

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**RT**  
**MAY -7 2010**  
**AT 8:30**  
**WILLIAM T. WALSH, CLERK**

PATENT INFRINGEMENT AND RACKETEER INFLUENCE & CORRUPT ORGANIZATION (RICO)

Dr. George Pieczenik, Pro Se )  
Plaintiff )

v. )

CIVIL ACTION NO:

Idexx Reference Laboratories, Inc., Zymogenetics, Inc )  
Zymogenetics, LLC, Millenium Pharmaceuticals, Inc., )  
Invitrogen Corporation, Howard Hughes Medical Institute, )  
Centocor Ortho Biotech Products, L.P, Centocor Ortho )  
Biotech Services, Centocor Ortho Biotech, Inc., )  
Johnson & Johnson, Diversa Chemical Technologies(NJ), )  
Inc., Amgen USA Inc., Amgen Inc, GE Healthcare )  
Biosciences Bioprocess Corp, GE Healthcare Strategic )  
Sourcing Corporation, GE Healthcare Inc., GE Healthcare )  
Bio-Sciences Corp., Dyax Corporation, International )  
Business Machines Corporation, Forest Laboratories, Inc., )  
Gilead Sciences, Inc., Genzyme Corporation, Allergan )  
USA, Inc., Johnson & Johnson, Baxter Diagnostics Inc. )  
Abbott Laboratories., Abbott Laboratories. Inc., Biogen )  
Idex Inc., Biogen Idec U.S. Corporation, Ortho-McNeil )  
Pharmaceutical, Inc., Ortho-McNeil, Inc., Ortho-McNeil )  
Janssen Scientific Affairs, LLC, PerkinElmer Health )  
Sciences, Inc., The Dow Chemical Company (Delaware), )  
The Dow Corning Corporation, The Dow Agrosciences LLC, )  
Schering Berlin Inc., Schering-Plough Products, Inc., )  
Schering Corporation, Schering-Plough Biopharma, )  
Schering-Plough International, Inc., Wyeth Pharmaceuticals )  
Inc., Wyeth Holdings Corporation, Corning Incorporated, )  
OSI Pharmaceuticals, Inc., Onyx Pharmaceuticals, Inc. )  
and John Does 1 through 61. )

COMPLAINT

Defendants

COMPLAINT FOR PATENT INFRINGEMENT AND RACKETEER INFLUENCE & CORRUPT ORGANIZATION (RICO) AND JURY DEMAND

For its complaint herein, Plaintiff alleges as follows:

THE PARTIES

1. Plaintiff, Dr. George Pieczenik ("Pieczenik") is a New Jersey resident, residing at 129 Kingwood-Locktown Rd, Stockton, N.J. 08559.
2. Upon information and belief, Defendant Idexx Reference Laboratories, Inc. is a corporation incorporated under the laws of Indiana and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, NJ 08628. It has a Main business address at One Idexx Drive, Westbrook, ME 04092. It has a Principal business address as 80H Commerce Way, Totawa, New Jersey 07512. Its NJ Business ID number is 0100695714.

