IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

AMERICAN MEDICAL SYSTEMS, INC. and LASERSCOPE, Plaintiffs, v. LASER PERIPHERALS, LLC, Defendant.	)	Civil Action No. 08CV4798 JNE/FLN

COMPLAINT FOR PATENT INFRINGEMENT
JURY TRIAL DEMANDED

Plaintiffs American Medical Systems, Inc. ("AMS") and Laserscope (together "Plaintiffs"), for their Complaint against Defendant Laser Peripherals, LLC, hereby allege as follows:

THE PARTIES

1. Plaintiff AMS is a corporation organized and existing under the laws of the state of Delaware with a principal place of business at 10700 Bren Road West, Minnetonka, Minnesota.

2. Plaintiff Laserscope is a wholly-owned subsidiary of AMS with a principal place of business at 3070 Orchard Drive, San Jose, California.

3. Upon information and belief, Defendant Laser Peripherals, LLC is a Minnesota company with a principal place of business at 1000 Boone Avenue North, Suite 300, Golden Valley, MN 55427.

JURISDICTION AND VENUE

4. This is a civil action for patent infringement under the Patent laws of the United States, 35 U.S.C. § 1 *et seq.*

5. This Court has jurisdiction over the subject matter of this action pursuant to at least 28 U.S.C. §§1331 and 1338(a).

6. Venue is proper within this district pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

BACKGROUND

7. Plaintiffs AMS and Laserscope are leading innovators in the development of minimally invasive technologies and treatments for benign prostatic hyperplasia ("BPH"), commonly referred to as an enlarged prostate.

8. Plaintiffs are the owners of United States Patent No. 5,428,699 entitled "Probe Having Optical Fiber For Laterally Directing Laser Beam" ("the '699 patent"), which was duly and legally issued by the United States Patent and Trademark Office on June 27, 1995. The '699 patent is assigned to Laserscope, a wholly-owned subsidiary of AMS. The '699 patent is attached to this Complaint as Exhibit A.

9. Plaintiffs AMS and Laserscope have the exclusive right to make, use, sell and offer to sell the inventions of the '699 patent, and have the right to sue and to recover for past, present, and future infringement of the claims of the '699 patent.

COUNT I: PATENT INFRINGMENT (U.S. PATENT NO. 5,428,699)

10. The allegations in all the paragraphs above are incorporated by reference into Plaintiffs' Count I as fully set forth herein.

11. Upon information and belief, Defendant manufactures, uses, sells, and offers for sale laser fiber products for use in treatment of soft body tissue, including Defendant's ScatterFree Lateral Emitting Laser Fiber product ("ScatterFree Laser Fiber").

12. Upon information and belief, Defendant has manufactured, used, sold, and offered to sell its ScatterFree Laser Fiber product in the past.

13. Upon information and belief, Defendant's ScatterFree Laser Fiber product is used in the treatment of body tissues.

14. Upon information and belief, Defendant's manufacture, use, sale and offer to sell its ScatterFree Laser Fiber product infringes one or more claims of the '699 patent either literally or under the doctrine of equivalents in violation of 35 U.S.C. § 271.

15. Upon information and belief, Defendant's manufacture, use, sale and offer to sell its ScatterFree Laser Fiber product infringes one or more claims of the '699 patent either directly, contributorily, or by inducement in violation of 35 U.S.C. § 271.

16. Defendant's infringement of one or more claims of the '699 patent is ongoing and will continue unless restrained or enjoined by this Court.

17. As a result of Defendant's infringement of the '699 patent, Plaintiffs have suffered and will continue to suffer damages and irreparable harm, and Plaintiffs have no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs AMS and Laserscope pray for relief as follows:

1. For judgment that Defendant has infringed the '699 patent;

2. For a permanent injunction prohibiting Defendant from infringing claims of the '699 patent, or contributing to or inducing the infringement of claims of the '699 patent;

3. For an award of damages, with interest, for infringement of the '699 patent;

4. For an accounting; and

5. Such other and further relief as this Court may deem proper and just.

JURY DEMAND

Under Federal Rule of Civil Procedure 38, Plaintiffs demand a jury trial on all issues so triable.

Dated: July 30, 2008

MYERS, BOEBEL & MACLEOD L.L.P.

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July 30, 2008

Via Personal Delivery

Clerk of U.S. District Court
202 U.S. Courthouse
300 S. 4th Street
Minneapolis, MN 55415

Re: ***American Medical Systems, Inc. & Laserscope v. Laser Peripherals, LLC***

Dear Clerk:

Enclosed for filing please find the original Civil Cover Sheet, Summons, Complaint, Plaintiff's Rule 7.1 Disclosure Statement (two copies), and our filing fee of $350. We have enclosed a copy of the Complaint which we ask that you file stamp and return to our office.

Very truly yours,

Misti N. Okerlund
Counsel for Plaintiffs