UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

GLYCOBIOSCIENCES, Inc. 7 Timber Court Georgetown, Ontario L7G 4S4 Ontario, Canada Plaintiff	Civil Action No.
v.	11-cv-1379
MPM Medical, Inc. 2301 Crown Court Irving, Texas 75038 Defendant	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, GlycoBioSciences, Inc., by counsel, for its complaint against Defendant, MPM Medical, Inc., states as follows:

JURISDICTION AND VENUE

1. This is an action for patent infringement under 35 U.S.C. § 271.

2. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331, 1338(a).

3. Plaintiff, GlycoBioSciences, is a corporation existing under the laws of Canada located at 7 Timber Court, Georgetown, Ontario, L7G 4S4, Ontario Canada, is the developer of a product for relief of Arthritic pain, referred to as IPM Diclofenac Pain Gel and is the owner of United States Letters Patent 5,897,880 (the '880 patent) and 6,723,345 (the '345 patent) both entitled Topical Drug Preparations.

4. Defendant MPM Medical, Inc., upon information and belief, is a corporation organized and existing under the laws of the State of Texas and has a principle place of business at: MPM Medical, Inc., 2301 Crown Court, Irving, Texas 75038 and is the manufacturer, seller

and distributor of the FDA approved OTC product called Regenecare® HA. MPM Medical is engaged in making, importing, using, offering for sale and/or selling the Regenecare® HA Wound Care Gel pharmaceutical products which include the formulation as taught and claimed in the '880 and '345 patents in suit and is covered by Claims of the '880 and '345 patent. The products, which are covered under the claims of the '880 and '345 patents in suit, are being sold throughout the United States, including substantial sales in Texas and in the Judicial District of the Northern District of Texas. Jurisdiction and Venue are proper in this District as to Defendant Novartis, under 28 U.S.C. §1391(b), and §1400(b).

GENERAL ALLEGATIONS

5. Plaintiff is a research pharmaceutical company which has developed IPM Diclofenac Pain Gel for Arthritic Pain and a Wound Healing Gel as well as other formulations for the treatment of dermatological conditions and other indications.

6. Plaintiff has invested significant resources in the development of IPM Diclofenac Pain Gel, has applied for FDA approval for use as an arthritic treatment and is preparing to introduce the product into the market in the near future.

7. Defendant, MPM Medical, manufactures and sells Regenecare® HA, a Wound Care Gel which is advertised and sold OTC for the care and treatment of "radiation reactions, abrasions and skin tears, burns and cuts, and dry and moist desquamation."

THE PATENTS IN SUIT

U.S. 5,897,880:

8. United States Patent 5,897,880, entitled Topical Drug Preparations, issued on April 27, 1999 from a patent application with a filing priority date of September 29, 1995.

9. The '880 patent was issued after careful examination by the United States Patent and Trademark Office, which determined the invention as claimed to be new, useful and unobvious.

10. The '880 patent grants protection to Plaintiff's claimed formulation for a Topical Drug Preparation and includes claims 1 through 11which describe the protected invention:

> 1. A stable, sterile gelled composition which comprises: a matrix containing a negative charged polymer consisting of sodium hyaluronate blended with a nonionic polymer, wherein the molar ratio of the negative charged polymer to the nonionic polymer is 1:0.5 to 4 and the negative charged polymer is present in amounts of about 2.0% to about 3.5% by weight of the resulting composition, and wherein the composition is storage stable and is capable of being topically administered to an animal.
>
> 2. The gelled composition of claim 1, wherein the nonionic polymer is selected from the group consisting of carboxymethylcellulose sodium, hydroxyethyl cellulose, hydroxypropyl cellulose and mixtures thereof.
>
> 3. The gelled composition of claim 1, wherein the molar ratio of the negative charged polymer to the nonionic polymer is 1:0.5 to 2.
>
> 4. The gelled composition of claim 1, wherein the molar ratio of the negative charged polymer to the nonionic polymer is 1:0.7 to 2.5.
>
> 5. The gelled composition of claim 1, wherein the negative charged polymer is present in amounts of about 2.0% to about 3.0% by weight of the resulting composition.
>
> 6. The gelled composition of claim 1, wherein the nonionic polymers are present in amounts of about 0.1% to about 1.5% by weight of the resulting composition.
>
> 7. An antiarthritic gelled composition, which comprises: therapeutically effective amounts of an active NSAID drug dispersed within a matrix containing a negative charged polymer consisting of sodium hyaluronate blended with a nonionic polymer, wherein the molar ratio of the charged polymer to the nonionic polymer is 1:0.5 to 4 and the negative charged polymer is present in amounts of about 2.0% to about 3.0% by weight of the resulting composition, and wherein the composition is storage stable and transdermally delivers said therapeutically effective amounts of the NSAID drug.