3. Upon information and belief, Defendant Zymogenetics, Inc. is a corporation incorporated under the laws of Washington and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, NJ 08628 and has a Main business address at 1201 Eastlake Ave East, Seattle, Washington, 98102 . It has a NJ business ID 0100986205.
4. Upon information and belief, Defendant Zymogenetics,LLC is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, NJ 08628 and has a Main Business Address at 315 Deaderick St Suite 2700, Nashville, TN 37238-3001 It's New Jersey Business ID Number is 0600314096.
5. Upon information and belief, Defendant Millenium Pharmaceuticals, Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Rd.. West Trenton, J.J. 08628. It has a main and principal business address at 40 Landsdowne St., Cambridge, Mass.02139. It has a New Jersey Business ID Number: 0100871284. It has a Fictitious Name: Millinium The Takeda Oncology Company.
6. Upon information and belief, Defendant Invitrogen Corporation is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a main business address at 5791 Van Allen Way, Carlsbad, California, 92008. It has a New Jersey Business Id Number: 0100769128..
7. Upon information and belief, Defendant Howard Hughes Medical Institute is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 4000 Jones Bridge Rd.,Chevy Chase, Md 20815. It has a New Jersey Business ID Number: 0100389621.
8. Upon information and belief, Defendant Centocor Ortho Biotech Products, L.P. is a corporation incorporated under the laws of New Jersey and has designated Ortho Biotech Inc. and Johnson & Johnson to receive process of service at One J&J Plaza, New Brunswick, New Jersey 08933. It has a Main Business Address at 430 Route 22 East, Bridgewater, New Jersey 08807. It has a New Jersey Business ID Number: 0600075933..
9. Upon information and belief, Defendant Centocor Ortho Biotech Services, LLC is a corporation incorporated under the laws of New Jersey and has designated the Johnson & Johnson to receive process of service at One J&J Plaza, New Brunswick, New Jersey 08933. It has a Main Business Address at at 430 Route 22 East, Bridgewater, New Jersey 08807. It has a New Jersey Business ID Number: 0600187379.
10. Upon information and belief, Defendant Centocor Ortho Biotech, Inc..is a corporation incorporated under the laws of New York and has designated Johnson & Johnson to receive process of service at One J&J Plaza, New Brunswick, New Jersey 08933. It has a Main Business Address at 800/850 Ridgeview Drive, Horsham, PA 19044.. It has a New Jersey Business ID Number 0100997462. It had a previous name Centocor, Inc.
11. Upon information and belief, Defendant Diversa Chemical Technologies(NJ), Inc. is a corporation incorporated under the laws of New Jersey and has designated R. W. Worthington to receive process of service at 100 Jersey Avenue suite 103A, New Brunswick, N.J. 08901. It has a New Jersey Business ID Number:0100703587.

12. Upon information and belief, Defendant Amgen USA Inc. is a corporation incorporated under the laws of Delaware and has designated The Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at One Amgen Center Dr. Thousand Oak, Ca. 91320. It has a New Jersey Business ID Number:0100863001.
13. Upon information and belief, Defendant Amgen Inc. is a corporation incorporated under the laws of Delaware and has designated The Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at One Amgen Center Dr. Thousand Oak, Ca. 91320. It has a Principal Business Address at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a New Jersey Business ID Number:0100429195.
14. Upon information and belief, Defendant GE Healthcare Biosciences Bioprocess Corp. is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 300 Franklin Square Drive, Somerset, New Jersey, 08873. It has a Principal Business Address at 800 Centennial Ave. Piscataway, New Jersey 08855.. It has a New Jersey Business ID Number:0100978401.
15. Upon information and belief, GE Healthcare Strategic Sourcing Corporation is a corporation incorporated under the laws of Vermont and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 40 Idx Drive, South Burlington, Vt 05403. It has a New Jersey Business ID Number:0100990090.
16. Upon information and belief, GE Healthcare Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 101 Carnegie Center, Princeton, NJ 08540. It has a New Jersey Business ID Number:0100605225. It had a previous name Amersham Health Inc.
17. Upon information and belief, Defendant GE Healthcare Bio-Sciences Corp. is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. Main and Principal Business Address at 101 Carnegie Center, Princeton, NJ 08540. It has a New Jersey Business ID Number 0100737930.
18. Upon information and belief, Defendant Dyax Corporation is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 300 Technology Square, Cambridge, Ma 02139. It has a New Jersey Business ID Number 0100755835.
19. Upon information and belief, Defendant International Business Machines Corporation is a corporation incorporated under the laws of New York and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Principal Business Address at 170 North Castle Drive, Armonk, NY 10504. It has a New Jersey Business ID Number 4913201000.
20. Upon information and belief, Defendant Forest Laboratories, Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 909 third

Avenue 24<sup>th</sup> Floor, New York, N.Y. 10022. It has a New Jersey Business ID Number 0100778555.

