

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

05 ~ 10614 GAO

VENTANA MEDICAL SYSTEMS, INC.,

Plaintiff,

v.

VISION BIOSYSTEMS, INC.,

Defendant.

CIVIL ACTION NO. \_\_\_\_\_

MAGISTRATE JUDGE RJR

RECEIPT # 63071  
AMOUNT \$ 50  
SUMMONS ISSUED YES  
LOCAL RULE 4.1 1  
WAIVER FORM 1  
MCF ISSUED 1  
BY DPT CLK Burt  
DATE 3/29/05

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Ventana Medical Systems, Inc. ("Ventana"), for its complaint, avers as follows:

**Parties**

1. Ventana is a corporation organized under the laws of the State of Delaware, with its principal place of business in Tucson, Arizona.

2. Upon information and belief, defendant Vision BioSystems, Inc. ("Vision") is a corporation organized under the laws of Delaware, with its principal place of business in Norwell, Massachusetts.

**Jurisdiction and Venue**

3. This is an action arising under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction based on 28 U.S.C. §§ 1331 and 1338(a). Venue is based on 28 U.S.C. §§ 1391 and 1400(b).

**Claim for Relief**

4. Ventana is the owner by assignment of U.S. Patent No. 6,352,861 B1 (“the ‘861 patent”), which was duly and legally issued by the United States Patent and Trademark Office on March 5, 2002. A true and correct copy of the ‘861 patent is attached hereto as Exhibit A.

5. Vision is not licensed under the ‘861 patent.

6. Vision is infringing the ‘861 patent by making, using, offering to sell, and/or selling an apparatus known as the Bond OCR.

7. Ventana has been damaged by Vision’s infringing activities and will be irreparably injured unless such infringing activities are enjoined by the Court.

8. Vision’s infringement of the ‘861 patent has been willful, making this case exceptional under 35 U.S.C. § 285 and warranting an award of trebled damages under 35 U.S.C. § 284.

**Prayer for Relief**

WHEREFORE, Ventana prays for a judgment that:

a. Vision has directly infringed, contributed to the infringement of, and induced infringement of the ‘861 patent;

b. Preliminarily and permanently enjoins Vision, its officers, agents, servants, employees, attorneys, successors and assigns, and all others in active concert or participation with anyone of them, from infringing the ‘861 patent;

c. Awards Ventana damages adequate to compensate for Vision’s infringement, together with interest and costs;

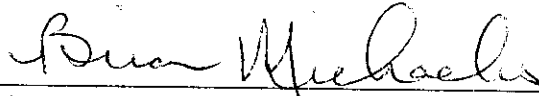
d. Trebles the damages assessed pursuant to 35 U.S.C. § 284;

- e. Awards Ventana its attorneys fees pursuant to 35 U.S.C. § 285; and
- f. Awards Ventana such other and further relief as the Court may deem proper.

Dated: March 29, 2005

VENTANA MEDICAL SYSTEMS, INC.

By its attorneys,



Brian L. Michaelis (BBO #555159)  
BROWN RUDNICK BERLACK ISRAELS LLP  
One Financial Center  
Boston, Massachusetts 02111  
(617) 856-8200

Jeffrey N. Danis (BBO #113880)  
VENTANA MEDICAL SYSTEMS, INC.  
1910 Innovation Park Drive  
Tucson, Arizona 85737  
(520) 229-3965

Of counsel:

Ron E. Shulman  
WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
650 Page Mill Road  
Palo Alto, California 94304  
(650) 493-9300

Roger J. Chin  
WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
One Market Street  
Spear Tower, Suite 3300  
San Francisco, California 94105  
(415) 947-2000