

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CAPSA SOLUTIONS LLC

Plaintiff,

V.

SIMPLIFI MEDICAL, LLC

Defendant.

CIVIL ACTION NO. 22-cv-05527

COMPLAINT

Plaintiff Capsa Solutions LLC (“Capsa” or “Plaintiff”) files this Complaint against Defendant Simplifi Medical, LLC (“Simplifi” or “Defendant”) and alleges as follows:

I. NATURE OF THE SUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code, specifically 35 U.S.C. § 271, including 35 U.S.C. § 271(a), (b), (c), (f), and (g).

II. THE PARTIES

2. Plaintiff Capsa is a corporation organized under the laws of the state of Delaware having a principal place of business at 4253 NE 189th Ave, Portland, Oregon.

3. Defendant Simplifi is a corporation organized under the laws of the state of Illinois having a principal place of business at 5082 N. Kimberly Avenue, Chicago, Illinois 60630.

III. JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code, among other claims, including 35 U.S.C. §§1, 271. Thus, this Court has subject

matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court also has jurisdiction over this matter because complete diversity of citizenship exists between Capsa and Defendant, and the amount in controversy exceeds \$75,000, exclusive of interests and costs, as required by 28 U.S.C. § 1332(a). This Court has personal jurisdiction over the Defendant pursuant to due process and the Illinois Long Arm Statute. 735 Ill. Comp. Stat. Ann. 5/2-209. The Defendant, directly or through intermediaries, has conducted and conducts substantial business in this judicial district and state, including but not limited to: (i) engaging in at least part of the infringing acts alleged herein; (ii) purposefully and voluntarily placing one or more infringing products or services into the stream of commerce with the expectation that they will be purchased by consumers in this forum; and/or (iii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to entities in Illinois and in this District.

6. The Court has personal jurisdiction over the Defendant because it is a corporation organized under the state of Illinois.

7. For example, Defendant markets, offers to sell, and sells infringing products and services to customers in this judicial district and state through their website (<https://simplifimedical.com>). As such, this Court has personal jurisdiction over Defendant because it conducts substantial and continuous business in this judicial district via the Internet, and otherwise, and has established minimum contacts within this judicial district such that the exercise of jurisdiction would not offend traditional notions of fair play and justice.

8. Venue is proper in this Court under 28 U.S.C. §§ 1391(b)–(d) and 1400(b) for the reasons set forth above.

IV. BACKGROUND FACTS

9. Capsa is in the business of designing and manufacturing medical carts.

10. Capsa is considered to be an industry leader in the manufacture of medical carts and has successfully sold its products for many years to customers in the U.S. and in many countries around the world.

11. Capsa has never sold, licensed, or otherwise authorized Defendant to use any of its intellectual property.

12. Capsa has continuously marked substantially all of its products with relevant patent numbers of its issued patents during the patent damages period in accordance with the patent marking statute 35 U.S.C. § 287.

13. Defendant is also in the business of manufacturing, selling, and using medical carts, including inducing others to use their infringing medical carts in the U.S. and in other foreign countries.

14. Defendant is involved with the design, manufacturing, licensing, sales and/or offers for sale of the “ENV” and “EVA” line of medical carts (collectively, the “Simplifi Products”). Defendant is involved with supplying, or causing such supply, of these above-mentioned products, and components thereof, in such a manner as to actively induce infringement of the patents-in-suit by actively inducing the combination of these components in a manner that would infringe the patent if such combination occurred and/or by aiding, abetting, encouraging, and contributing to the infringement of the patents-in-suit. Defendant is involved with supplying, or causing such supply, of these above-mentioned products, and components thereof, in such a manner as to contribute to infringement of the patents-in-suit under 35 U.S.C. 271(g).

15. Defendant advertises, markets, and sells its line of medical carts on its Website at: (<https://simplifimedical.com>).

16. Capsa has lost sales, revenues, profits and suffered other harm due to Defendant’s ongoing infringement of the patents-is-suit.

