

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

PERKINELMER LAS, INC.,

Plaintiff

v.

AMERSHAM BIOSCIENCES CORP.,

Defendant.

Civil Action No.: 03-cv-12098-JLT

AMENDED COMPLAINT AND JURY DEMAND

Plaintiff PerkinElmer LAS, Inc. ("PerkinElmer"), by its counsel and for its complaint against Amersham Biosciences Corp., states the following:

Nature of this Action

1. This is an action for infringement of U.S. Patent No. 6,263,095 (the "'095 patent"), issued July 17, 2001 and assigned to PerkinElmer, and for infringement of U.S. Patent No. 5,739,001 (the "'001 patent"), issued April 14, 1998 and assigned to PerkinElmer. A copy of the '095 patent is attached as Exhibit A. A copy of the '001 patent is attached as Exhibit B.

Parties

2. Plaintiff PerkinElmer is a Delaware corporation having a principal place of business at 549 Albany Street, Boston, Massachusetts.

3. On information and belief, Defendant Amersham Biosciences Corp. ("Biosciences") is a Delaware Corporation having a principal place of business in Piscataway, New Jersey.

4. On information and belief, Biosciences makes, uses, sells, and/or offers for sale imaging systems employing CCD-based optical imaging technology, including the LEADseeker Multimodality Imaging System and IN Cell Analysis System.

Jurisdiction and Venue

5. This action arises under the patent laws of the United States, Title 35 of the United States Code.

6. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. Venue is proper pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

COUNT I (Patent Infringement)

8. PerkinElmer repeats and realleges paragraphs 1-7 above.

9. PerkinElmer is the owner of all right, title, and interest in the '095 patent and has the right to sue on the '095 patent.

10. Biosciences directly infringes one or more claims of the '095 patent, literally and/or by equivalents.

11. Biosciences is inducing and contributing to infringement of the '095 patent by causing others to make, use, sell, or offer to sell goods covered, literally or by equivalents, by one or more claims of the '095 patent within the United States.

12. Biosciences' infringement of the '095 patent is and has been willful, has caused and will continue to cause PerkinElmer to suffer substantial damages, and has caused and will continue to cause PerkinElmer to suffer irreparable harm for which there is no adequate remedy at law.

COUNT II (Patent Infringement)

13. PerkinElmer repeats and realleges paragraphs 1-12 above.

14. PerkinElmer is the owner of all right, title, and interest in the '001 patent and has the right to sue on the '001 patent.

15. Biosciences directly infringes one or more claims of the '001 patent, literally and/or by equivalents.

16. Biosciences is inducing and contributing to infringement of the '001 patent by causing others to make, use, sell, or offer to sell goods covered, literally or by equivalents, by one or more claims of the '001 patent within the United States.

17. Biosciences' infringement of the '001 patent is and has been willful, has caused and will continue to cause PerkinElmer to suffer substantial damages, and has caused and will continue to cause PerkinElmer to suffer irreparable harm for which there is no adequate remedy at law.

WHEREFORE, PerkinElmer requests that this Court:

- A. enter a preliminary and permanent injunction enjoining Biosciences and its parents, affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors, assigns, and all those acting on its behalf, or acting in concert with it, from further infringement of the '095 and '001 patents;
- B. award PerkinElmer compensatory damages and its costs and interest;
- C. award PerkinElmer treble damages for Biosciences' willful infringement of the '095 and '001 patents;
- D. award PerkinElmer its reasonable attorneys' fees under 35 U.S.C. § 285; and
- E. award PerkinElmer such other relief as the Court deems just and proper.

Jury Demand

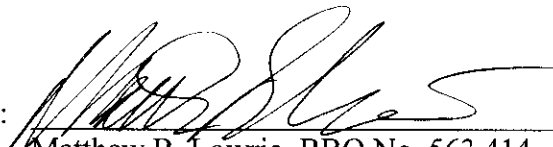
PerkinElmer demands a trial by jury on all issues so triable.

Respectfully submitted,

PERKINELMER LAS, INC.

December 22, 2003

by:



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