8. The gelled composition of claim 7, wherein the nonionic polymers are selected from the group consisting of carboxymethylcellulose sodium, hydroxyethyl cellulose, hydroxypropyl cellulose and mixtures thereof.

9. The gelled composition of claim 7, wherein the molar ratio of the polymers is 1:0.7 to 2.5.

10. The gelled composition of claim 7, wherein the negative charged polymer is present in amounts of about 2.0% to about 3.0% by weight of the resulting composition.

11. The gelled composition of claim 7, wherein the nonionic polymers are present in amounts of about 0.2 to 1.0% by weight of the resulting composition.

U.S. 6,063,405:

11. United States Patent 6,063,405, entitled Sustained Release Delivery System, issued on May 16, 2000 from a patent application with a filing priority date of September 29, 1995.

12. The '405 patent was issued after careful examination by the United States Patent and Trademark Office, which determined the invention as claimed to be new, useful and unobvious.

13. The '405 patent grants protection to Plaintiff's claimed formulation for Sustained Release Delivery System and includes claims 1-5 and 7-11which describe the protected invention:

1. A method for making a sustained release delivery system which comprises:

blending an aqueous solution of a negatively charged polymer selected from the group consisting of hyaluronic acid, hyaluronic acid salt and mixtures thereof with an aqueous solution of a nonionic polymer selected from the group consisting of hydroxyethylcellulose, hydroxypropylcellulose and mixtures thereof to form a stable polymer matrix;

sterilizing the stable polymer matrix; and wherein said stable polymer matrix continuously releases an active therapeutic drug for at least 24 hours when administered to an animal;

wherein the molar ratio of the negatively charged polymer to the nonionic polymer 1:0.5 to 2.

2. The method of claim 1, wherein the hyaluronic acid salt is sodium hyaluronate having a sulphated ash content below 15% and a protein content below 5%.

3. The method of claim 1, wherein the nonionic polymer is hydroxyethyl cellulose.

4. The method of claim 1, which further comprises suspending or solubilizing an active drug within the stable polymer matrix.

5. The method of claim 1, wherein the negatively charged polymer is the hyaluronate salt of sodium, calcium, potassium or magnesium.

7. The method of claim 1, wherein the molar ratio of the negatively charged polymer to the nonionic polymer is 1:0.8 to 1.5.

8. The method of claim 1, wherein the negatively charged polymer is present in amounts of 0.1% to 2.0% by weight of the stable polymer matrix.

9. The method of claim 1, wherein the nonionic polymer is present in amounts of 0.1% to 1.0% by weight of the stable polymer matrix.

10. The method of claim 1, wherein the negatively charged polymer solution is added to the nonionic polymer solution.

11. The method of claim 1, wherein the nonionic polymer solution is added to the negatively charged polymer solution.

U.S. 6,723,345:

14. United States Patent 6,723,345, entitled Topical Drug Preparations, issued on April 20, 2004 from a patent application with a filing priority date of September 29, 1995.

15. The '345 patent was issued after careful examination by the United States Patent and Trademark Office, which determined the invention as claimed to be new, useful and unobvious.

16. The '345 patent grants protection to Plaintiff's claimed formulation for a Topical

Drug Preparation and includes claims 1, 3, 5 and 8, which describe the protected invention:

> 1. A method for treating a dermatologic condition in an animal, which comprises:
> topically applying to said animal a therapeutically effective dose of a gelled composition for treating said dermatologic condition comprising a polymer matrix which is suspended in a liquid medium;
> wherein the polymer matrix contains sodium hyaluronate in combination with a nonionic polymer.
>
> 2. The method of claim 1, wherein said condition is a pressure sore.
>
> 3. The method of claims 1, wherein said condition is dermatitis.
>
> 4. The method of claim 1, wherein said condition is atopic dermatitis.
>
> 5. A method for treating a dermatologic condition in an animal, which comprises:
> topically applying to said animal a gelled composition comprising a therapeutically effective dose of a drug for treating the dermatologic condition uniformly distributed in a polymer matrix which is suspended in a liquid medium;
> wherein the polymer matrix contains sodium hyaluronate in combination with a nonionic polymer.
>
> 7. The method of claim 5, wherein said dermatologic condition is a pressure sore.
>
> 8. The method of claim 5, wherein said dermatologic condition is dermatitis.
>
> 9. The method of claim 5, wherein said dermatologic condition is atopic dermatitis.

