

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

INNOVAMED HEALTH LLC and
PRECISION HOLDINGS USA INC.,

Plaintiffs,

v.

MANAMED INC.,

Defendant.

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Case No. 4:22-cv-359

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Innovamed Health LLC (“Innovamed”) and Precision Holdings USA Inc. (“Precision”) (collectively, “Plaintiffs”) for its Complaint against Defendant ManaMed Inc. (“ManaMed” or “Defendant”) alleges as follows:

THE PARTIES

1. Innovamed is a limited liability company organized and existing under the laws of Texas with a principal place of business at 10 Westelm Garden, San Antonio, Texas 78230-2632.
2. Precision is a corporation organized and existing under the laws of California with a principal place of business at 2217 Plaza Dr. Rocklin, California 95765.
3. Upon information and belief, ManaMed is a corporation organized and existing under the laws of Nevada with a principal place of business at 5240 W Charleston Blvd, Las Vegas, Nevada 89146. Upon information and belief, ManaMed has a place of business in this District at 2612 Sirius Dr., Denton, Texas 76208.

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, ManaMed maintains a regular and established physical place of business in this District including, at least, a distribution center located at 2612 Sirius Dr., Denton, Texas 76208. Upon information and belief, ManaMed employs full-time personnel in this District, at least at this location. Furthermore, upon information and belief, ManaMed is registered to conduct business in the state of Texas and has a Texas Taxpayer Number of 32079024744. ManaMed has conducted and continues to conduct business in this District, and has committed and continues to commit acts of patent infringement in this District.

6. This Court has personal jurisdiction over ManaMed. Upon information and belief, ManaMed regularly conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in this District and/or has contributed to patent infringement by others in this District, the state of Texas, and elsewhere in the United States, including with respect to its products discussed below.

7. ManaMed is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and District, including (a) at least part of its past infringing activities, (b) regularly doing or soliciting business in Texas, and/or (c) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

PATENTS-IN-SUIT

8. On August 28, 2018, the United States Patent and Trademark Office duly and legally issued U.S. Patent 10,058,475 (“the ’475 Patent”) entitled “Portable Intermittent Pneumatic Compression System.” A true and correct copy of the ’475 Patent is attached hereto as Exhibit A.

9. On February 9, 2021, the United States Patent and Trademark Office duly and legally issued U.S. Patent 10,912,704 (“the ’704 Patent”) entitled “Portable Intermittent Pneumatic Compression System.” A true and correct copy of the ’704 Patent is attached hereto as Exhibit B.

10. Innovamed is the sole and exclusive owner of all right, title, and interest to and in the ’704 Patent and the ’475 Patent (collectively, the “Patents-in-Suit”), and holds the exclusive right to take all actions necessary to enforce its rights to the Patents-in-Suit, including the filing of this patent infringement lawsuit. Innovamed also has the right to recover all damages for past, present, and future infringement of the Patents-in-Suit and to seek injunctive relief as appropriate under the law.

11. Precision is an exclusive licensee of the Patents-in-Suit, with the license running to Precision’s wholly owned subsidiaries.

FACTUAL ALLEGATIONS

12. The technology of the Patents-in-Suit was developed at Innovamed. Innovamed’s founders recognized the need for a portable compression device that could help alleviate deep vein thrombosis.

13. Innovamed filed Provisional Application No. 61/794,235 on March 15, 2013. On March 17, 2014, Innovamed then filed Utility Application No. 14/217,213 therefrom, which issued as the '475 Patent on August 28, 2018.

14. Innovamed filed Utility Application No. 16/045,870 on July 26, 2018, which was a continuation of Utility Application No. 14/217,213, and issued as the '704 Patent on February 9, 2021.

15. The '475 Patent is generally directed to an intermittent pneumatic compression system that is wrapped around a patient's extremity, such as a leg, for prophylactic compression of the leg to avoid deep vein thrombosis. The compression system of the '475 Patent generally provides for a portable battery-operated system that avoids tubes that create a tripping hazard for the patient. The compression system is generally arranged with an inflatable bladder having a divider creating at least two sections and having a pressure sensor for measuring air pressure.

16. The '704 Patent is generally directed to an intermittent pneumatic compression system that is wrapped around a patient's extremity, such as a leg, for prophylactic compression of the leg to avoid deep vein thrombosis. The compression system of the '704 Patent generally provides for a portable battery-operated system that avoids tubes that create a tripping hazard for the patient. The compression system is generally arranged with an inflatable bladder having a divider creating at least two sections and having a pressure sensor for measuring air pressure, and where the system module for controlling the system is mounted onto the bladder.

17. In or about January 2014, Innovamed licensed its portable compression device technology to DJO, LLC ("DJO"), a global medical device company. Upon information and belief, incorporating the innovations of the '475 Patent, DJO marketed and sold the VenaPro®, a portable compression device for post-operative deep vein thrombosis.

18. Upon information and belief, ManaMed was incorporated in California on February 6, 2015, four months after the application leading to the '475 Patent was first published, on October 9, 2014, and a year after Innovamed first licensed DJO to distribute Innovamed's portable compression device technology under the VenaPro® label.

19. Upon information and belief, Trevor Theriot ("Theriot"), John Lasso ("Lasso"), and Joseph Horton ("Horton") are the principals, officers, and/or directors of ManaMed. Upon information and belief, Theriot, Lasso, and Horton previously were distributors of DJO's VenaPro® product line, which incorporates the innovations described in the '475 Patent and '704 Patent.

20. Upon information and belief, from 2007 to 2015, DJO employed Horton as a Vascular Sales Specialist. Upon information and belief, in his role as DJO salesman, Horton was responsible for selling the VenaPro® product line. Furthermore, upon information and belief, Theriot and Lasso were outside sales representatives who both sold the VenaPro® product line. Upon information and belief, Horton, Theriot, and Lasso were also familiar with the structure and benefits of the VenaPro® product line.

21. Upon information and belief, ManaMed began manufacturing, distributing, and selling its competing product in 2016 called the "PlasmaFlow."

22. Upon information and belief, Grandway Healthcare Limited is a manufacturer for ManaMed.

23. Upon information and belief, Medline Industries, Inc. is a distributor for ManaMed. Upon information and belief, ManaMed also distributes in the United States its PlasmaFlow product under the label "Hemo-Force Mobile" by Medline Industries, Inc.

24. ManaMed has manufactured, used, marketed, distributed, sold, offered for sale,

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