17. Capsa will continue to lose sales, revenues and profits if Defendant's infringing activity is not stopped.

18. Capsa and the Defendant are direct competitors in the market for medical carts.

19. Defendant's actions constitute willful and deliberate infringement.

V. STATEMENT OF CLAIM

20. The allegations of the preceding paragraphs are incorporated as if fully set forth herein.

21. Capsa is the owner of all right, title and interest in and to the following United States Patents:

a. U.S. Patent No. 7,594,668 (the "'668 Patent");

b. U.S. Patent No. 8,215,650 (the "'650 Patent");

These patents are also referred hereto as the "patents-in-suit." True and accurate copies of these patents are attached as Exhibits A-B.

22. Ownership of the '668 Patent was assigned to Capsa on or about November 9, 2015 as recorded by the USPTO at reel/frame no. 037037/0468. A true and accurate copy of the assignment document is attached as Exhibit C.

23. Ownership of the '650 Patent was assigned to Capsa on or about November 9, 2015 as recorded by the USPTO at reel/frame no. 037037/0468. A true and accurate copy of the assignment document is attached as Exhibit C.

24. Thus, at all times relevant to this action, Plaintiff Capsa, was and is, the owner of the patents-in-suit. Capsa has the right to sue for past, present and future infringement of the patents-in-suit.

25. Capsa also holds the right to sue and recover damages, including past damages, for infringement of the patents-in-suit.

26. Plaintiff has complied with the statutory marking requirement (e.g., 35 U.S.C. § 287).

27. By providing a letter to Simplifi dated April 25, 2022, Capsa has given Defendant written notice of infringement of the patents-in-suit.

28. By providing a copy of this Claim/Complaint for Patent Infringement, Capsa has, at a minimum, given Defendant written notice of infringement of the patents-in-suit.

COUNT I—Direct Infringement of the Patents-In-Suit

29. The allegations of the preceding paragraphs are incorporated by reference as if fully set forth herein.

30. Defendant has directly infringed and continued to infringe at least one claim of each of the patents-in-suit in violation of 35 U.S.C. § 271(a) by making, using, licensing, selling, and/or offering to sell in the United States, without Capsa’s authority, medical carts that use the patented systems and methods. By way of example only, and without limiting Capsa’s claims to this specific example, Defendant’s acts of making, selling or offering to sell medical carts having a height adjustment device including an actuator disposed above at least one compartment or compartments on a portion of the work platform that projects in the forward direction as recited in the claims of the patents-in-suit, amounts to direct infringement of the patents-in-suit.

31. Furthermore, the following products are examples of Defendant’s medical carts that infringe the patents-in-suit (hereinafter the “Accused Products”):

- “EVA”
- “ENV”
- Any of Defendant’s current or future medical cart products that replace any of the above-listed products that operate in substantially the same infringing manner;
- Any of Defendant’s current or future medical cart products that have a

height adjustment device including an actuator disposed above at least one compartment or compartments on a portion of a work platform that projects in a forward direction;

32. Capsa has provided herewith, and herein incorporates by reference, the exemplary claim charts (Exhibit D, “Infringement Claim Charts”), showing, in element-by-element manner, how certain of the Accused Products compare to certain of the claims of certain of the patents-in-suit in an exemplary manner. The other Accused Products also infringe the same claims of the patents-in-suit as set forth herein. For example, the Accused Products all have a height adjustment device including an actuator disposed above at least one compartment or compartments on a portion of a work platform that projects in the forward direction as recited in the claims of the patents-in-suit. The Accused Products infringe other listed claims of other listed patents as further provided herein. Capsa reserves its rights to pursue all available infringement arguments as this case progresses.

33. Capsa has been injured and seeks damages to adequately compensate it for Defendant’s infringement of the patents-in-suit. Such damages should be Capsa’s lost profits, but in any event no less than the amount of a reasonable royalty under 35 U.S.C. § 284.

