

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PSN ILLINOIS, LLC, AN ILLINOIS CORPORATION,)	
)	CASE No. 09-CV-05879
PLAINTIFF,)	
)	AMENDED COMPLAINT FOR
vs.)	PATENT INFRINGEMENT
)	
ABBOTT LABORATORIES AND)	JUDGE WILLIAM J. HIBBLER
ABBOT BIORESEARCH CENTER, INC.)	
)	
DEFENDANTS.)	

REVISED AMENDED COMPLAINT

1. Plaintiff, PSN ILLINOIS, LLC. (“PSN”), complains of defendants Abbott Laboratories and Abbott Bioresearch Center, Inc. (collectively “Defendants”) as follows:

NATURE OF LAWSUIT

2. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

THE PARTIES

3. PSN is an Illinois corporation with a place of business at 280 W. Adams Street, Chicago, Illinois 60604.

4. Defendant Abbott Laboratories (“Abbott Labs”) is an Illinois corporation and a publicly traded company located at 100 Abbott Park Road, Abbott Park, Illinois 60064.

5. Defendant Abbott Bioresearch Center Inc. (“ABC”) is a company incorporated in Delaware with its principal place of business at 100 Abbott Park Road,

Abbott Park, Illinois 60064. On information and belief, ABC is a wholly-owned subsidiary of Abbott Pharmaceutical Corporation (“APC”), an Illinois corporation with the same address as Abbott Labs, and APC is a wholly-owned subsidiary of Abbott Labs.

THE PSN PATENTS

6. PSN is the assignee of, and owns all rights, title and interest in and to, and has standing to sue for past, present and future infringement of: United States Patent No. 5,585,476, entitled “Molecular Cloning And Expression of G-Protein Coupled Receptors,” issued on December 17, 1996 (“the ‘476 patent”); United States Patent No. 5,856,443, entitled “Molecular Cloning And Expression of G-Protein Coupled Receptors,” issued on Jan. 5, 1999 (“the ‘443 patent”); and United States Patent No. 6,518,414B1, entitled “Molecular Cloning And Expression of G-Protein Coupled Receptors,” issued on Feb. 11, 2003 (“the ‘414 patent”) (collectively “PSN’s Patents”).

JURISDICTION AND VENUE

7. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. §§ 1331 and 1338(a).

8. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b), (c), (d) and/or 1400(b).

THE DEFENDANTS’ ACTS OF PATENT INFRINGEMENT

9. Defendant ABC commits direct infringement and/or contributory infringement and/or induces infringement of claims of PSN’s Patents through ABC’s use and testing of a compound’s interaction with S1P2, the development of S1P2 cell lines and their subsequent incorporation into biological assays based on the cloning of human S1P2, and the overexpression of S1P2 receptors for the purpose of developing antibodies

and protein crystallization trials, that fall within the scope of claims of these patents, including but not limited to such use and testing in developing drug candidates ABT-924, ABT-413 and ABT-459, and in reducing to practice inventions recited in at least ABC patent application Serial Nos. 20080280876, 20090029947 and 20090069288 (“the infringing activities”).

10. Defendant Abbott Labs commits direct and/or contributory infringement and/or induces infringement of claims of PSN’s Patents through commission of the infringing activities, as well.

RELIEF REQUESTED

11. Infringement by each of the defendants has injured Plaintiff PSN and PSN is entitled to recover damages adequate to compensate it for infringement of PSN’s Patents, pursuant to 35 U.S.C. §§ 284, 285. If the infringement is found to be intentional and willful, then PSN will seek treble damages pursuant to 35 U.S.C. § 284.

12. Infringement will continue to injure PSN until this Court enters an injunction prohibiting further infringement, and specifically enjoins further manufacture, sale, use and/or offer for sale of the infringing products and services recited in Paragraphs 9 and 10, above, pursuant to 35 U.S.C. § 283.

PRAYER FOR RELIEF

WHEREFORE, PSN asks this Court to enter judgment against the defendants, and against their subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

A. An award of damages adequate to compensate PSN for the infringement of PSN’s Patents that has occurred, together with prejudgment interest.

- B. Increased damages as permitted under 35 U.S.C. § 284.
- C. A finding that the case is exceptional and an award to PSN of its attorney fees and costs as provided by 35 U.S.C. § 285.
- D. A permanent injunction prohibiting further infringement, inducement and contributory infringement of PSN's Patents.
- E. Such other and further relief as this Court or a jury may deem proper and just.

JURY DEMAND

PSN demands a trial by jury on all issues presented in this Amended Complaint.

FOR PSN ILLINOIS, LLC

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