

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

BIOMEDINO, L.L.C.,

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Plaintiff

§

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v.

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C.A. NO. CV05-0042L

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WATERS TECHNOLOGIES
CORPORATION, GENERAL
ELECTRIC COMPANY d/b/a GE
HEALTHCARE, AGILENT
TECHNOLOGIES, INCORPORATED,

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Defendants

JURY TRIAL DEMANDED

PLAINTIFF'S FIRST AMENDED COMPLAINT

Plaintiff, Biomedino, L.L.C. ("Plaintiff"), files this First Amended Complaint against Defendants, Waters Technologies Corporation ("Waters"), General Electric Company d/b/a GE Healthcare ("GE Healthcare"), and Agilent Technologies, Incorporated ("Agilent"), and alleges as follows:

THE PARTIES

1. Plaintiff is a Washington limited liability corporation with its principal place of business at 5401 N.E. 106th Street, Seattle, Washington 98125.
2. Waters, on information and belief, is a corporation organized under the laws of the State of Delaware. Waters is doing business in Washington, and, on information and belief, has a principal place of business at 34 Maple Street, Milford MA 01757. Waters may be served with process by serving its registered agent, CT Corporation System 520 Pike Street, Seattle, Washington 98101.

1 3. GE Healthcare, on information and belief, is a corporation organized under the laws of
2 the State of New York. GE Healthcare is doing business in Washington, and, on
3 information and belief, has a principal place of business at General Electric Company
4 3135 Easton Turnpike, Fairfield, Connecticut 06828-0001. GE Healthcare may be served
5 with process by serving its registered agent, CT Corporation System 520 Pike Street,
6 Seattle, Washington 98101.

8 4. Agilent on information and belief, is a corporation organized under the laws of the State
9 of Delaware. Agilent is doing business in Washington, and, on information and belief,
10 has a principal place of business at 395 Page Mill Rd., Palo Alto, California 94306.
11 Agilent may be served with process by serving its registered agent, CT Corporation
12 System 520 Pike Street, Seattle, Washington 98101.

14 **JURISDICTION & VENUE**

15 5. This is an action for infringement of a United States patent. Accordingly, this action arises
16 under the patent laws of the United States of America, 35 U.S.C. § 1 et. seq. and jurisdiction
17 is properly based on Title 35 United States Code, particularly § 271, and title 28 United
18 States Code, particularly § 1338(a).

20 6. Waters, upon information and belief, transacts business in this judicial district by
21 manufacturing, selling, offering to sell, or using products and/or systems as described and
22 claimed in United States Patent No. 6,602,502, the patent at issue in this lawsuit, and/or by
23 conducting other business in this judicial district.

24 7. GE Healthcare, upon information and belief, transacts business in this judicial district by
25 manufacturing, selling, offering to sell, or using products and/or systems as described and
26 claimed in United States Patent No. 6,602,502, the patent at issue in this lawsuit, and/or by
27 conducting other business in this judicial district.
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1 8. Agilent, upon information and belief, transacts business in this judicial district by
2 manufacturing, selling, offering to sell, or using products and/or systems as described and
3 claimed in United States Patent No. 6,602,502, the patent at issue in this lawsuit, and/or by
4 conducting other business in this judicial district.
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6 9. Venue is proper in this court under Title 28 United States Code § 1391(b) and 1400(b).

7 **PATENT INFRINGEMENT COUNT**

8 10. On August 5, 2003, United States Patent No. 6,602,502 (“the ‘502 patent”) entitled
9 “Methods and Devices for Removing Species” was duly and legally issued. A true and
10 correct copy of the ‘502 patent is attached as Exhibit A.
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12 11. Pursuant to 35 U.S.C. § 282, the above-listed United States Patent is presumed valid.

13 12. Dr. Meir Strahilevitz is the sole inventor of the ‘502 patent. The ‘502 patent has been
14 assigned to Plaintiff.

15 13. Waters, on information and belief, manufactures, uses, and sells products that infringe the
16 ‘502 patent, including without limitation, Waters’ Alliance separation systems, particularly
17 those containing the 2690 Separations Module, the 2695 Separations Module, the 2790
18 Separations Module, the 2795 Separations Module, the 2796 Separations Module, the 2695
19 Dissolution Separations Module, and the 2796 Bioseparations Module, as well as the
20 Automated Preparative Chromatography Systems, the Acquity Ultraperformance Liquid
21 Chromatography systems, the Breeze HPLC systems, the Quattro Micro GC systems, the
22 GCT GC/MS systems, and any other chromatography systems acting in the same manner as
23 such systems and all columns comprising substantially specific binding means designed,
24 manufactured, and sold for such systems.
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27 14. GE Healthcare, formerly Amersham Biosciences, on information and belief, manufactures,
28 uses, and sells products that infringe the ‘502 patent, including without limitation, the AKTA

1 design family of chromatography systems, including specifically AKTA explorer, AKTA
2 FPLC, AKTA purifier, AKTA prime, and AKTA basic, as well as the Ettan LC systems and
3 any other chromatography systems acting in the same manner as such systems and all
4 columns comprising substantially specific binding means designed, manufactured, and sold
5 for such systems.
6

7 15. Agilent, on information and belief, manufactures, uses, and sells products that infringe the
8 502 patent, including without limitation, the Multiple Affinity Removal Systems the 1100
9 Series HPLC and LC/MSD systems, the 6850, 6890, and 6890N Series GC systems, and the
10 5973 Inert MSD GC/MS systems, as well as any other chromatography systems acting in the
11 same manner as such systems and all columns comprising substantially specific binding
12 means designed, manufactured, and sold for such systems.
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14 16. The infringement of the '502 patent alleged above has injured the Plaintiff and thus, it is
15 entitled to recover damages adequate to compensate for Waters, GE Healthcare and
16 Agilent's infringement, which in no event can be less than a reasonable royalty.
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20 **DEMAND FOR JURY TRIAL**

21 17. Plaintiff hereby demands a jury trial on all claims and issues.

22 **PRAYER FOR RELIEF**

23 Wherefore, Plaintiff prays for entry of judgment:

24 A. that Defendants, Waters, GE Healthcare, and Agilent, have infringed one or more
25 claims of the '502 patent;
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1 B. that Defendants, Waters, GE Healthcare, and Agilent, account for and pay to Plaintiff
2 all damages caused by the infringement of the '502 patent, which by statute can be no less than a
3 reasonable royalty;

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5 C. that Plaintiff be granted pre-judgment and post-judgment interest on the damages
6 caused to them by reason of Defendants, Waters, GE Healthcare, and Agilent's infringement of the
7 '502 patent;

8 D. That Plaintiff be granted its attorneys' fees in this action;

9 E. that costs be awarded to Plaintiff;

10 F. that Plaintiff be granted such other and further relief as the Court may deem just and
11 proper under the current circumstances.

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14 DATED this ____ day of July, 2005.

Respectfully submitted,

LAW OFFICES OF ROBERT B. GOULD

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17 Date: _____

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