U.S. 6,120,804:

17. United States Patent 6,120,804, entitled Topical Drug Preparations, issued on September 19, 2000 from a patent application with a filing priority date of September 29, 1995.

18. The '804 patent was issued after careful examination by the United States Patent and Trademark Office, which determined the invention as claimed to be new, useful and unobvious.

19. The '804 patent grants protection to Plaintiff's claimed formulation for Topical Drug Preparations and includes claims 1, 2 and 6, which describe the protected invention:

> 1. A method for treating pain in an animal for a sustained period of time, which comprises:
> topically applying to said animal a gelled composition comprising a therapeutically effective dose of a drug for treating pain; said drug being uniformly distributed in a polymer matrix which is suspended in a liquid medium;
> wherein the polymer matrix contains sodium hyaluronate combined with a nonionic polymer.
>
> 2. The method of claim 1, wherein the drug for treating pain is selected from the group consisting of anesthetics, analgesics, nonsteroidal anti-inflammatory drugs (NSAIDS), steroids, hormones, antibiotics, metal salts, minerals and combinations thereof.
>
> 6. The method of claim 5, wherein the drug for treating osteoarthritic pain is selected from the group consisting of anesthetics, analgesics, nonsteroidal anti-inflammatory drugs (NSAIDS), steroids, hormones, antibiotics, metal salts, minerals and combinations thereof.

U.S. 6,335,034:

20. United States Patent 6,335,034, entitled Topical Drug Preparations, issued on January 1, 2002 from a patent application with a filing priority date of September 29, 1995.

21. The '034 patent was issued after careful examination by the United States Patent and Trademark Office, which determined the invention as claimed to be new, useful and unobvious.

22. The '034 patent grants protection to Plaintiff's claimed formulation for Topical Drug Preparations and includes claims 1, 2, 3, 13 and 14 which describe the protected invention:

> 1. A composition for treating pain in an animal for a sustained period of time, which comprises:
> a polymer matrix containing sodium hyaluronate and a nonionic polymer, said polymer matrix being suspended in a liquid medium;
> a therapeutically effective amount of a drug for treating pain dispersed within said polymer matrix;
> wherein the molar ratio of the sodium hyaluronate to the nonionic polymer

is 1:0.5 to 4, said sodium hyaluronate being present in amounts of about 2.0% to about 3.5% by weight of said composition; and

wherein said composition is topically applied to said animal to treat pain.

2. The composition of claim 1, wherein the drug for treating pain is selected from the group consisting of anesthetics, analgesics, nonsteroidal anti-inflammatory drugs (NSAIDS), steroids, hormones, antibiotics, metal salts, minerals and combinations thereof.

3. The composition of claim 2, wherein said anesthetic is selected from the group consisting of benzocaine, tetracaine, mepivacaine, prilocaine, etidocaine, bupivacaine, lidocaine and combinations thereof.

13. The composition of claim 1, wherein the molar ratio of the sodium hyaluronate to the nonionic polymer is 1:0.5 to 2.

14. The composition of claim 1, wherein said sodium hyaluronate has a sulphated ash content below about 15%, a protein content below about 5% and purity of at least 98%.

U.S. 6,335,035:

23. United States Patent 6,335,035, entitled Sustained Release Delivery System, issued on January 1, 2002 from a patent application with a filing priority date of September 29, 1995.

24. The '035 patent was issued after careful examination by the United States Patent and Trademark Office, which determined the invention as claimed to be new, useful and unobvious.

25. The '035 patent grants protection to Plaintiff's claimed formulation for Sustained Release Delivery System and includes claims 1, 2 and 4-11which describe the protected invention:

1. A sustained release delivery system, which comprises:

an active therapeutic drug dispersed with a polymer matrix which is solubilized or suspended in a liquid medium;

wherein the polymer matrix consists of hyaluronic acid of salts thereof

blended with

a nonionic polymer selected from the group consisting of hydroxyethylcellulose, hydroxypropylcellulose and mixture thereof;

and wherein the molar ratio of the hyaluronic acid or salts thereof to the nonionic polymers 1:0.5 to 2.0.

