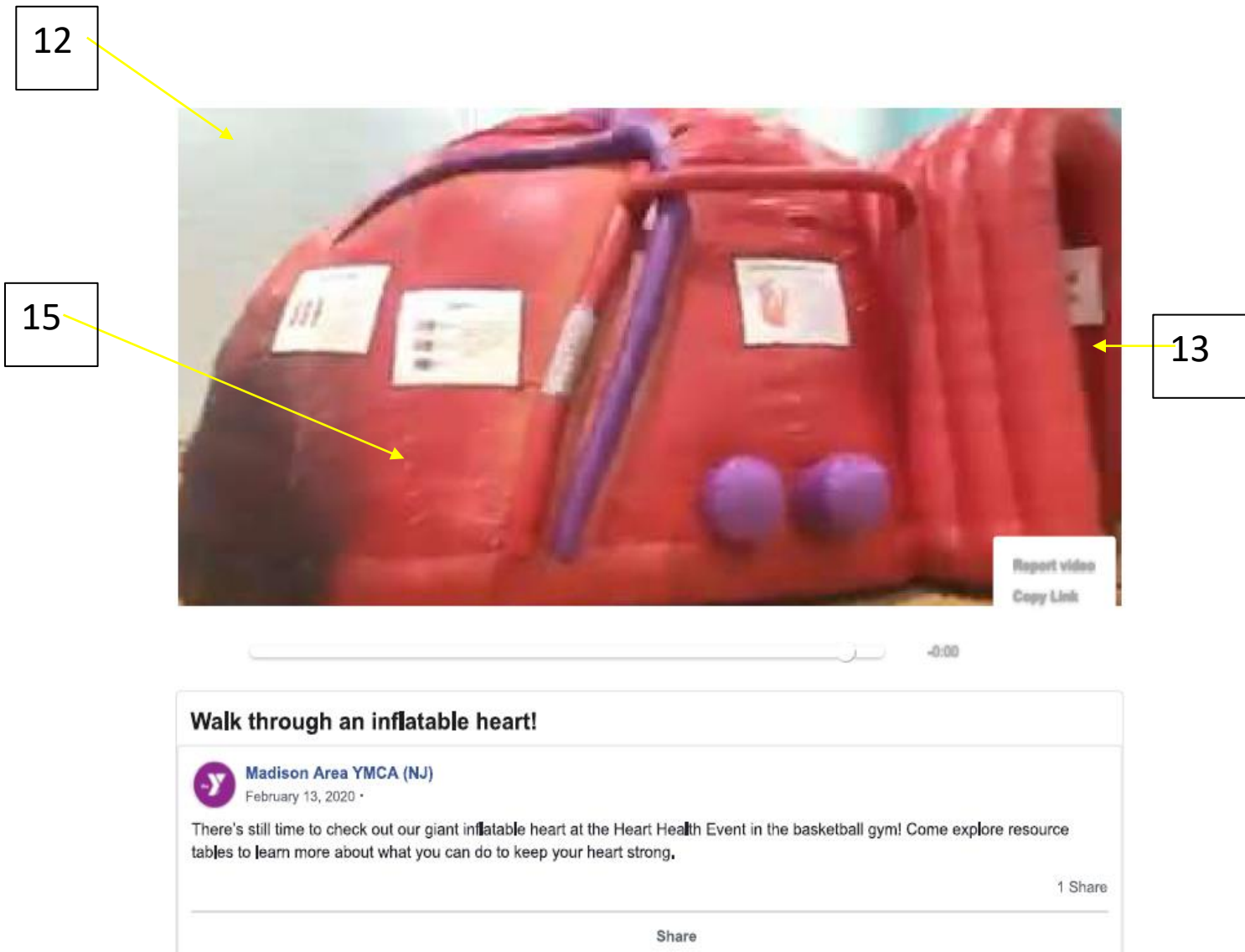


IMAGE 10

12



IMAGE 11

12



IMAGE 12

16



IMAGE 13

13

14



IMAGE 14

13

15

13



IMAGE 15

82. On information and belief, AHS owned or leased (from a third party) Infringing Model 4.

83. Infringement of the '786 Patent by AHS arises from activity including, but not limited to, the use and display of Infringing Model 1, Infringing Model 2, Infringing Model 3, Infringing Model 4, and/or another Infringing Model(s) as described above, by AHS, its guests, parents, subsidiaries, agents, or its affiliates, in the United States and in this district, since May 20, 2014.

84. Claim 1 of the '786 Patent recites:

1. An inflatable exhibit of a human heart comprising:

an inflatable infrastructure inflatable to a three-dimensional partial representation of the human heart at a scale greater than at least, 15:1, the infrastructure including a cross-sectional plane thereacross; and

a walk-through passageway defined, at least in part, by the inflated infrastructure, and extending through the inflated infrastructure, wherein the cross-sectional plane defines a plane of the passageway; and

wherein, except for an exit and entrance to the passageway, the inflated infrastructure provides a physical representation of a human heart including inflatable internal walls extending upwardly from the cross-sectional plane and providing chambers of the human heart and the walk-through passageway as a single-story passageway therethrough;

and a physical representation of a human heart valve within said inflatable infrastructure.

85. Infringing Model 4 includes an inflatable infrastructure inflatable to a three-dimensional partial representation of the human heart at a scale greater than at least, 15:1. See No. 12, Images 10-12.

86. Infringing Model 4 includes a cross-sectional plane that defines a plane of a passageway (see No. 13, Image 14), and has a walk-through passageway defined, at least in part, by the inflated infrastructure, and extending through the inflated infrastructure (see No. 13, Images 10, 13, 14 and 15).