34. Defendant has willfully infringed the patents-in-suit. For example, after acquiring knowledge of the patents-in-suit, Defendant continued with their infringing acts in bad faith in view of Capsa’s infringement allegations. These acts amount to willful and deliberate acts of infringement and amount to egregious misconduct.

35. Defendant will continue to infringe the patents-in-suit unless enjoined by this Court. Capsa therefore requests that this Court enter an order under 35 U.S.C. § 283 preliminarily and permanently enjoining Defendant from continuing to make, use, sell, license, offer to sell, and/or import into the United States the products and processes accused of infringing the patents-in-suit

and from further infringement, contributory infringement and/or inducing infringement of the patents-in-suit.

COUNT II—Infringement of U.S. Patent No. 7,594,668

36. The allegations of the proceeding paragraphs are incorporated by reference as if fully set forth herein.

37. Defendant has directly infringed and continues to infringe at least claims 3-4 of the '668 Patent in violation of 35 U.S.C. § 271(a) by making, using, licensing, selling, and/or offering to sell in the United States, without Capsa's authority, the Accused Products that use the patented systems and methods.

38. The Accused Products contain each and every element of the asserted claims literally. In the alternative, the Accused Products contain each and every element of the asserted claims literally or under the doctrine of equivalents. If found that an element is not literally present in the Accused Products, such element(s) is/are present in an equivalent form, having substantially the same function, operating in substantially the same way, and achieving substantially the same result, such that there are insubstantial differences between the claimed invention and the Accused Products.

39. Capsa has been injured and seeks damages to adequately compensate it for Defendant's infringement of the '668 Patent. Such damages should be Capsa's lost profits as a result of the infringement but in any event no less than the amount of a reasonable royalty under 35 U.S.C. § 284.

40. Defendant has willfully infringed the patents-in-suit. For example, after acquiring knowledge of the patents-in-suit, Defendant continued with its infringing acts in bad faith. These acts amount to willful and deliberate acts of infringement and amount to egregious misconduct.

41. Defendant will continue to infringe the '668 Patent unless enjoined by this Court. Capsa therefore requests that this Court enter an order under 35 U.S.C. § 283 preliminarily and permanently enjoining Defendant from continuing to make, use, sell, license, offer to sell, and/or import into the United States the products and processes accused of infringing the '668 Patent and from further infringement, contributory infringement and/or inducing infringement of the '668 Patent.

COUNT III—Infringement of U.S. Patent No. 8,215,650

42. The allegations of the proceeding paragraphs are incorporated by reference as if fully set forth herein.

43. Defendant has directly infringed and continues to infringe at least claims 1-3, and 5 of the '650 Patent in violation of 35 U.S.C. § 271(a) by making, using, licensing, selling, and/or offering to sell in the United States, without Capsa's authority, the Accused Products that use the patented systems and methods.

44. The Accused Products contain each and every element of the asserted claims literally. In the alternative, the Accused Products contain each and every element of the asserted claims literally or under the doctrine of equivalents. If found that an element is not literally present in the Accused Products, such element(s) is/are present in an equivalent form, having substantially the same function, operating in substantially the same way, and achieving substantially the same result, such that there are insubstantial differences between the claimed invention and the Accused Products.

45. Capsa has been injured and seeks damages to adequately compensate it for Defendant's infringement of the '650 Patent. Such damages should be Capsa's lost profits as a result of the infringement but in any event no less than the amount of a reasonable royalty under 35 U.S.C. § 284.

46. Defendant has willfully infringed the patents-in-suit. For example, after acquiring knowledge of the patents-in-suit, Defendant continued with its infringing acts in bad faith. These acts amount to willful and deliberate acts of infringement and amount to egregious misconduct.

47. Defendant will continue to infringe the '650 Patent unless enjoined by this Court. Capsa therefore requests that this Court enter an order under 35 U.S.C. § 283 preliminarily and permanently enjoining Defendant from continuing to make, use, sell, license, offer to sell, and/or import into the United States the products and processes accused of infringing the '650 Patent and from further infringement, contributory infringement and/or inducing infringement of the '650 Patent.