21. Upon information and belief, Defendant Gilead Sciences, Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 333 Lakeside Drive, Foster City, Ca 94404. It has a New Jersey Business ID Number 0100851520.
22. Upon information and belief, Defendant Genzyme Corporation is a corporation incorporated under the laws of Massachusetts and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address 500 Kendall Street, Cambridge, Ma 02142.. It has a New Jersey Business ID Number 0100851295.
23. Upon information and belief, Defendant Allergan USA, Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 2525 Dupont Drive, Irvine, Ca 92612. It has a New Jersey Business ID Number 0100948116.
24. Upon information and belief, Defendant Johnson & Johnson is a corporation incorporated under the laws of New Jersey and has designated the Steven M. Rosenberg to receive process of service at 1 Johnson & Johnson Plaza, New Brunswick, N.J. 08933. It has a Main and Principal Business Address at 1 Johnson & Johnson Plaza, New Brunswick, N.J. 08933. It has a New Jersey Business ID Number 5106301000.
25. Upon information and belief, Defendant Baxter Diagnostics Inc. is a corporation incorporated under the laws Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Principal Business Address at 100-120 Raritan Ctr Pkway, Edison, NJ 08818. It has a New Jersey Business ID Number 0100453383..
26. Upon information and belief, Defendant Abbott Laboratories. is a corporation incorporated under the laws Illinois and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 100 Abbott Park Road D367 AP6D, Abbott Park, Il 60064. It has a New Jersey Business ID Number 1013750000.
27. Upon information and belief, Defendant Abbott Laboratories. Inc is a corporation incorporated under the laws Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 100 Abbott Park Road, Abbott Park, Il 60064-6057 It has a New Jersey Business ID Number 0100966414.
28. Upon information and belief, Defendant Biogen Idec Inc. is a corporation incorporated under the laws Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 14 Cambridge Center, Cambridge, Ma 02142. It has a New Jersey Business ID Number 0100720736.
29. Upon information and belief, Defendant Biogen Idec U.S. Corporation. is a corporation incorporated under the laws Massachusetts and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 14 Cambridge Center, Cambridge, Ma 02142. It has a New Jersey Business ID Number 0100970071.
30. Upon information and belief, Defendant Ortho-McNeil Pharmaceutical, Inc. is a corporation incorporated under the laws of Delaware and has designated Johnson & Johnson to receive process of service at 1 Johnson & Johnson Plaza, New Brunswick, N.J. 08933. It has a Main and Principal Business Address at

US Route 202, Raritan, New Jersey 08869. It has a New Jersey Business ID Number 0100297720.

31. Upon information and belief, Defendant Ortho-McNeil, Inc. is a corporation incorporated under the laws of New Jersey and has designated Johnson & Johnson to receive process of service at 1 Johnson & Johnson Plaza, New Brunswick, N.J. 08933. It has a Main and Principal Business Address at 1125 Trenton-Harbourton Road, Titusville, New Jersey 08560. It has a New Jersey Business ID Number 0100934753.
32. Upon information and belief, Defendant Ortho-McNeil Janssen Scientific Affairs, LLC is a corporation incorporated under the laws of New Jersey and has designated Johnson & Johnson to receive process of service at 1 Johnson & Johnson Plaza, New Brunswick, N.J. 08933. It has a Main and Principal Business Address at 1125 Trenton-Harbourton Road, Titusville, New Jersey 08560. It has a New Jersey Business ID Number 0600190591.
33. Upon information and belief, Defendant PerkinElmer Health Sciences, Inc. is a corporation incorporated under the laws of Delaware and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 940, Winter Street, Attn J. Pearl, Waltham, Massachusetts 02451-1457. It has a New Jersey Business ID Number 0100845829.
34. Upon information and belief, Defendant The Dow Chemical Company (Delaware) is a corporation incorporated under the laws of Delaware and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 2030 Dow Center, Midland MI 48674. It has a New Jersey Business ID Number 3527501000.
35. Upon information and belief, Defendant The Dow Corning Corporation is a corporation incorporated under the laws of Minnesota and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 2200 Salzburg Rd, Midland MI., 48686. It has a Principal Business Address at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a New Jersey Business ID Number 3527545000.
36. Upon information and belief, Defendant The Dow Agrosciences LLC is a corporation incorporated under the laws of Delaware and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 9330 Zionsville Road, Indianapolis, In.46268. It has a New Jersey Business ID Number 0600040703.
37. Upon information and belief, Defendant Schering Berlin Inc. is a corporation incorporated under the laws of Delaware and has designated Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 340 Changebridge Rd., Pine Brook, N.J. 07058. It has a New Jersey Business ID Number 0100464070.
38. Upon information and belief, Defendant Schering-Plough Products, Inc. is a corporation incorporated under the laws of Delaware and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 2000 Galloping Hill road, Kenilworth, NJ 07033. It has a New Jersey Business ID Number 0100435214.
39. Upon information and belief, Defendant Schering Corporation is a corporation incorporated under the laws of New Jersey and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 2000 Galloping Hill road, Kenilworth, NJ 07033. It has a New Jersey Business ID Number 7954401000.