2. The sustained release delivery systems of claim 1, wherein the hyaluronic acid salt is the sodium salt and has a sulphated ash content below about 15%, a protein content below about 5%, and is 95-100% free from contamination of related mucopolysaccharides.

4. The sustained release delivery system of claim 1, wherein the polymer matrix is a topical gel.

5. The sustained release delivery system of claim 1, wherein the nonionic polymer is hydroxyethyl cellulose.

6. A sustained release delivery system, which comprises:

a polymer matrix suspended of solubilized in a liquid medium, wherein the polymer matrix contains mucopolysaccharides and derivatives thereof, blended with

a nonionic polymer selected from the group consisting of hydroxyethylcellulose, hydroxypropylcellulose and mixtures thereof, and

wherein the molar ratio of the negative charged polymer to the nonionic polymer is 1:0.5 to 2.

7. The sustained release release delivery systems of claim 6, wherein the muscopolysaccharide is hyaluronate acid of salts thereof and is selected from the group consisting of sodium, calcium, potassium or magnesium salt.

8. The sustained release delivery system of claim 6, wherein the nonionic polymer is selected from the group consisting of hydroxyethyl cellulose, hydroxypropyl cellulose and mixtures thereof.

9. The sustained release delivery system of claim 6, wherein the molar ratio of the polymers is 1:0.8 to 1.5.

10. The sustained release delivery system of claim 6, where the hyaluronic acid or salts thereof is present in amounts of about 0.1% to about 2.0% by weight.

11. The sustained release delivery system of claim 6, wherein the nonionic polymers are present in amounts of about 0.1% to about 1.0% by weight.

INFRINGING PRODUCTS

26. Regenecare® HA, a Wound Care Gel is a OTC gel containing Lidocane (an anesthetics), Hyaluronic acid (a nonsteroidal anti-inflammatory drugs (NSAIDS) and anionic polymer), Hydroxyethyl cellulose (a non-ionic polymer), Aloe Vera, and marine collagen, for topical use in the treatment of wounds and for pain relief of dermatological conditions.

27. Regenecare® HA, a Wound Care Gel is a OTC gel which provides a sustained release delivery system for treating pain and an associated dermatological condition and includes an anesthetic and a nonsteroidal anti-inflammatory drug, delivered in an anionic/non-ionic polymer matrix.

COUNT I

PATENT INFRINGEMENT OF US 5,897,880

28. Plaintiff realleges each and every allegation set forth above and incorporates them herein by reference.

29. Plaintiff owns and has at all relevant times owned, has acquired from Lam Pharmaceuticals by assignment and acquisition and has and has had standing to sue for infringement of United States Letters Patent 5,897,880.

30. The '880 patent properly names as inventors Alen Drizen, Peter Rothbart and Gary Nath and was properly assigned to Lam Pharmaceuticals.

31. Upon information and belief, Defendant MPM Medical, Inc. has infringed and continues to infringe claims 1through 11 of the '880 patent.

32. Upon information and belief, Defendant MPM Medical has infringed and continues to infringe the claims of the '880 patent by manufacturing or causing to be manufactured, distributing, using, offering to sell, and/or selling, the product called Regenecare® HA within the United States.

33. Regenecare® HA pharmaceutical products include the formulation as taught and claimed in the '880 patent in suit and is covered by Claims 1 through 11of the '880 patent as described above.

34. MPM Medical's infringement is a literal infringement and/or an equivalent infringement of the claims and is direct, contributory and inducing.

35. Plaintiff is entitled to recover from the Defendant MPM Medical the damages sustained, reasonable royalty, lost profits of Plaintiff and/or profits of Defendants as a result of Defendant's infringing acts.

36. Defendant MPM Medical has had knowledge of Plaintiff's rights in the '880 patent and has continued infringement with full knowledge of and in disregard for those rights, such actions constituting willful infringement.

COUNT II

PATENT INFRINGEMENT OF US 6,063,405

37. Plaintiff realleges each and every allegation set forth above and incorporates them herein by reference.

38. Plaintiff owns and has at all relevant times owned, has acquired from Lam

Pharmaceuticals by assignment and acquisition and has and has had standing to sue for infringement of United States Letters Patent 6,063,405.

39. The '405 patent properly names as inventors Alen Drizen, Peter Rothbart and Gary Nath and was properly assigned to Lam Pharmaceuticals.

