

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SIEMENS MEDICAL SOLUTIONS USA, INC.,	)	
	)	
	)	C.A. No. 07-190 (SLR)
Plaintiff,	)	
	)	Jury Trial Demanded
v.	)	
	)	<b>PUBLIC VERSION</b>
SAINT-GOBAIN CERAMICS & PLASTICS, INC.,	)	
	)	
	)	
Defendant.	)	

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

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Plaintiff,	)	C.A. No. 07-190 (SLR)
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v.	)	Jury Trial Demanded
	)	
SAINT-GOBAIN CERAMICS & PLASTICS, INC.,	)	REDACTED
	)	
Defendant.	)	

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Siemens Medical Solutions USA, Inc. (“Siemens Medical”) for its amended complaint against Defendant Saint-Gobain Ceramics & Plastics, Inc. (“Saint-Gobain”) hereby demands a jury trial and alleges as follows:

**THE PARTIES**

1. Plaintiff Siemens Medical is a corporation organized under the laws of Delaware with its principal place of business at 51 Valley Stream Parkway, Malvern, Pennsylvania 19355.

2. Upon information and belief, Defendant Saint-Gobain is a corporation organized under the laws of Delaware with its principal place of business at 12345 Kinsman Road, Newbury, Ohio 44065.

**JURISDICTION**

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338 because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.* The Court has personal jurisdiction over Defendant Saint-Gobain because, on information and belief, Saint-Gobain is a Delaware corporation

**VENUE**

4. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400 because Defendant is subject to personal jurisdiction in this district. On information and belief, Defendant is a Delaware corporation.

**INFRINGEMENT OF U.S. PATENT NO. 4,958,080**

5. U.S. Patent No. 4,958,080 (“‘080 patent,” Ex. A) was issued on September 18, 1990. The ‘080 patent was assigned on its face to Schlumberger Technology Corporation (“STC”), which has continuously held title in the ‘080 patent from issuance to the present.

6. In 1995, CTI, Inc. (“CTI”) entered into an Exclusive Patent and Technology License Agreement (“License”) with STC.

7. In 2002, CTI merged with and into CTI Molecular Imaging, Inc. (“CTIMI”), and effective as of June 1, 2002, CTIMI assumed all of CTI’s rights and obligations under the License to the ‘080 patent.

8. In 2005, Siemens Medical acquired CTIMI and all of its business assets, including CTIMI’s rights and obligations under the License to the ‘080 patent. By letter dated November 29, 2006, Siemens Medical duly notified STC of its assumption of the rights and obligations under the License.

9. Pursuant to the License, Siemens Medical had the exclusive right to make, have made and use materials and method covered by the ‘080 patent, subject to certain use rights retained by STC that are limited to the fields of “oil well logging, logging-while-drilling or formation evaluation, either in the form of apparatus or tools offered for sale or lease to third parties or as a service performed on behalf of third parties.”

10. As a result of Siemens Medical's exclusive rights to the '080 patent under the License, Siemens Medical had standing and authority to bring this complaint for patent infringement as of April 3, 2007.

11. Effective March 21, 2008, STC assigned to Siemens Medical all rights, title, and interest in and to the '080 patent, the exclusive right to sue for past, present and future infringement of the '080 patent, and all causes of action relating to infringement of the '080 patent. A copy of the March 21, 2008 Assignment is attached hereto as Exhibit B. As a result of the Assignment, Siemens Medical alone has standing and authority to bring this complaint against Saint-Gobain for infringement of the '080 patent.

12. Upon information and belief, Saint-Gobain is inducing the infringement of the '080 patent, by actively inducing others to make, use, offer to sell, or sell within the United States, gamma or X-ray detectors incorporating Saint-Gobain's lutetium-based scintillation crystals referred to as LYSO crystals, including without limitation the crystals it markets under the trade name "PreLude 420." For example, upon information and belief, Saint-Gobain has induced Philips Medical Systems ("Philips") to use Saint-Gobain's LYSO crystals in at least the Gemini TF and/or Gemini Raptor model of Positron Emission Tomography ("PET") scanners that Philips has offered for sale and/or sold in the United States.

13. Upon information and belief, Saint-Gobain is liable under 35 U.S.C. § 271(b) for actively inducing infringement of the '080 patent because Saint-Gobain has actively caused, encouraged, or aided its customers to infringe the '080 patent, with the intent to cause its customers to directly infringe the '080 patent. Also upon information and belief, Saint-Gobain's customers are directly infringing the '080 patent by making, using, offering to sell, or selling

within the United States, gamma or X-ray detectors incorporating Saint-Gobain's lutetium-based scintillation crystals referred to as LYSO crystals.

14. Upon information and belief, Saint-Gobain is also contributorily infringing the '080 patent by providing to others Saint-Gobain's lutetium-based scintillation crystals referred to as LYSO crystals for use in gamma or X-ray detectors. For example, Saint-Gobain has contributorily infringed the '080 patent by providing its LYSO crystals to Philips for use in at least the Philips Gemini TF and/or Gemini Raptor model PET scanners, which Philips has offered for sale and/or sold in the United States.

15. Upon information and belief, Saint-Gobain is liable under 35 U.S.C. § 271(c) for contributory infringement because Saint-Gobain's LYSO crystals are not a staple article or commodity of commerce suitable for substantial noninfringing use, and Saint-Gobain has offered for sale or sold its LYSO crystals in the United States, or has imported its LYSO crystals into the United States, knowing that its LYSO crystal is especially made or especially adapted for use in an infringement of the '080 patent. Also upon information and belief, Saint-Gobain's customers are directly infringing the '080 patent by making, using, offering to sell, or selling within the United States, gamma or X-ray detectors incorporating Saint-Gobain's lutetium-based scintillation crystals referred to as LYSO crystals.

16. Saint-Gobain will continue to induce the infringement of, and contributorily infringe, the '080 patent unless enjoined by the Court.

17. Siemens Medical has been damaged by Saint-Gobain's inducement to infringe the '080 patent and contributory infringement of the '080 patent, and is suffering and will continue to suffer damage and irreparable harm as a result, unless the Court enjoins Saint-Gobain from continuing its activities.

18. Saint-Gobain's infringement of the '080 patent has been and continues to be willful.

**PRAYER FOR RELIEF**

WHEREFORE, Siemens Medical prays for judgment as follows:

1. That the '080 patent has been and continues to be infringed by Saint-Gobain;
2. That Saint-Gobain, its officers, agents, and employees, and those persons in active concert or participation with any of them, and their successors and assigns be permanently enjoined from infringement, inducement of infringement, and contributory infringement of the '080 patent, including but not limited to selling or offering for sale components of the product patented by the '080 patent;
3. That Siemens Medical be awarded all damages adequate to compensate it for Saint-Gobain's infringement, such damages to be determined by a jury;
4. That Saint-Gobain's infringement of the '080 patent has been and continues to be willful, and awarding Siemens Medical treble damages in light of Saint-Gobain's willful infringement;
5. That this case is exceptional under 35 U.S.C. § 285 and awarding Siemens Medical its attorneys fees and costs; and
6. That Siemens Medical be awarded such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

Siemens Medical demands a trial by jury.

MORRIS, NICHOLS, ARSHT, & TUNNELL LLP

*/s/ Maryellen Noreika*

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March 24, 2008

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on March 24 2008, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Kelly E. Farnan, Esquire  
RICHARDS, LAYTON & FINGER, P.A.

I also certify that copies were caused to be served on March 24, 2008 upon the following in the manner indicated:

**BY ELECTRONIC MAIL  
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