40. Upon information and belief, Defendant Schering-Plough Biopharma corporation is a corporation incorporated under the laws of Delaware and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 2000 Galloping Hill road, Kenilworth, NJ 07033. It has a New Jersey Business ID Number 0100948793.
41. Upon information and belief, Defendant Schering-Plough International, Inc. is a corporation incorporated under the laws of Delaware and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 2000 Galloping Hill road, Kenilworth, NJ 07033. It has a New Jersey Business ID Number 0100270916.
42. Upon information and belief, Defendant Wyeth Pharmaceuticals Inc. is a corporation incorporated under the laws of Delaware and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 500 Arcola road Collegeville, PA 19426. It has a New Jersey Business ID Number 0100905030.
43. Upon information and belief, Defendant Wyeth Holdings Corporation is a corporation incorporated under the laws of Delaware and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 5 Giralda Farms, Madison, NJ 07940. It has a New Jersey Business ID Number 1355601000. Its previous associated name was: American Cyanamid Company.
44. Upon information and belief, Defendant Corning Incorporated is a corporation incorporated under the laws of New York and has designated Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at One Riverfront Plaza, HQ-E2-11, Corning, NY 14831-0001. It has a New Jersey Business ID Number 3236815000. Its previous associated name was: Corning Glass Works.
45. Upon information and belief, Defendant OSI Pharmaceuticals, Inc. is a corporation incorporated under the laws of Delaware and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a New Jersey Business ID Number 0101001974. It has a Main Address at 140 East Hanover Avenue, Cedar Knolls, NJ 07927. It has collaborations with Pfizer, Genetech, Roche and Lilly.
46. Upon information and belief, Defendant Onyx Pharmaceuticals, Inc. is a corporation incorporated under the laws of Delaware and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main business Address at 2100 Powell Street, Emeryville, CA 94608. It has a New Jersey Business ID Number 01000961018.
47. Upon information and belief, "John Does" 1 through 61 are those companies who have entered into either licensing agreements or covenants "not-to-sue" with Dyax Corp, *inter alia*. John Does have offices or places of business or transact business and enter into contracts either in New Jersey or with companies and individuals located and doing business in New Jersey.

#### JURISDICTION AND VENUE

48. This action arises under the patent laws of the United States of America and Jurisdiction is founded on Title 28, United States Code § 1331 and 1338 (a). Venue is proper in this Court under Title 28, United States Code § 1391 (c)(d)(e1) and 1400(b)
49. On February 2, 1999 the United States Patent Office issued Patent No. 5,866, 363 entitled Method and Means for Sorting and Identifying Biological Information to Plaintiff. This patent grants plaintiff rights to exclude others to make

and own intermediate and end products of libraries of displayed peptides, test species and antibodies that interact with these libraries. Plaintiff originally filed his application with the United States Patent office on August 28, 1985. This patent is effective until February 2, 2016.

50. This Court has jurisdiction over this action pursuant to 12 U.S.C. §1819, 18 U.S.C. §1964, and 28 U.S.C. §1349.
51. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b)(2) in that the claims stated herein arose in this district.