40. Upon information and belief, Defendant MPM Medical, Inc. has infringed and continues to infringe claims 1through 5 and 7 through11 of the '405 patent.

41. Upon information and belief, Defendant MPM Medical has infringed and continues to infringe the claims of the '405 patent by manufacturing or causing to be manufactured, distributing, using, offering to sell, and/or selling, the product called Regenecare® HA within the United States.

42. Regenecare® HA pharmaceutical products include the formulation as taught and claimed in the '405 patent in suit and is covered by Claims 1 through 5 and 7 through 11of the '405 patent as described above.

43. MPM Medical's infringement is a literal infringement and/or an equivalent infringement of the claims and is direct, contributory and inducing.

44. Plaintiff is entitled to recover from the Defendant MPM Medical the damages sustained, reasonable royalty, lost profits of Plaintiff and/or profits of Defendants as a result of Defendant's infringing acts.

45. Defendant MPM Medical has had knowledge of Plaintiff's rights in the '405 patent and has continued infringement with full knowledge of and in disregard for those rights, such actions constituting willful infringement.

COUNT III

PATENT INFRINGEMENT OF US 6,723,345

46. Plaintiff realleges each and every allegation set forth above and incorporates them herein by reference.

47. Plaintiff owns and has at all relevant times owned, has acquired from Lam Pharmaceuticals by assignment and acquisition and has and has had standing to sue for infringement of United States Letters Patent 6,723,345.

48. The '345 patent properly names as inventors Alen Drizen, Peter Rothbart and Gary Nath and was properly assigned to Lam Pharmaceuticals.

49. Upon information and belief, Defendant MPM Medical, Inc. has infringed and continues to infringe claims 1, 3, 5 and 8 of the '345 patent.

50. Upon information and belief, Defendant MPM Medical has infringed and continues to infringe the claims of the '345 patent by manufacturing or causing to be manufactured, distributing, using, offering to sell, and/or selling, the product called Regenecare® HA within the United States.

51. Regenecare® HA pharmaceutical products include the formulation as taught and claimed in the '345 patent in suit and is covered by Claims 1, 3, 5 and 8of the '345 patent as described above.

52. MPM Medical's infringement is a literal infringement and/or an equivalent infringement of the claims and is direct, contributory and inducing.

53. Plaintiff is entitled to recover from the Defendant MPM Medical the damages

sustained, reasonable royalty, lost profits of Plaintiff and/or profits of Defendants as a result of Defendant's infringing acts.

54. Defendant MPM Medical has had knowledge of Plaintiff's rights in the '345 patent and has continued infringement with full knowledge of and in disregard for those rights, such actions constituting willful infringement.

COUNT IV

PATENT INFRINGEMENT OF US 6,120,804

55. Plaintiff realleges each and every allegation set forth above and incorporates them herein by reference.

56. Plaintiff owns and has at all relevant times owned, has acquired from Lam Pharmaceuticals by assignment and acquisition and has and has had standing to sue for infringement of United States Letters Patent 6,120,804.

57. The '804 patent properly names as inventors Alen Drizen, Peter Rothbart and Gary Nath and was properly assigned to Lam Pharmaceuticals.

58. Upon information and belief, Defendant MPM Medical, Inc. has infringed and continues to infringe claims 1, 2 and 6 of the '804 patent.

59. Upon information and belief, Defendant MPM Medical has infringed and continues to infringe the claims of the '804 patent by manufacturing or causing to be manufactured, distributing, using, offering to sell, and/or selling, the product called Regenecare® HA within the United States.

60. Regenecare® HA pharmaceutical products include the formulation as taught and

claimed in the '804 patent in suit and is covered by Claims 1, 2 and 6 of the '804 patent as described above.

61. MPM Medical's infringement is a literal infringement and/or an equivalent infringement of the claims and is direct, contributory and inducing.

62. Plaintiff is entitled to recover from the Defendant MPM Medical the damages sustained, reasonable royalty, lost profits of Plaintiff and/or profits of Defendants as a result of Defendant's infringing acts.

63. Defendant MPM Medical has had knowledge of Plaintiff's rights in the '804 patent and has continued infringement with full knowledge of and in disregard for those rights, such actions constituting willful infringement.

COUNT V

PATENT INFRINGEMENT OF US 6,335,034

64. Plaintiff realleges each and every allegation set forth above and incorporates them herein by reference.

65. Plaintiff owns and has at all relevant times owned, has acquired from Lam Pharmaceuticals by assignment and acquisition and has and has had standing to sue for infringement of United States Letters Patent 6,335,034.

