

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS**

Wound Healing Technologies Corp.,

Plaintiff,

v.

Solventum Corporation; 3M Company,

Defendants.

Case No. 6:24-cv-589

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff Wound Healing Technologies Corp. (“Plaintiff”) hereby alleges against defendants Solventum Corporation (“Solventum”) and 3M Company (“3M”) on personal knowledge as to its own activities and on information and belief as to all other matters, as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement under the laws of the United States, 35 U.S.C. §§ 100, *et seq.*

2. This action arises from each Defendant’s import, manufacture, use, offer for sale, and sale in the United States of products – including wound dressing kits such as the “Snap Therapy System” and the “Prevena Therapy System” – that infringe at least one claim of Plaintiff’s patent.

**PARTIES**

3. Wound Healing Technologies Corp. is a New York corporation having a principal place of business in Brooklyn, New York.

4. Upon information and belief, Solventum is a Delaware corporation having a principal place of business in St. Paul, Minnesota.

5. Upon information and belief, 3M is a Delaware corporation having a principal place of business in St. Paul, Minnesota.

**JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Solventum because, upon information and belief, Solventum has availed itself of the rights and benefits of the laws of Texas, has derived substantial revenue from the sales of its products in Texas, has systemic and continuous business contacts with Texas, and/or has a principal place of business in this District and has committed at least some of the infringing acts alleged herein in Texas.

8. This Court has personal jurisdiction over 3M because, upon information and belief, 3M has availed itself of the rights and benefits of the laws of Texas, has derived substantial revenue from the sales of its products in Texas, has systemic and continuous business contacts with Texas, and/or has a principal place of business in this District and has committed at least some of the infringing acts alleged herein in Texas.

9. Venue is proper as to Solventum pursuant to 28 U.S.C. §§ 1391 and 1400(b) at least because Solventum resides in this District and/or has committed acts of infringement in this District and has a regular and established place of business in this District (including at a “Negative Pressure Wound Therapy” customer support location in San Antonio, Texas).

10. Venue is proper as to 3M pursuant to 28 U.S.C. §§ 1391 and 1400(b) at least because 3M resides in this District and/or has committed acts of infringement in this District and has a regular and established place of business in this District (including at a “Negative Pressure Wound Therapy” customer support location in San Antonio, Texas).

**THE PATENT-IN-SUIT**

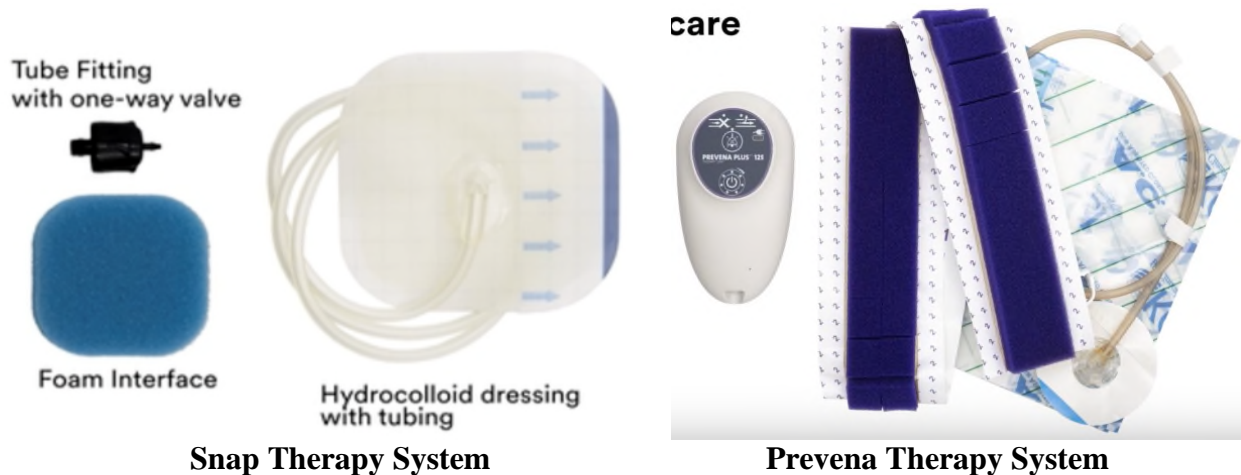
11. U.S. Patent No. 10,639,404 (the “’404 Patent;” copy attached as Exhibit A), entitled “Wound Dressing” was duly issued on May 5, 2020 and remains unexpired.