COUNT IV - Indirect Infringement of the Patents-In-Suit

48. The allegations of the preceding paragraphs are incorporated by reference as if fully set forth herein.

49. Defendant has, under 35 U.S.C. § 271(b), indirectly infringed and continues to indirectly infringe, the patents-in-suit by, *inter alia*, inducing others to make, use, license, sell and/or offering to sell the Accused Products covered by the patents-in-suit and distributing, marketing and advertising those Accused Products covered by the patents-in-suit in this judicial district and elsewhere in the United States.

50. Defendant has had actual knowledge of the patents-in- suit. As set forth in detail below, Defendant had actual knowledge or was willfully blind to the fact that Defendant's products infringe the patents-in-suit.

51. Despite having such knowledge of the patents-in-suit, Defendant has continued to make its infringing products available to its customers.

52. Defendant's customers directly infringe the patents-in-suit by, for example, using the infringing system.

53. Defendant is aware that it provides its customers with the Accused Products that are used in a manner that knowingly infringes the patents-in-suit and encourages and instructs customers to use those products in a manner which infringes at least one claim of the patents-in-suit. For example, Defendant knowingly provides its customers with Accused Products that customers use to infringe the patents-in-suit. As another example, Defendant knowingly provides their customers with, *inter alia*: instruction manuals, marketing materials, and/or training materials accompanying the purchased Accused Products that instruct a customer on the use of the infringing products.

54. Defendant continues to instruct their customers on using the infringing systems. These instructions evidence clear intent by Defendant to induce that which Defendant knows would be actual infringement of the patents-in-suit on the part of its customers.

55. Despite actual knowledge of the patents-in-suit, Defendant has actively, and willfully induced the direct infringement of the patents-in-suit by advertising infringing uses of its Accused Products, offering technical assistance on how to use the products in their intended, infringing manner and by otherwise encouraging and assisting its partners and their resellers in providing infringing products, technical support, advice and other assistance directly to clients that, in turn, use to directly infringe the patents-in-suit.

56. In the alternative, despite actual knowledge of the patents-in-suit, Defendant has been willfully blind to the fact that the actions being induced constituted infringement of the patents-in-suit.

57. Accordingly, Defendant is actively and knowingly aiding and abetting its customers' direct infringement of the patents-in-suit. As direct and proximate result of Defendant's acts of inducing infringement of the patents-in-suit, Capsa has suffered injury and monetary damages for which Capsa is entitled to relief of lost profits attributable to the infringements, but in any event, no less than a reasonable royalty to compensate for Defendant's infringement.

58. Defendant will continue to induce infringement of the patents-in-suit, causing immediate and irreparable harm, unless this Court enjoins and restrains Defendant's activities, specifically the acts of making, using, licensing, selling and offering to sell the infringing systems.

59. The induced infringement by Defendant has and will, deprive Capsa of royalties and other related revenue which Capsa would have made or would enjoy in the future, has injured Capsa in other respects and will cause Capsa added injury and damages unless Defendant is enjoined from inducing infringement of the patents-in-suit on all infringing products Defendant will make, use, license, sell, or offer to sell, until the expiration of the patents-in-suit.

60. Defendant has, under 35 U.S.C. § 271(c), indirectly infringed, and continues to infringe the patents-in-suit by, *inter alia*, selling and offering to sell, the above mentioned infringing products covered by the patents-in-suit, while knowing that the infringing products constitute a material part of the claimed inventions of the patents-in-suit, have no substantial non-infringing uses and are known by Defendant to be especially made or especially adapted for use in an infringement of the patents-in-suit.

61. Despite having knowledge of the patents-in-suit, Defendant continues to make its infringing products available to its customers.

62. Defendant's customers directly infringe the patents-in-suit by, for example, using the infringing products.

63. Defendant makes and sells the infringing products knowing that the infringing products are especially made and adapted for use in an infringement of the patents-in-suit.