### CLAIM

52. Pieczenik is the owner of the United States Patent No. 5,866,363 ("the '363 Patent"), which discloses and claims a method and means of identifying biological information. A copy of the '363 Patent is attached as Exhibit A.
53. Defendants Idexx Reference Laboratories, Inc., Zymogenetics, Inc., Zymogenetics, LLC, Millenium Pharmaceuticals, Inc., Invitrogen Corporation, Howard Hughes Medical Institute, Centocor Ortho Biotech Products, L.P, Centocor Ortho Biotech Services, Centocor Ortho Biotech, Inc., Johnson & Johnson, Diversa Chemical Technologies(NJ), Inc., Amgen USA Inc., Amgen Inc, GE Healthcare Biosciences Bioprocess Corp, GE Healthcare Strategic Sourcing Corporation, GE Healthcare Inc., GE Healthcare Bio-Sciences Corp., Dyax Corporation, International Business Machines Corporation, Forest Laboratories, Inc., Gilead Sciences, Inc., Genzyme Corporation, Allergan USA, Inc., Johnson & Johnson, Baxter Diagnostics Inc., Abbott Laboratories., Abbott Laboratories. Inc., Biogen Idec Inc., Biogen Idec U.S. Corporation, Ortho-McNeil Pharmaceutical, Inc., Ortho-McNeil, Inc., Ortho-McNeil, Janssen Scientific Affairs, LLC, PerkinElmer Health Sciences, Inc., The Dow Chemical Company (Delaware), The Dow Corning Corporation, The Dow Agrosiences LLC, Schering Berlin Inc., Schering-Plough Products, Inc., Schering Corporation, Schering-Plough Biopharma, Schering-Plough International, Inc., Wyeth Pharmaceuticals Inc., Wyeth Holdings Corporation, Corning Incorporated, OSI Pharmaceuticals, Inc., Onyx Pharmaceuticals, Inc. and John Does 1 through 61 own, use and have filed patents claiming methods, products and biological intermediates used in creating and/or using peptide and antibody combinatorial libraries. These patents and patent applications have been filed at a later date than the original filing of the Pieczenik '363 Patent parent and therefore are subject to a 102(e) "snap back" prior art date. Because this '363 patent has now issued, their patents containing claims relating to combinatorial libraries are invalid.
54. Defendants Idexx Reference Laboratories, Inc., Zymogenetics, Inc., Zymogenetics, LLC, Millenium Pharmaceuticals, Inc., Invitrogen Corporation, Howard Hughes Medical Institute, Centocor Ortho Biotech Products, L.P, Centocor Ortho Biotech Services, Centocor Ortho Biotech, Inc., Johnson & Johnson, Diversa Chemical Technologies(NJ), Inc., Amgen USA Inc. Amgen Inc, GE Healthcare Biosciences Bioprocess Corp, GE Healthcare Strategic Sourcing Corporation, GE Healthcare Inc., GE Healthcare Bio-Sciences Corp., Dyax Corporation, International Business Machines Corporation, Forest Laboratories, Inc., Gilead Sciences, Inc., Genzyme Corporation, Allergan USA, Inc., Johnson & Johnson, Baxter Diagnostics Inc., Abbott Laboratories., Abbott Laboratories. Inc., Biogen Idec Inc., Biogen Idec U.S. Corporation, Ortho-McNeil Pharmaceutical, Inc., Ortho-McNeil, Inc., Ortho-McNeil, Janssen Scientific Affairs, LLC, PerkinElmer Health Sciences, Inc., The Dow Chemical Company (Delaware), The Dow Corning Corporation, The Dow Agrosiences LLC, Schering Berlin Inc., Schering-Plough Products, Inc., Schering Corporation, Schering-Plough Biopharma, Schering-Plough International, Inc., Wyeth Pharmaceuticals Inc., Wyeth Holdings Corporation, Corning Incorporated, OSI Pharmaceuticals, Inc., Onyx

Pharmaceuticals, Inc. and John Does 1 through 61 license rights under their patents in New Jersey and throughout the United States and the world.