12. Plaintiff is the sole owner by assignment of all right, title, and interest in and to the ’404 Patent, including all right to recover for any and all infringement of the ’404 Patent.

**THE ACCUSED PRODUCTS**

13. Each defendant imports, makes, uses, offers for sale, and/or sells products in the United States that infringe the ’404 Patent.

14. For example, as shown below, each of Solventum and 3M imports, makes, uses, offers for sale, and/or sells products in the “Snap” product line (including the “Snap Therapy System,” “Snap Advanced Dressing Kit,” and model/product nos. SKTF20X20, SKTF10X10, and SKTF15X15) and the “Prevena” product line (including the “Prevena Therapy System” and model/product nos. PRE1001US, PRE1101US, PRE4001US, PRE3201US, PRE1121US, PRE3321US, and PRE3021US) (collectively, the “Accused Products”).



**COUNT 1: INFRINGEMENT OF U.S. PATENT NO. 10,639,404**

15. Plaintiff repeats and realleges all previous paragraphs as if fully incorporated

herein.

16. Each of Solventum and 3M infringe one or more claims of the '404 Patent, including but not limited to claim 3, either literally or under the doctrine of equivalents, by making, using, selling, offering for sale, or importing into the U.S. the Accused Products.

17. The Accused Products embody each element of at least one of the claims of the '404 Patent, including claim 3.

18. By making, using, selling, offering for sale, and/or importing the Accused Products (which meet all the limitations of at least claim 3 of the '404 Patent), Solventum infringes the '404 Patent, in violation of 35 U.S.C. § 271(a).

19. By making, using, selling, offering for sale, and/or importing the Accused Products (which meet all the limitations of at least claim 3 of the '404 Patent), 3M infringes the '404 Patent, in violation of 35 U.S.C. § 271(a).

20. For example, each of the Accused Products is (or includes) a wound dressing that includes a vacuum/drainage tube, including as shown below (annotated images of the Accused Products, identifying presence of drainage tube).



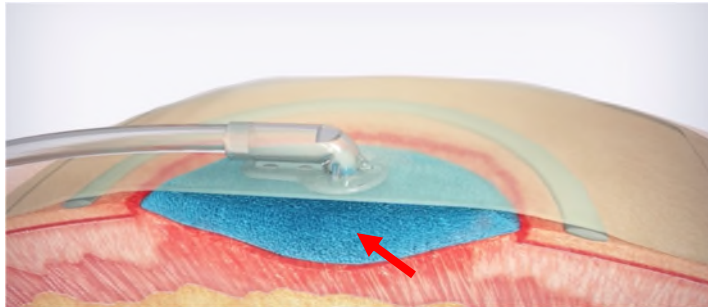
**Snap Therapy System**



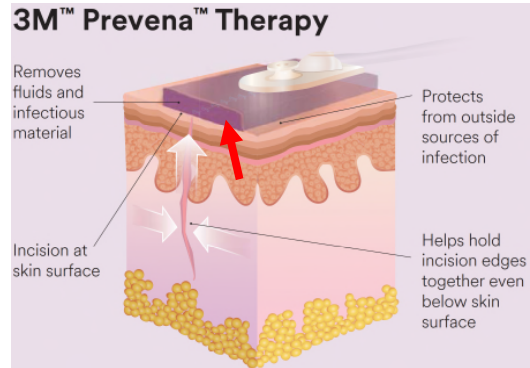
**Prevena Therapy System**

21. Each of the Accused Products includes a fluid-absorbing/transferring layer being

in contact with the vacuum/drainage tube, including as shown below (annotated images of the Accused Products, identifying presence of fluid-absorbing/transferring layer which is in contact with a drainage tube).

