

States Patent Nos. 6,081,786 and 6,188,988, the patents at issue in this lawsuit, and/or by conducting other business in this judicial district.

4. Venue is proper in this court pursuant to 28 U.S.C. §§ 1391(b) and (c) as AmeriPath is subject to personal jurisdiction in this district.

5. Venue is proper in this court pursuant to 28 U.S.C. 1391(b) and (c) as SmartGene is subject to personal jurisdiction in this district.

THE PARTIES

6. Plaintiff ABLSA, is a limited liability company organized under the laws of the Luxembourg, with its principal place of business at 2 rue des Dahlias, L1411, Luxembourg.

7. AmeriPath, on information and belief, is a corporation organized under the laws of the State of Delaware and has its principal place of business at 7111 Fairway Drive, Suite 400, Palm Beach Gardens, Florida 33418. AmeriPath can be served through its registered agent, Corporation Service Company located at 2711 Centerville Road, Suite 400 Wilmington, DE 19808. AmeriPath conducts the business accused of infringement through its Specialty division.

8. SmartGene, on information and belief, is a corporation organized under the laws of the State of North Carolina and has its principal place of business at 5410 Trinity Road, Suite 400 Raleigh, NC 27607. SmartGene can be served through its registered agent, William N. Wofford located at 5410 Trinity Road, Suite 400 Raleigh, NC 27607.

PATENT INFRINGEMENT COUNT

9. Plaintiff ABLSA, is the owner of U.S. Patent No. 6,081,786 (Issued June 27, 2000, hereinafter referred to as “the ‘786 Patent”) entitled, “Systems, Methods and Computer Program Products for Guiding the Selection of Therapeutic Treatment Regimens” and U.S. Patent No. 6,188,988 (Issued February 13, 2001, hereinafter referred to as “the ‘988 Patent”) also entitled “Systems, Methods and Computer Program Products for Guiding the Selection of Therapeutic Treatment Regimens.) Copies of the ‘786 Patent and the ‘988 Patent are attached as Exhibits A & B, respectfully.

10. ABLSA at all times relevant hereto has had the right to enforce the '786 & '988 patents.

11. Pursuant to 35 U.S.C. § 282, the above-listed United States Patents are presumed valid.

12. AmeriPath, through Specialty, manufactures, uses, and sells products that infringe the '786 and '988 Patents. AmeriPath's (Specialty's) HIV-1 Phenoscript™ product incorporates at least one technology which infringes at least claim 1 of each of the '786 and '988 Patents.

13. Such infringement of the '786 and '988 Patents alleged above has injured ABLSA and thus, it is entitled to recover damages adequate to compensate for AmeriPath's (Specialty's) infringement, which in no event can be less than a reasonable royalty.

14. SmartGene manufactures, uses, and sells products that infringe the '786 and '988 Patents. SmartGene's IDNS™ HIV program incorporates at least one technology which infringes at least claim 1 of each the '786 and the '988 Patents.

15. Such infringement of the '786 and '988 Patents alleged above has injured ABLSA and thus, it is entitled to recover damages adequate to compensate for SmartGene's infringement, which in no event can be less than a reasonable royalty.

FOR JURY TRIAL

16. ABLSA hereby demands a jury trial on all claims and issues triable of right by a jury.

PRAYER FOR RELIEF

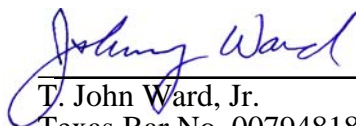
WHEREFORE, Plaintiff prays for judgment that:

- a. Defendants be held to have infringed the '786 and '988 patents;
- b. Defendants account for and pay to ABLSA all damages caused by the infringement of the '786 and '988 patents, which by statute can be no less than a reasonable royalty;
- c. Plaintiff be awarded its costs and prejudgment interest on its damages, as provided by 35 U.S.C. § 284;

- d. Defendants be required to pay ABLSA's attorneys' fees and court costs;
- e. Plaintiff be granted such other and further relief as the Court may deem just and proper under the current circumstances.

Respectfully submitted,

Date: 09/06/2007



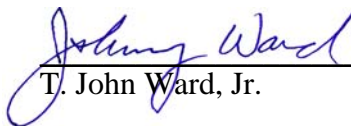
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served by e-mail via the Eastern District of Texas ECF System to all counsel of record on this the 6th day of September, 2007.



T. John Ward, Jr.