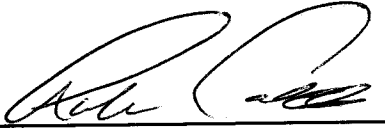


operative difference between the limits imposed by the Illinois Constitution and the federal limitations on personal jurisdiction.” *Hyatt Int’l Corp. v. Coco*, 302 F.3d 707, 715 (7th Cir. 2002). “Because Illinois permits personal jurisdiction if it would be authorized by either the Illinois Constitution or the United States Constitution, the state statutory and federal constitutional requirements merge.” *uBid, Inc. v. GoDaddy Grp., Inc.*, 623 F.3d 421, 425 (7th Cir. 2010). Accordingly, the Court “may collapse the personal jurisdiction analysis under Illinois law into the constitutional inquiry.” *Kinslow v. Pullara*, 538 F.3d 687, 691 (7th Cir. 2008).

The requirement that a court have personal jurisdiction flows not from Article III, but from the Due Process Clause of the United States Constitution. *Ins. Corp. of Ir., Ltd. v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 702 (1982). The Due Process Clause protects an individual’s liberty interest in not being subject to the binding judgments of a forum with which he has established no meaningful “contacts, ties, or relations.” *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 471-72 (1985) (citing *Int’l Shoe Co. v. Washington*, 326 U.S. 310, 319 (1945)). By requiring that individuals have fair warning that a particular activity may subject them to the jurisdiction of a foreign sovereign, the Due Process Clause “gives a degree of predictability to the legal system that allows potential defendants to structure their primary conduct with some minimum assurance as to where that conduct will and will not render them liable to suit.” *Id.* (quoting *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 287 (1980)). The Due Process Clause protects defendants from being haled into a court unless they have sufficient “minimum contacts” with the forum State such that the maintenance of the suit “does not offend traditional notions of fair play and substantial justice.” *Int’l Shoe*, 326 U.S. at 316 (internal quotation marks omitted).

Hospira is a Delaware corporation with its principal place of business in Lake Forest, Illinois. (R. 1, Compl. ¶ 6.) Javelin, originally headquartered in Cambridge, Massachusetts, is a small specialty pharmaceuticals company that was incorporated in and under the laws of Delaware in 2005. (*Id.* ¶ 11.) In July 2010, Hospira acquired Javelin by merger and assumed all of Javelin's responsibilities under, and exploited all the benefits of, a License Agreement between Therabel and Javelin. (*Id.* ¶ 20; R. 26, Decl. of Jean-Michel Robert ¶¶ 6-12.) Therabel, therefore, was required to interact with Hospira in the State of Illinois. Therabel representatives traveled to Illinois in August 2010 to participate in a Joint Steering Committee meeting pursuant to the License Agreement. (R. 26, Decl. of Derek Gallacher ¶ 7.) Therabel representatives also traveled to Illinois, once in September 2011 and once in January 2011, to negotiate settlement offers of a dispute related to the License Agreement. (R. 26, Decl. of Jean-Michel Robert ¶¶ 29, 31.) In addition to these personal contacts, Therabel made telephone calls to Hospira and Javelin in Illinois between July 2010 and August 2012. (R. 37-1, Exs. Pl.'s Resp., Ex. A, Summary of Def.'s Known Contacts with Ill., pp. 2-8.) Furthermore, during the same time period, Therabel exchanged hundreds of e-mails with Hospira and Javelin in Illinois and faxed or mailed a number of letters to Hospira and Javelin in Illinois. (*Id.*) The Court finds these contacts to be sufficient such that haling Therabel into court in Illinois "does not offend traditional notions of fair play and substantial justice." *Int'l Shoe*, 326 U.S. at 316 (internal quotation marks omitted). Thus Hospira may properly maintain a cause of action against Therabel in a federal court sitting in Illinois without offending due process of law.

ENTERED: 

Judge Ruben Castillo
United States District Court

Dated: June 11, 2013