87. Infringing Model 4 has an inflated infrastructure that provides a physical representation of a human heart (No. 12, Image 10), and includes inflatable internal walls extending upwardly (No. 14, Image 14) and providing chambers of the human heart and the walk-through passageway as a single-story passageway therethrough.

88. Infringing Model 4 includes a physical representation of a human heart valve within its inflatable infrastructure. See e.g., No. 16, Image 13.

89. On information and belief, Infringing Model 4 is either the same exhibit as Infringing Model 1, Infringing Model 2, Infringing Model 3, and/or other Infringing Model(s) as described above, or shares, with these other exhibits, the same features referred to in the allegations of the forgoing paragraphs. The allegations of the foregoing paragraphs apply, therefore, to each of Infringing Model 1, Infringing Model 2, Infringing Model 3, Infringing Model 4, and other Infringing Model(s) described above.

90. AHS infringed at least representative Claim 1 of the '786 Patent by using or promoting Infringing Model 1, Infringing Model 2, Infringing Model 3, Infringing Model 4, and/or other Infringing Model(s) as described above, and/or permitting or allowing third parties to use or promote these exhibits.

91. On information and belief, AHS also infringed several claims of the '835 Patent, '067 Patent, and the '786 Patent, by using or promoting Infringing Model 1, Infringing Model 2, Infringing Model 3, Infringing Model 4, and/or other Infringing Model(s) and/or in allowing or

permitting third Parties to use or promote Infringing Model 1, Infringing Model 2, Infringing Model 3, Infringing Model 4, and/or other Infringing Model(s).

92. On information and belief, AHS provided, set up, or displayed Infringing Model(s) at a regular frequency between 2010 and present date, or at least into 2020, and each time that Infringing Model was either Infringing Model 1, Infringing Model 2, Infringing Model 3, Infringing Model 4, or another Infringing Model(s) having the same features as those described above in respect to Infringing Models 1, 2, 3, or 4 and, in so doing, infringed one or more claims in the '786 Patent.

93. In view of the features of Infringing Model 1 Infringing Model 2, Infringing Model 3, and Infringing Model 4 and related activity since May 20, 2014, as described above, AHS, by itself, or through its subsidiaries, parents, affiliates, and/or agents infringed – literally and/or under the doctrine of equivalents – at least representative Claim 1 of the '786 Patent.

94. At least some of the other claims of the '786 Patent are also infringed - literally and/or under the doctrine of equivalents - through use or promotion of Infringing Model 1, Infringing Model 2, Infringing Model 3, Infringing Model 4, and/or other Infringing Model(s) as described above by AHS since May 20, 2014.

95. In addition to directly infringing the MIE Patents pursuant to 35 U.S.C. §271 (a), either literally or under the doctrine of equivalents, or both, AHS indirectly infringed one or more claims of the '786 Patent by instructing, directing, permitting and/or requiring others, including its customers, purchasers, partners, parents, affiliates, subsidiaries, agents, and guests to use Infringing Model 1, Infringing Model 2, Infringing Model 3, Infringing Model 4, and/or other Infringing Model(s) in the promotion of events and other products and services, and/or to perform

all or some of the method claims of the '786 Patent, either literally or under the doctrine of equivalents, or both.

96. In addition to its direct infringement, AHS knowingly induced and/or contributed to the infringement of the '786 Patent, including at least representative Claim 1, by its guests, invitees, customers, agents, parents, affiliates, subsidiaries, and event partners and collaborators with specific intent to induce infringement, and/or with willful blindness to the possibility that its acts induce infringement, through activities relating to the promotion, use, set-up, or display of Infringing Model 1, Infringing Model 2, Infringing Model 3, Infringing Model 4, and/or other Infringing Model(s), in the United States.

97. On information and belief, AHS used Infringing Model 1, Infringing Model 2, Infringing Model 3, Infringing Model 4, and/or other Infringing Model(s) having had actual notice of the '786 Patent and of its infringement of that patent. Because AHS had knowledge of '786 Patent rights and proceeded to directly and indirectly infringe, AHS's infringement is willful. Willful infringement of the '786 Patent entitles MIE to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

98. AHS's past and continued infringement of the '786 Patent has damaged and will continue to damage MIE in the amount to be proven at trial.

99. Unless and until enjoined by this Court, AHS will continue to directly and indirectly infringe the '786 Patent. AHS's infringing acts are causing and will continue to cause MIE irreparable harm, for which there is no adequate remedy at law. Under 35 U.S.C. § 283, MIE is entitled to a permanent injunction against further infringement.

PRAYER FOR RELIEF

100. WHEREFORE, MIE respectfully requests the Court to:

- (a) Find that AHS has infringed each of the '786 Patent, the '607 Patent, and the '835 Patent literally and/or under the doctrine of equivalents;
- (b) Award all available damages for AHS's infringement of the MIE patents under 35 U.S.C. § 284, including enhanced damages;
- (c) Find that AHS's infringement has been willful and increase such damages to three times the awarded amount;
- (d) Award prejudgment and post judgment interest;
- (e) Find that this case is an exceptional case under 35 U.S.C. § 285 and award reasonable attorney's fees;
- (f) Award MIE its costs and fees; and
- (g) Grant all other relief to which MIE is entitled.

JURY DEMAND

MIE respectfully requests a jury trial on any issues so triable.

Respectfully submitted,

Pro hac vice application pending:

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