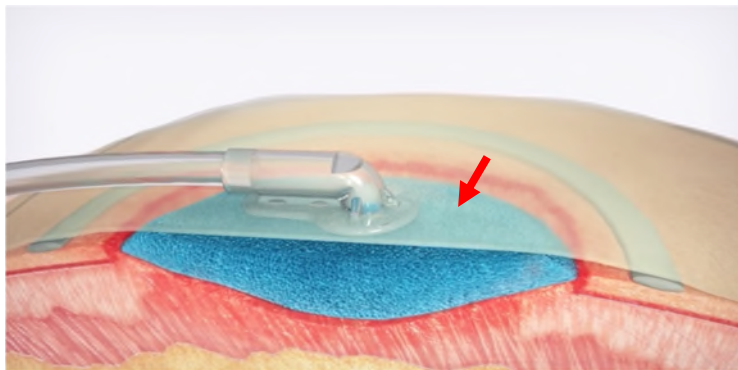


**Snap Therapy System**



**Prevena Therapy System**

22. Each of the Accused Products further includes a vapor sealant sheet formed from a hydrocolloid material, the vapor sealant sheet that overlies the fluid-absorbing/transferring layer, including as shown below (annotated images of the Accused Products, identifying presence of vapor sealant sheet overlying a fluid-absorbing/transferring layer).

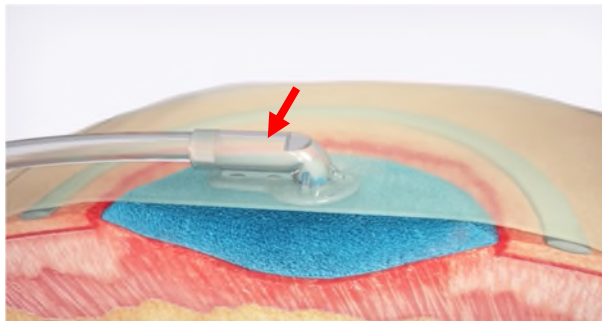


**Snap Therapy System**



**Prevena Therapy System**

23. Each of the Accused Products further includes a tube-exit-sealant component for mechanically maintaining the vacuum/drainage tube's placement, including as shown below (annotated images of the Accused Products, identifying presence of tube-exit-sealant component that maintains the vacuum/drainage tube's placement).



**Snap Therapy System**



**Prevena Therapy System**

24. This description is based on publicly available information and a reasonable investigation of the structure and operation of the Accused Products. Plaintiff reserves the right to modify this description, including, for example, on the basis of information about the Accused Products obtained during discovery.

25. On or about January 5, 2023, Plaintiff notified 3M in writing of the '404 Patent and informed 3M that the Accused Products infringed.

26. Upon information and belief, 3M has continued infringement of the '404 Patent – including in the manner described herein – since learning of the patent and the infringing nature of the Accused Products.

27. Upon information and belief, on or about April 1, 2024, 3M “spun off” Solventum as a separate entity.

28. Solventum – by virtue of its relationship and association with 3M – is likewise aware of the '404 Patent and the infringing nature of the Accused Products.

29. Yet, upon information and belief, Solventum has likewise continued infringement of the '404 Patent – including in the manner described herein – despite its knowledge of the patent and the infringing nature of the Accused Products.

30. Each defendant also indirectly infringes the '404 Patent within the United States by inducement under 35 U.S.C. § 271(b).



31. Since learning of the '404 Patent and the infringing nature of the Accused Products, and by failing to cease offering the Accused Products, each defendant has knowingly and intentionally induced others in this judicial district and throughout the U.S., including each defendant's customers and/or ultimate end users, to directly infringe one or more claims of the '404 Patent such as claim 3.

32. 3M has done so, *inter alia*, by (1) providing instructions or information (including, for example, via promotional materials and videos such as those provided on 3M's website and/or on third-party platforms such as YouTube) that explain how to use the Accused Products in an infringing manner; and (2) touting these infringing uses of the Accused Products in 3M's advertisements and other public content.

