

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**DENTSPLY INTERNATIONAL INC. §
and DENTSPLY RESEARCH & §
DEVELOPMENT CORP. §**

Plaintiffs

v.

**HU-FRIEDY MFG. CO., INC., §
Defendant §**

CIV. ACTION NO. 1:04-CV-348

Judge Conner

FILED ELECTRONICALLY

AMENDED COMPLAINT

Plaintiffs Dentsply International Inc. (“Dentsply International”) and Dentsply Research & Development Corp. (“Dentsply R&D”) (referred to collectively as “Plaintiffs”), by their attorneys, for their Complaint against Defendant Hu-Friedy Mfg. Co., Inc (“Hu-Friedy”), allege as follows:

NATURE OF ACTION, JURISDICTION, AND VENUE

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. Jurisdiction is founded on 28 U.S.C. § 1338(a). Venue is proper under 28 U.S.C. § 1391(b)-(c) and 1400(b).

PARTIES

2. Dentsply International is a corporation organized and existing under the laws of the State of Delaware, having a place of business at 570 West College Avenue, York, Pennsylvania 17405.

3. Dentsply R&D is a corporation organized and existing under the laws of the State of Delaware, having a place of business at 2337 South Yates Avenue, Los Angeles, California 90040.

4. Upon information and belief, Hu-Friedy is a corporation organized and existing under the laws of the State of Illinois, having a principal place of business at 3232 N. Rockwell Avenue, Chicago, Illinois 60618.

COUNT FOR PATENT INFRINGEMENT

5. Plaintiffs are in the business of, among other things, developing, manufacturing and selling dental instruments.

6. On December 17, 2002, United States Patent No. 6,494,714 B 1, entitled "Method of Making A Tool Tip and Tool Tip" (the "714 Patent"), was duly and legally issued by the United States Patent and Trademark Office in the name of Leonard Copeland. A copy of the 714 Patent is attached as Exhibit 1 to this Complaint.

7. Dentsply R&D is presently the sole and exclusive assignee of title to the 714 Patent and Dentsply International is the exclusive licensee of that Patent.

8. Hu-Friedy is infringing, inducing infringement of, and/or contributing to the infringement of, at least claims 1, 2, 7, 8, 9, 15, and 21 of the 714 Patent by virtue of its manufacture, offer for sale, and/or sale in, and/or its importation into, the United States of certain ultrasonic scaling inserts sold under the name “Direct Flow™.”

9. The infringement of at least claims 1, 2, 7, 8, 9, 15, and 21 of the 714 Patent by Hu-Friedy has been willful and deliberate.

10. Plaintiffs have been, and continue to be, damaged by the infringing activities of Hu-Friedy.

11. Hu-Friedy will continue its infringing activities unless enjoined by this Court. Plaintiffs have been, and will continue to be, irreparably harmed unless Hu-Friedy is enjoined by this Court from the actions complained of herein.

WHEREFORE, Plaintiffs demand:

- a. Entry of a final judgment that Hu-Friedy has infringed the 714 Patent;
- b. Entry of an order permanently enjoining Hu-Friedy, and its affiliates, and their officers, agents, employees, attorneys, and all other persons in active concert or participation with them, from further infringing the 714 Patent during its term;

c. Entry of an order finding that the infringement of the 714 Patent by Hu-Friedy has been willful;

d. A declaration that this is an exceptional case and an award to Plaintiffs of their attorneys' fees incurred in prosecuting this action as provided by 35 U.S.C. § 285; and

e. Such other and further relief as the Court deems just and proper.

Dated: March 10, 2005

/s/ Harvey Freedenberg_____

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