UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

OMNI MEDSCI, INC.,

Plaintiff,

v.

LEICA MICROSYSTEMS, INC.,

Defendant.

Case No. 1:16-cv-00680

Honorable Sara L. Ellis

AMENDED COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR JURY TRIAL

Plaintiff, Omni MedSci, Inc., alleges as follows:

The Parties

1. Plaintiff, Omni MedSci, Inc. ("Omni MedSci"), is a Michigan corporation having its principal place of business at 1718 Newport Creek Drive, Ann Arbor, Michigan 48103.

2. On information and belief,[1] Defendant, Leica Microsystems, Inc. ("Leica"), is a Delaware corporation having its principal place of business at 1700 Leider Lane, Buffalo Grove, IL 60089. Its designated agent for service of process is CT Corporation System, 208 S. LaSalle St., Suite 814, Chicago, Illinois 60604.

Jurisdiction and Venue

3. This is a complaint for patent infringement under 35 U.S.C. §§ 101, *et seq*. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338.

[1] Allegations made "on information and belief" will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

4. The court has personal jurisdiction over Leica because Leica's principal place of business is located in this district.

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400 because Leica's principal place of business is located in this district.

The Patent-in-Suit

6. The Patent Office issued U.S. Patent No. 8,670,642 B2 ("the '642 Patent"), attached as Exhibit A, on March 11, 2014.

7. The named inventor of the '642 Patent is Dr. Mohammed N. Islam.

8. The '642 Patent is assigned to Omni MedSci, Inc.

9. The title of the '642 Patent is "Broadband or Mid-Infrared Fiber Light Sources."

10. The patent describes and claims an optical system for use in a spectroscopy procedure.

11. On information and belief, Leica makes, and sells in the United States and elsewhere, confocal microscope systems that use fiber light sources to perform spectroscopy. Examples of those systems are Leica's TCS SP5 X and TCS SP8 X confocal microscopes ("Accused Leica Microscopes"). This is without prejudice to asserting infringement of additional Leica confocal microscopes as case investigation and discovery proceed.

Infringement of the '642 Patent

12. On information and belief, the Accused Leica Microscopes infringe at least, without limitation, claims 1, 7, 8, 9, 13, 14, 15, and 19 of the '642 Patent. This is without prejudice to asserting additional claims as case investigation and discovery proceed. Leica's infringement is described further below with respect to exemplary claim 1. The analysis below is based on publicly available information.

13. The preamble of Claim 1 states, "An optical system for use in a spectroscopy procedure." On information and belief, the Accused Leica Microscopes are optical systems that are used in spectroscopy procedures. This is confirmed, for example, by Leica's literature, attached at Exhibits B and C.

14. Claim 1 further requires, "one or more semiconductor diodes configured to generate an input beam, wherein at least a portion of the input beam comprises a wavelength shorter than 2.5 microns." On information and belief, the Accused Leica Microscopes use semiconductor lasers from NKT Photonics. On information and belief, the NKT Photonics lasers meet this claim limitation as evidenced, for example, in Exhibit D.

15. Claim 1 further requires, "one or more optical amplifiers configured to receive at least the portion of the input beam and to communicate an intermediate beam to an output end of the one or more optical amplifiers." As evidenced in Exhibit D, on information and belief, the NKT lasers used in the Accused Leica Microscopes meet this claim limitation.

16. Claim 1 further requires, "one or more optical fibers configured to receive at least a portion of the intermediate beam and to communicate at least the portion of the intermediate beam to a distal end of the one or more optical fibers to form a first optical beam." On information and belief, the Accused Leica Microscopes meet this limitation as evidenced in Exhibit E.

17. Claim 1 further requires, "a nonlinear element configured to receive at least a portion of the first optical beam and to broaden a spectrum associated with the at least a portion of the first optical beam to at least 50 nm through a nonlinear effect in the nonlinear element to form an output beam with an output beam broadened spectrum." On information and belief,

the NKT lasers used in the Accused Leica Microscopes meet this limitation as evidenced in Exhibits E and F.

18. Claim 1 further requires, "a subsystem comprising one or more lenses or mirrors configured to receive at least a portion of the output beam and to deliver at least the portion of the output beam to a sample to perform spectroscopy for characterizing the sample." On information and belief, the Accused Leica Microscopes meet this limitation as evidenced in Exhibits B, C, and G.

19. Claim 1 further requires, "wherein at least a portion of the output beam broadened spectrum that substantially minimizes water absorption, wherein the at least a portion of the output beam has a temporal duration greater than approximately 30 picoseconds, wherein at least the portion of the output beam has a repetition rate between continuous wave and Megahertz or higher, wherein a time averaged output power of the output beam is 20 mW or more, and wherein a time averaged intensity of the at least a portion of the output beam is less than approximately 50 MW/cm^2." On information and belief, the Accused Leica Microscopes meet this limitation as evidenced in Exhibits B, C, E, F, and H.

20. On information and belief, Leica directly infringes the '642 Patent by offering for sale in the U.S., selling in the U.S., and importing into the U.S. the Accused Leica Microscopes.

21. Leica's infringement has damaged Omni MedSci and that damage will continue unless Leica is enjoined from infringing.

22. Omni MedSci has not sold any products covered by the '642 Patent and is therefore not required to mark any products.

Prayer For Relief

WHEREFORE, Omni MedSci requests entry of judgment against Leica as follows:

A. Finding Leica liable for infringement of the '642 Patent;

B. Awarding Omni MedSci damages adequate to compensate for Leica's infringement;

C. Preliminary and permanent injunctive relief restraining Leica, together with any officers, agents, servants, employees, and attorneys, and such other persons in active concert of participation with them, who receive actual notice of the Order, from further infringement of the'642 Patent;

D. A declaration that this case is exceptional within the meaning of 35 U.S.C. § 285 and awarding Omni MedSci its reasonable attorney fees, costs, and disbursements;

E. Awarding Omni MedSci interest in all damages awarded; and

F. Granting Omni MedSci all other relief to which it is entitled.

Demand For Jury Trial

Omni MedSci demands a trial by jury for all issues so triable.

Respectfully submitted,

BROOKS KUSHMAN P.C.

Dated: **February 5, 2016**

/s/ Thomas A. Lewry

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