33. Solventum has done so, *inter alia*, by (1) providing instructions or information (including, for example, via promotional materials and videos such as those provided on Solventum's website and/or on third-party platforms such as YouTube) that explain how to use the Accused Products in an infringing manner; and (2) touting these infringing uses of the Accused Products in Solventum's advertisements and other public content.

34. Upon information and belief, each defendant also indirectly infringes the '404 Patent by contributing to the direct infringement of customers and/or ultimate end users of the Accused Products under 35 U.S.C. § 271(c) by offering to sell, selling, and/or importing into the United States a component of the Accused Products that constitutes a material part of the inventions, including at least accessories sold for use with the "Snap Therapy System" and the "Prevena Therapy System" (including model/product nos. PRE1055US, PRE1155US, PRE4055US, PRE3255US, and PRE9090) (collectively, the "Accused Accessories").

35. Upon information and belief, each defendant knows the Accused Accessories to be

especially made or especially adapted for use in an infringement of the '404 Patent.

36. Each of the Accused Accessories is not a staple article or commodity of commerce suitable for substantial noninfringing use.

37. Each defendant's infringement has damaged Plaintiff in an amount yet to be determined, of at least a reasonable royalty and/or the lost profits that Plaintiff would have made but for that defendant's acts of infringement.

38. Plaintiff has been and continues to be injured by each defendant's infringement of the '404 Patent.

39. Plaintiff has suffered damages in the form of lost profits, lost sales, and/or lost opportunities. Plaintiff is entitled to recover damages to compensate it for each defendant's infringing activities in an amount to be determined at trial, but in no event less than a reasonable royalty.

40. Plaintiff has been damaged by each defendant's infringement of the '404 Patent and will suffer additional irreparable damage and impairment of the value of its patent rights unless each defendant is enjoined from continuing to infringe.

41. 3M's infringement has been and continues to be deliberate, willful, intentional, egregious, and with knowledge of the '404 Patent, at least as of on or about January 5, 2023.

42. Solventum's infringement has likewise been and continues to be deliberate, willful, intentional, egregious, and with knowledge of the '404 Patent.

43. Plaintiff is therefore entitled to recover its attorneys' fees and other expenses of litigation pursuant to 35 U.S.C. § 285.

**JURY DEMAND**

Plaintiff requests a trial by jury on all issues so triable by right.



**PRAYER FOR RELIEF**

Plaintiff respectfully requests that this Court find in its favor against each defendant and that the Court:

- a. Grant judgement in favor of Plaintiff and against each defendant on all of Plaintiff's claims, including adjudging that each defendant has infringed, actively induced infringement of, and contributorily infringed the '404 Patent, in violation of 35 U.S.C. § 271;
- b. Grant an injunction temporarily, preliminarily, and permanently enjoining each defendant, their employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries, and assigns, and all of those in active concert and participation with any of the foregoing persons or entities from:
  - i. Infringing, contributing to the infringement of, or inducing infringement of the '404 Patent;
  - ii. Assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the aforementioned activities; and
  - iii. Making, using, selling, or offering for sale in the United States, or importing into the United States, products or services that infringe the '404 Patent;
- c. Order each defendant to account and pay damages adequate to compensate Plaintiff for that defendant's infringement of the '404 Patent, including for any infringing acts not presented at trial and pre-judgment and post-judgment interest and costs, pursuant to 35 U.S.C. § 284;
- d. Increase the amount of damages and/or profits awarded to Plaintiff, as provided by

- law, including but not limited to ordering an accounting for any infringing sales not presented at trial and an award by the Court of additional damages for any such infringing sales;
- e. Increase the damages awarded to Plaintiff up to three times the amount found to be its actual damages, as authorized by 35 U.S.C. § 284;
  - f. Award Plaintiff the fees, costs, and disbursements, and interest, expended in connection with any actions taken to investigate and confirm the claims made herein;
  - g. Declare this case exceptional and award Plaintiff its reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and
  - h. Awarding such other and further relief as this Court deems just and proper.

Dated: November 15, 2024

BOCHNER PLLC

/s/ Craig, L. Uhrich

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