64. By providing the infringing products that have no substantial non-infringing uses, Defendant is actively and knowingly contributing to its customers' direct infringement of the patents-in-suit. As a direct and proximate result of Defendant's acts of contributory infringement of

the patents-in-suit, Capsa has suffered injury and monetary damages for which Capsa is entitled to relief, in no event less than a reasonable royalty to compensate for Defendant's infringement.

65. Defendant will continue to contribute to the direct infringement of the patents-in-suit, causing immediate and irreparable harm, unless this Court enjoins and restrains Defendant's activities, specifically the acts of making, using, licensing, selling and offering to sell, the infringing products.

66. The contributory infringement by Defendant has and will, deprive Capsa of lost profits or royalties and other related, convoyed revenue which Capsa would have made or would enjoy in the future, has injured Capsa in other respects and will cause Capsa added injury and damages unless Defendant is enjoined from contributing to the infringement of the patents-in-suit on all infringing products Defendant will make, use, license, sell, or offer to sell, until the expiration of the patents-in-suit.

67. Defendant is involved with supplying, or causing such supply, of these above-mentioned products (Accused Products), and components thereof, from the United States to foreign countries in such a manner as to actively induce infringement of the patents-in-suit under 35 U.S.C. § 271(f) by actively inducing the combination of these components outside the United States in a manner that would infringe the patent if such combination occurred within the United States and/or by aiding, abetting, encouraging, and contributing to the infringement of the patents-in-suit in such foreign countries.

68. Defendant is involved with supplying, or causing such supply, of these above-mentioned products (Accused Products), and components thereof, from the United States to foreign countries in such a manner as to contribute to infringement of the patents in suit under 35 U.S.C. § 271(g).

COUNT V – Injunctive Relief

69. The allegations of the preceding paragraphs are incorporated by reference as if fully set forth herein.

70. Capsa is entitled to preliminary and permanent injunctive relief enjoining Defendant from infringing the patents-in-suit.

71. Capsa is likely to succeed on the merits of their underlying patent related claims (Counts I-IV).

72. If Defendant is not enjoined, Capsa will continue to suffer irreparable harm, including but not limited to, loss of business, sales, profits, revenue, and competitive advantage, for which there is no adequate remedy at law.

73. The potential injury to Defendant is minimal and does not outweigh the potential injuries to Capsa if Defendant is not enjoined.

PRAYER FOR RELIEF

WHEREFORE, Capsa respectfully requests the following relief:

a. A judgment in favor of Capsa that Defendant has infringed the patents-in-suit, whether literally or under the doctrine of equivalents, as described herein;

b. A judgment and order requiring Defendant to pay Capsa its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendant's infringement of the patents-in-suit as provided under 35 U.S.C. § 284, including supplemental damages for any continuing post-verdict or post-judgment infringement with an accounting as needed;

c. An accounting of damages to Capsa arising from Defendant's acts of infringement, contributory infringement, and/or active inducement of infringement, the damages including lost profits, but in no event less than a reasonable royalty, to be paid by Defendant as a result of Defendant's infringing activities;

- d. An order under 35 U.S.C. § 283 preliminarily and permanently enjoining Defendant from continuing to make, use, license, sell, offer to sell, and/or import into the United States the products and processes accused of infringing the patents-in-suit and from further infringement, contributory infringement and/or inducing infringement of the patents- in-suit;
- e. A finding that this is an “exceptional case” under 35 U.S.C. § 285;
- f. For an award to Capsa of three times the actual damages for willfully infringing the patents-in-suit;
- g. That Defendant be preliminarily and permanently enjoined from participating in their illegal activities as described herein;
- h. Awarding to Capsa extraordinary and punitive damages allowed by patent law, including but not limited to trebling all monetary damages awarded to Capsa.
- i. That the Court grant Capsa any other remedy to which they are entitled as provided under Federal or State law, including costs and attorneys’ fees;
- j. Such other and further relief as this Court deems just and proper.

JURY DEMAND

Plaintiff requests a jury trial of all issues triable of right by jury.

Dated: October 7, 2022

Respectfully submitted,

CAPSA SOLUTIONS LLC

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