66. The '034 patent properly names as inventors Alen Drizen, Peter Rothbart and Gary Nath and was properly assigned to Lam Pharmaceuticals.

67. Upon information and belief, Defendant MPM Medical, Inc. has infringed and continues to infringe claims 1, 2, 3, 13 and 14 of the '034 patent.

68. Upon information and belief, Defendant MPM Medical has infringed and continues to infringe the claims of the '034 patent by manufacturing or causing to be manufactured, distributing, using, offering to sell, and/or selling, the product called Regenecare® HA within the United States.

69. Regenecare® HA pharmaceutical products include the formulation as taught and claimed in the '034 patent in suit and is covered by Claims 1, 2, 3, 13 and 14 of the '034 patent as described above.

70. MPM Medical's infringement is a literal infringement and/or an equivalent infringement of the claims and is direct, contributory and inducing.

71. Plaintiff is entitled to recover from the Defendant MPM Medical the damages sustained, reasonable royalty, lost profits of Plaintiff and/or profits of Defendants as a result of Defendant's infringing acts.

72. Defendant MPM Medical has had knowledge of Plaintiff's rights in the '034 patent and has continued infringement with full knowledge of and in disregard for those rights, such actions constituting willful infringement.

COUNT VI

PATENT INFRINGEMENT OF US 6,335,035

73. Plaintiff realleges each and every allegation set forth above and incorporates them herein by reference.

74. Plaintiff owns and has at all relevant times owned, has acquired from Lam Pharmaceuticals by assignment and acquisition and has and has had standing to sue for

infringement of United States Letters Patent 6,335,035.

75. The '035 patent properly names as inventors Alen Drizen, Peter Rothbart and Gary Nath and was properly assigned to Lam Pharmaceuticals.

76. Upon information and belief, Defendant MPM Medical, Inc. has infringed and continues to infringe claims 1, 2 and 4 through 11of the '035 patent.

77. Upon information and belief, Defendant MPM Medical has infringed and continues to infringe the claims of the '035 patent by manufacturing or causing to be manufactured, distributing, using, offering to sell, and/or selling, the product called Regenecare® HA within the United States.

78. Regenecare® HA pharmaceutical products include the formulation as taught and claimed in the '035 patent in suit and is covered by Claims 1, 2 and 4 through 11of the '035 patent as described above.

79. MPM Medical's infringement is a literal infringement and/or an equivalent infringement of the claims and is direct, contributory and inducing.

80. Plaintiff is entitled to recover from the Defendant MPM Medical the damages sustained, reasonable royalty, lost profits of Plaintiff and/or profits of Defendants as a result of Defendant's infringing acts.

81. Defendant MPM Medical has had knowledge of Plaintiff's rights in the '035 patent and has continued infringement with full knowledge of and in disregard for those rights, such actions constituting willful infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgement against Defendant as follows:

82. That Defendant be held to have infringed the claims of the '880, '405, '345, '804, '034 and '035 patents in suit.

83. That the Defendant be held to have willfully infringed the patents in suit.

84. That Defendant, its customers, licensees, directors, officers, agents, servants, employees and all other persons in active concert or privity or in participation with them be enjoined from directly or indirectly infringing Plaintiff's patents.

85. That Defendant be enjoined to deliver upon oath, to be impounded during the pendency of this action, and delivered to Plaintiff pursuant to judgement herein, any and all product shown by the evidence to infringe Plaintiff's patents.

86. That judgement be awarded to Plaintiff under 35 U.S.C. §§271, 281, 284 and/or 285.

87. That judgement be entered for Plaintiff against Defendant, for Plaintiff's actual damages according to proof, for reasonable royalties and for any profits attributable to infringements of Plaintiff's patents.

88. That judgement be entered for Plaintiff against Defendant, for statutory damages based upon Defendant's acts of patent infringement and for its other violations of law.

89. That Defendant be required to account for all gains, profits, and advantages derived from its acts of infringement and for its other violations of law.

90. That judgement be entered for Plaintiff and against Defendant, trebling of the

damages awarded for patent infringement due to willful infringement.

91. That Plaintiff have judgement against the Defendant for Plaintiff's costs and attorney's fees.

92. That the Court grant such other, further, and different relief as the Court deems proper under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff hereby requests and demands a trial by jury on all issues so triable.

Respectfully submitted,

/s/ Joseph J. Zito
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