55. By virtue of defendant's research, commercial and licensing activities, defendants have infringed upon plaintiff's patent and have contributed to others infringing on plaintiff's patent.

56. To the extent that the claims in defendant's patents relate to combinatorial libraries and biologics, therein derived; they are substantially similar to claims in plaintiff's patent and defendant's patents are invalid.

PRELIMINARY ALLEGATIONS

57. This action involves a nexus of infringement of infringement in New Jersey. Defendants Idexx Reference Laboratories, Inc., Zymogenetics, Inc., Zymogenetics, LLC, Millenium Pharmaceuticals, Inc., Invitrogen Corporation, Howard Hughes Medical Institute, Centocor Ortho Biotech Products, L.P, Centocor Ortho Biotech Services, Centocor Ortho Biotech, Inc., Johnson & Johnson, Diversa Chemical Technologies(NJ), Inc., Amgen USA Inc., Amgen Inc, GE Healthcare Biosciences Bioprocess Corp, GE Healthcare Strategic Sourcing Corporation, GE Healthcare Inc., GE Healthcare Bio-Sciences Corp., Dyax Corporation, International Business Machines Corporation, Forest Laboratories, Inc., Gilead Sciences, Inc., Genzyme Corporation, Allergan USA, Inc., Johnson & Johnson, Baxter Diagnostics Inc., Abbott Laboratories., Abbott Laboratories. Inc., Biogen Idec Inc., Biogen Idec U.S. Corporation, Ortho-McNeil Pharmaceutical, Inc., Ortho-McNeil, Inc., Ortho-McNeil, Janssen Scientific Affairs, LLC, PerkinElmer Health Sciences, Inc., The Dow Chemical Company (Delaware), The Dow Corning Corporation, The Dow Agrosiences LLC, Schering Berlin Inc., Schering-Plough Products, Inc., Schering Corporation, Schering-Plough Biopharma, Schering-Plough International, Inc., Wyeth Pharmaceuticals Inc., Wyeth Holdings Corporation, Corning Incorporated, OSI Pharmaceuticals, Inc., Onyx Pharmaceuticals, Inc. and John Does 1 through 61 as corporations and individuals allow for a situation where their management, scientists and sales personnel 1) infringe on the '363 patent, 2) create companies which infringe the '363 patent and 3) collaborate with companies which infringe on the '363 patent.

58. Upon information and belief, the defendants have a vested interest in denying Pieczenik his rightful recognition of the discovery of combinatorial libraries and biologics thereby derived and his rightful share in royalties and commercial agreements.

59. Upon information and belief, defendants and/or their representatives have colluded and conspired in such a fashion as to make the defendants a Racketeering Institution and Corrupt Organization in science and this organization and its members and their associates have conspired to deny Plaintiff his rightful royalties from the Pieczenik '363 patent.

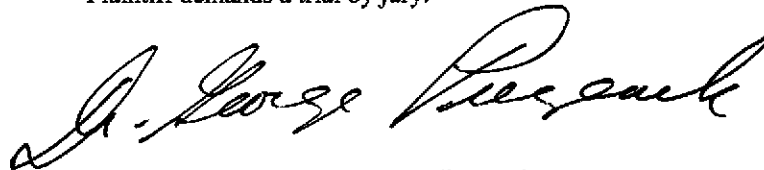
PRAYER FOR RELIEF

60. Plaintiff requests that:

- a. Judgment be entered that Defendants have infringed the '363 Patent;
- b. A permanent injunction be issued pursuant to 35 USC 271 (e)(4)(B) restraining and enjoining said defendant, its officers, agents, attorneys and employees, and those acting in privity or concert with it, from engaging in the commercial manufacture, use, offer to sell, or sale within the United States, or importation into the United States of any products produced according to defendant's patents, or to license defendant's patents anywhere in the world.
- c. Damages for past infringement;



d. For such other and further relief as the Court  
61. may deem proper under the circumstances.  
Plaintiff demands a trial by jury.



Dated: May 7, 2010

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