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11					
12	Attorneys for Plaintiff Zila Pharmaceuticals, Inc.				
13	UNITED STATES DISTRICT COURT				
14	DISTRICT OF ARIZONA				
15	ZILA PHARMACEUTICALS, INC., a	No.			
16	Nevada corporation,		ANDI AINTEOD.		
17	Plaintiff,		MPLAINT FOR:		
18	vs. ADDENT, INC., a Connecticut corporation,	(1)	DIRECT PATENT INFRINGEMENT; AND		
19		(2)	INDUCING PATENT		
20	Defendant.		INFRINGEMENT		
21		DE	MAND FOR JURY TRIAL		
22					
23	For its complaint against defendant AdDent, Inc., plaintiff Zila Pharmaceuticals,				
24	Inc. alleges as follows:				
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25 26 **JURISDICTION**

an action against Defendant, AdDent, Inc. ("AdDent" 1. "Defendant"), for patent infringement in violation of the Patent Act of the United States, 35 U.S.C. §§ 1 et seq. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1332 and 1338.

PARTIES

- Plaintiff Zila Pharmaceuticals, Inc. ("Zila" or "Plaintiff") is a corporation 2. organized and existing under the laws of the State of Nevada and with its principal place of business in Phoenix, Arizona. Zila is in the business of, *inter alia*, designing, manufacturing and marketing health care products for use by the dental profession.
- 3. Defendant AdDent, Inc. is a corporation organized under the laws of the State of Connecticut with its principal place of business in Danbury, Connecticut. Plaintiff is informed and believes, and on that basis alleges, that AdDent is in the business of, inter alia, designing, manufacturing and marketing health care products for use by the dental profession. Defendant AdDent and Zila are direct competitors in a highly competitive marketplace.

FACTS

- 4. On December 17, 2002, United States Patent No. 6,496,718 (the "'718 Patent"), entitled "Body Cavity Light Using Diffuse Light Source," was duly and legally issued in the name of sole inventor Martin L. Lonky. Zila is, by assignment, the owner of all right, title and interest in the '718 Patent. A true and correct copy of the '718 Patent is attached hereto as Exhibit A and incorporated herein by this reference.
- 5. Defendant has been and is now infringing the '718 Patent, in this judicial district and elsewhere, by manufacturing, selling, offering for sale and/or using products, including, without limitation, AdDent's "Microlux/DL" product, which incorporate the inventions claimed in the '718 Patent.

FIRST CLAIM FOR RELIEF

(Direct Patent Infringement,

in Violation of 35 U.S.C. § 271(a))

- 6. Plaintiff refers to and incorporates herein by reference paragraphs 1-5.
- 7. Defendant's acts complained of herein infringe the '718 Patent in violation of 35 U.S.C. § 271.
- 8. Defendant threatens to continue to engage in the acts complained of herein and, unless restrained and enjoined, will continue to do so, all to Plaintiff's irreparable damage. It would be difficult to ascertain the amount of compensation that would afford Plaintiff adequate relief for such future and continuing acts, and a multiplicity of judicial proceedings would be required. Plaintiff does not have an adequate remedy at law to compensate it for the injuries threatened.
- 9. By reason of the acts of Defendant alleged herein, Plaintiff has suffered damage in an amount to be proved at trial.
- 10. Plaintiff is informed and believes, and on that basis alleges, that AdDent's infringement is willful, wanton, and deliberate, without license and with full knowledge of the '718 Patent, thereby making this an exceptional case entitling Plaintiff to attorneys' fees and enhanced damages.

SECOND CLAIM FOR RELIEF

20 (Inducing Patent Infringement,

in Violation of 35 U.S.C. § 271(b))

- 11. Plaintiff refers to and incorporates herein by reference the allegations of paragraphs 1-10.
- 12. Plaintiff is informed and believes, and on that basis alleges, that Defendant has actively and knowingly induced the infringement of the '718 Patent, in violation of 35 U.S.C. § 271(b), by inducing others to sell, offer for sale, and/or use AdDent products,

including, but not limited to, AdDent's "Microlux/DL" product, that infringe the '718 Patent.

- 13. By reason of the acts of Defendant alleged herein, Plaintiff has suffered damage in an amount to be proved at trial.
- 14. Defendant threatens to continue to engage in the acts complained of herein and, unless restrained and enjoined, will continue to do so, all to Plaintiff's irreparable damage. Plaintiff does not have an adequate remedy at law.
- 15. Plaintiff is informed and believes, and on that basis alleges, that Defendant's infringement is willful, wanton, and deliberate, without license and with full knowledge of the '718 Patent, thereby making this an exceptional case entitling Plaintiff to attorneys' fees and enhanced damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

- A. For an order finding that the '718 Patent is valid and enforceable;
- B. For an order finding that, by the acts complained of herein, Defendant has directly and/or by inducement infringed the '718 Patent in violation of 35 U.S.C. § 271;
- C. For an order temporarily, preliminarily and permanently enjoining Defendant, its officers, agents, servants, and employees, and all persons acting in concert or privity with any of them, from infringing the '718 Patent, from inducing others to infringe the '718 Patent, and from contributing to any infringement of the '718 Patent, including, without limitation, manufacturing, importing, selling, offering for sale and/or using any products, including AdDent's "Microlux/DL" product, that incorporate the invention claimed in the '718 Patent;
- D. For an order directing Defendant to file with the Court, and serve upon Plaintiff's counsel, within thirty (30) days after entry of the order of injunction, a report setting forth the manner and form in which Defendant has complied with the injunction;

1	E . 1	For an order awarding compensatory damages, including a reasonable	
2	royalty and lost profits, and further for an order that Defendant's acts of infringement were		
3	willful and wanton, thereby justifying an award of trebled and/or enhanced damages;		
4	F. 1	For an order awarding Plaintiff all of its costs, including its attorneys' fees,	
5	incurred in pro	osecuting this action, including, without limitation, pursuant to 35 U.S.C. §	
6	285 and other applicable law;		
7	G .	For an order awarding Plaintiff pre-judgment interest; and	
8	H. 1	For an order awarding Plaintiff such other and further relief as the Court	
9	may deem just and proper.		
10	RESPE	CCTFULLY SUBMITTED this 3rd day of March, 2006.	
11		STEPTOE & JOHNSON LLP	
12			
13		By /s/ P. Bruce Converse P. Bruce Converse	
14		201 East Washington, Suite 1600 Phoenix, Arizona 85004	
15		Attorneys for Plaintiff Zila Pharmaceuticals, Inc.	
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1	DEMAND FOR JURY TRIAL	
2	Plaintiff hereby demands a jury trial as provided in Rule 38(a) of the Federal Rules	
3	of Civil Procedure.	
4	RESPECTFULLY SUBMITTED this 3rd day of March, 2006.	
5	STEPTOE & JOHNSON LLP	
6		
7	By /s/ P. Bruce Converse	
8	P. Bruce Converse 201 East Washington, Suite 1600 Phoenix, Arizona 85004	
9	Attorneys for Plaintiff Zila Pharmaceuticals, Inc.	
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