

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(NORTHERN DIVISION)

HENRY GARNET WOLSEY and
ALTHEA WOLSEY,

Plaintiffs,

v.

Civil Action No.

TACTICAL MEDICAL SOLUTIONS, LLC,
and TACTICAL MEDICAL SOLUTIONS, INC.,

Defendants.

* * * * *

COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES

Plaintiffs, Henry Garnet Wolsey and Althea Wolsey, both residents of the United Kingdom, by and through their undersigned attorneys, allege as follows:

JURISDICTION AND VENUE

1. This is a civil action for patent infringement, injunctive relief, and damages arising under the United States Patent Act, 35 U.S.C. §§ 1, et seq. Jurisdiction is conferred by 28 U.S.C. §§ 1331, and 1338(a).

2. Upon information and belief, defendant Tactical Medical Solutions, Inc. is a South Carolina corporation doing business in this judicial district. Upon information and belief, Defendant Tactical Medical Solutions, LLC, is a limited liability company organized and existing under the laws of South Carolina doing business in this judicial district. Defendants are subject to the personal jurisdiction of this Court and are amenable to service of process under the South Carolina long-arm statute, Cal. Civ. Proc. Code section 413.10 and Fed.R.Civ.P.4(e).

3. Venue lies in this district under 28 U.S.C. §§ 1391(b) and (c), and 1400(b).

THE PARTIES

4. Plaintiffs are individuals who reside at Whiteleys, Little Treffgarn, Haverfordwest, Pembrokeshire, SA62 5DY, United Kingdom.

5. Plaintiffs are informed and believe, and on that basis allege, that defendant Tactical Medical Solutions, Inc. is a South Carolina corporation and that defendant Tactical Medical Solutions, LLC, is a limited liability company organized and existing under the laws of South Carolina.

GENERAL ALLEGATIONS

6. Plaintiffs are the inventors of a patented device entitled “Cooling Pouch” used for cooling and storing vials containing medication, bearing United States Patent Number 6,067,803 (“’803 Patent”). The ‘803 Patent was issued by the United States Patent and Trademark Office on May 30, 2000. A true and correct copy of the ‘803 Patent is attached as Exhibit 1.

7. Plaintiffs have developed, manufactured, and distributed a device embodying the inventions of the ‘803 Patent known as the Frio Wallet and related products. Plaintiffs have spent considerable time, effort, and resources developing and promoting their products embodying the inventions of the ‘803 Patent.

8. Upon information and belief, Defendants have engaged in the manufacture, use, distribution, offer for sale and sale of a device known as the I.V. Evaporative Cooling System (“IVECS”) that embodies the inventions of the ‘803 Patent. This conduct has occurred, in part, within this judicial district. Among other things, Defendants have provided

IVECS to the US Army Medical Research & Material Command located in Ft. Dietrich, Maryland, for extensive testing and reporting.

9. Upon information and belief, Defendants have ongoing and systematic contacts with this judicial district. Defendants have placed IVECS infringing the '803 Patent in the stream of commerce, knowing and expecting that such products would end up in this judicial district.

CLAIM FOR PATENT INFRINGEMENT

10. Plaintiffs hereby incorporate paragraphs 1 through 9 inclusive herein by reference as if fully set forth.

11. By virtue of their ownership of the '803 Patent, Plaintiffs have the right to sue thereon and the right to recover for infringement thereof.

12. Upon information and belief, Defendants have been and currently are directly and indirectly infringing the patent-in-suit. They are doing so by making, selling, offering for sale, and selling IVECS embodying the patented inventions of the '803 Patent, and will continue to do so unless enjoined by this Court.

13. Upon information and belief, Defendants' infringement is willful and deliberate.

14. Plaintiffs have placed the required statutory notice on all of their products manufactured and sold under the '803 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request entry of judgment in their favor and against Defendants and for the following relief:

A. That Defendants be held to have infringed the '803 Patent.

B. That Defendants, their subsidiaries, affiliates, parents, successors, assigns, officers, agents, servants, employees, attorneys, and all persons acting in concert or in participation with them, or any of them, be preliminarily enjoined during the pendency of this action, and permanently enjoined thereafter from infringing, contributing to the infringement of, and inducing infringement of the '803 Patent, and specifically from directly or indirectly making, using, selling, or offering for sale, any products or services embodying the inventions of the '803 Patent during the life of the claims of the '803 Patent, without the express written authority of Plaintiffs.

C. That Defendants be directed to fully compensate Plaintiff for all damages attributable to Defendants' infringement of the '803 Patent in an amount according to proof at trial, pursuant to 35 U.S.C. § 284.

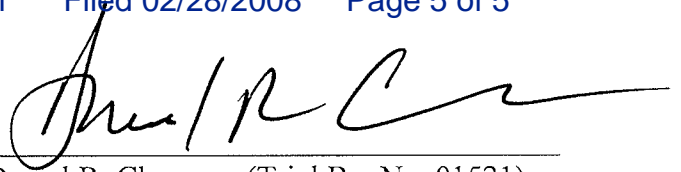
D. That Defendants be ordered to deliver to Plaintiffs, for destruction at Plaintiffs' option, all products that infringe the '803 Patent.

E. That enhanced damages be awarded, pursuant to 35 U.S.C. § 284.

F. That Plaintiffs be awarded the costs of suit and reasonable attorney's fees, pursuant to 35 U.S.C. § 285.

G. That Plaintiffs be awarded pre-judgment and post-judgment interest, pursuant to 35 U.S.C. § 284.

H. That Plaintiffs have such other, further, and different relief as the court deems proper under the circumstances.

A handwritten signature in black ink, appearing to read "Daniel R. Chemers", written over a horizontal line.

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