

INTRODUCTION

PARTIES

3. Plaintiff The General Hospital Corporation is a Massachusetts not-for-profit corporation doing business as the Massachusetts General Hospital (“MGH”) with a principal place of business at 55 Fruit Street, Boston, Massachusetts 02114.

4. Upon information and belief, Defendant Syneron Inc. (“Syneron”) is a Delaware corporation, with a principal place of business at 1104 Heinz Drive, Str. B, Dundee, Illinois 60118.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over Palomar’s claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this District under 28 U.S.C. §§ 1400(b). Syneron has transacted business and committed acts of infringement in this District, and this action arises from the transaction of that business and infringement.

FIRST CLAIM FOR RELIEF (Patent Infringement)

7. Palomar is the exclusive licensee of U.S. Patent No. 5,735,844 (“the ‘844 patent”), entitled “Hair Removal Using Optical Pulses,” which is assigned to MGH. The ‘844 patent was duly and legally issued on April 7, 1998.

8. Under U.S.C. ¶ 271(a) and (b), Syneron has and continues to infringe and induce infringement of the ‘844 patent, including without limitation, by making, using, selling and offering for sale products using light-based technology for hair removal, including but not limited to the Syneron eLight™, eMax™, eLaser™, Aurora DS, Polaris DS, Comet, and Galaxy systems.

9. Upon information and belief, Syneron’s infringement has been and continues to be willful and deliberate.

10. As a result of Syneron's infringement, Palomar and MGH will suffer severe and irreparable harm, unless that infringement is enjoined by this Court, and have suffered substantial damages.

SECOND CLAIM FOR RELIEF
(Patent Infringement)

11. Plaintiffs incorporate the allegations contained in the preceding paragraphs as if fully set forth here.

12. Palomar is the exclusive licensee of U.S. Patent No. 5,595,568 ("the '568 patent") entitled "Permanent Hair Removal Using Optical Pulses," which is assigned to MGH. The '568 patent was duly and legally issued on January 21, 1997.

13. Under U.S.C. ¶ 271(a) and (b), Syneron has and continues to infringe and induce infringement of the '568 patent, including without limitation, by making, using, selling and offering for sale products using light-based technology for hair removal, including but not limited to Syneron eLight™, eMax™, eLaser™, Aurora DS, Polaris DS, Comet, and Galaxy.

14. Upon information and belief, Syneron's infringement has been and continues to be willful and deliberate.

15. As a result of Syneron's infringement, Palomar and MGH will suffer severe and irreparable harm, unless that infringement is enjoined by this Court, and have suffered substantial damages.

WHEREFORE, plaintiffs request that the Court:

16. Adjudge that MGH is the owner and Palomar is the exclusive licensee of the '844 patent with right to recovery thereunder, and that the '844 patent is good and valid in law and enforceable;

17. Adjudge that MGH is the owner and Palomar is the exclusive licensee of the '568 patent with right to recovery thereunder, and that the '568 patent is good and valid in law and enforceable;

18. Adjudge that Syneron has and continues to infringe and induce infringement of the '844 patent, and that such infringement has been willful and deliberate;

19. Adjudge that Syneron has and continues to infringe and induce infringement of the '568 patent, and that such infringement has been willful and deliberate;

20. Preliminarily and permanently enjoin Syneron, its officers, directors, employees, agents, licensees, successors, and assigns, and all persons in concert with them, from further infringement of the '844 patent;

21. Preliminarily and permanently enjoin Syneron, its officers, directors, employees, agents, licensees, successors, and assigns, and all persons in concert with them, from further infringement of the '568 patent;

22. Award Palomar and MGH compensatory damages;

23. Treble the damages assessed;

24. Award Palomar and MGH their costs and reasonable attorneys' fees; and

25. Award Palomar and MGH such other relief as the Court deems just and proper.

PLAINTIFFS CLAIM A TRIAL BY JURY ON ALL ISSUES SO TRIABLE

Respectfully submitted,

PALOMAR MEDICAL TECHNOLOGIES,
INC. and THE GENERAL HOSPITAL
CORPORATION

By their attorneys,

/s/ Dimple Chaudhary

Wayne L. Stoner (BBO # 548015)

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Dated: December 10, 2009

CERTIFICATION PURSUANT TO FEDERAL RULE 15(a)(2)

I, Dimple Chaudhary, hereby certify that counsel for plaintiffs Palomar Medical Technologies, Inc. and the General Hospital Corporation conferred with counsel for Syneron Incorporated on December 9, 2009, and counsel for Syneron has consented to plaintiffs' First Amended Complaint in writing, attached hereto as Exhibit 1.

/s/ Dimple Chaudhary

Dimple Chaudhary (BBO # 674854)

EXHIBIT 1

From: Neiman, Jill D. [mailto:JNeiman@mofo.com]
Sent: Wednesday, December 09, 2009 2:52 PM
To: Saxton, Kate
Cc: Press, Anthony L.
Subject: RE: Palomar Medical Technologies v. Syneron Corp.

Kate,

Syneron does not oppose Palomar filing the draft amended complaint previously sent to us.

Best regards,

Jill

From: Saxton, Kate [mailto:Kate.Saxton@wilmerhale.com]
Sent: Wednesday, December 09, 2009 11:29 AM
To: Neiman, Jill D.
Subject: Palomar Medical Technologies v. Syneron Corp.

Jill-

We understand that Syneron does not oppose Palomar filing an amended complaint to add MGH as a party to the action. Pursuant to Rule 15(a)(2), please so confirm in response to this email, which Palomar will then file with the amended complaint.

Thanks, Kate

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12/10/2009

CERTIFICATE OF SERVICE

I, Dimple Chaudhary, hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic court filing (ECF) system, this 10th day of December 2009.

/s/ Dimple Chaudhary

Dimple Chaudhary (BBO # 674854)