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ORIGINAL

ALCON MANUFACTURING, LTD.

Plaintiff,

V.

ADVANCED MEDICAL OPTICS, INC. and
ALLERGAN, INC.

Defendants.

4-040V-080-Y

CIVIL ACTION NO. _____

ORIGINAL COMPLAINT — Page 1
622644 1

3. Venue is proper under 28 U.S.C. § 1391 (b) and (c), and § 1400(b) because the defendant corporations reside in this judicial district based upon their transaction of business and acts of infringement in this judicial district.

4. Upon information and belief, defendants have purposefully directed sales efforts, and have sold in this judicial district, the Prestige[®] and Sovereign[®] surgical devices and replacement cassettes that are accused of infringement.

PARTIES

5. Plaintiff, Alcon, is a limited partnership organized under the laws of Texas and maintains its principal place of business at 6201 South Freeway, Fort Worth, Texas.

6. On information and belief, AMO is a Delaware corporation having a principal place of business at 1700 East Saint Andrew Place, Santa Ana, California, 92705, and has manufactured and sold phacoemulsification systems and replacement cassettes under the names of Prestige[®] and Sovereign[®] that are used in cataract surgery. AMO may be served with process by serving its registered agent for service, National Registered Agents, Inc., at 1614 Sidney Baker Street, Kerrville, Texas 78028.

7. On information and belief, Allergan is a Delaware Corporation having its principal place of business at 2525 DuPont Drive, Irvine, California, 92612, and has manufactured and sold phacoemulsification systems and replacement cassettes under the names of Prestige[®] and Sovereign[®] that are used in cataract surgery. Upon information and belief, Allergan is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. This proceeding arises, in part, out of business done in this state. Accordingly, pursuant to Texas

Civil Practice Remedies Code §§17.044(a)(3), 17.044(b), and 17.045, the Secretary of State is an agent for service of process upon Allergan which therefore may be served with process by serving Geoffrey S. Connor, Secretary of State of Texas, State Capitol Room 1E.8, Austin, Texas 78711, who then shall immediately mail a copy of the process by registered mail or by certified mail, return receipt requested, to Allergan's home office at 2525 DuPont Drive, Irvine, California 92612.

COUNT 1 - PATENT INFRINGEMENT BY THE DEFENDANTS

8. The plaintiff repeats and realleges the allegations in paragraphs 1-7 as though fully set forth herein.

9. Alcon is the exclusive licensee, and possessor of all substantial rights, including the right to sue for past, present and future infringements for U.S. Patent No. 4,832,685, titled "Fluid Flow Control System And Connecting Fitting Therefor," issued May 23, 1989 ("the '685 patent").

10. The '685 patent relates to a fluid flow control apparatus and fitting specially adapted for use with a surgical tool. A certificate of correction was filed on September 21, 1999. A true and correct copy of the '685 patent including the certificate of correction is attached hereto as Exhibit A.

11. Alcon is the exclusive licensee, and possessor of all substantial rights, including the right to sue for past, present and future infringements for U.S. Patent No. 4,935,005, titled "Ophthalmic Fluid Flow Control System," issued June 19, 1990 ("the '005 patent").

12. The '005 patent relates to a fluid flow control device specially adapted for use with a surgical tool. A true and correct copy of the '005 patent is attached hereto as Exhibit B.

13. The '685 and '005 patents are valid and enforceable.

14. Allergan infringed the '685 and '005 patents by making, using, selling, offering for sale and/or importing the Prestige[®] and/or Sovereign[®] surgical systems and associated cassettes.

15. AMO has been and is currently infringing the '685 and '005 patents by making, using, selling, offering for sale and/or importing the Prestige[®] and/or Sovereign[®] surgical systems and associated cassettes.

16. By making, using, selling, offering for sale, and/or importing the Prestige[®] and/or Sovereign[®] systems and cassettes, AMO and Allergan have also induced infringement of the '685 and '005 patents under 35 U.S.C. § 271(b), and have contributed to the infringement of the '685 and '005 patents under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

17. Upon information and belief, AMO and Allergan had knowledge of the '685 and '005 patents but have engaged in their infringing conduct nonetheless. Their infringement is therefore willful.

18. Alcon has marked its phacoemulsification cassette packages that practice the invention of the '685 and '005 patents with the patent numbers of the '685 and '005 patents.

19. As a direct and proximate result of AMO's and Allergan's acts of patent infringement, Alcon has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

20. Alcon has no adequate remedy at law against these acts of patent infringement. Unless AMO and Allergan are permanently enjoined from their unlawful and willful infringement of the '685 and '005 patents, Alcon will suffer irreparable harm.

21. Alcon has incurred and will incur attorney fees, costs and expenses in the prosecution of this action. The circumstances of this dispute create an exceptional case within the meaning of 35 U.S.C. §285, and Alcon is entitled to recover its reasonable and necessary fees and expenses.

PRAYER FOR RELIEF

WHEREFORE, Alcon respectfully requests that judgment be entered in its favor and against defendants, AMO and Allergan, and that the Court grant the following relief to Alcon:

1. Declare that AMO and Allergan have infringed the '685 and '005 patents;
2. Declare that AMO's and Allergan's infringement was willful;
3. Award Alcon its damages;

4. Permanently enjoin and restrain the defendants, their officers, directors, agents, servants, employees, licensees, successors, assigns, those in active concert and participation with the defendants, and all persons acting on their behalf or within their control from: making, using, selling, leasing, offering to sell or lease, importing, exporting, advertising or otherwise using, contributing to the use of, or inducing the use of the Prestige[®] and Sovereign[®] surgical systems and associated cassettes, or otherwise infringing the '685 and '005 patents;
5. Award Alcon its expenses, costs, and attorneys' fees pursuant to 35 U.S.C. § 285;
6. Award Alcon increased damages in an amount not less than three times the amount of damages found by the jury or assessed by this Court, for the defendants' willful infringement pursuant to 35 U.S.C. § 284; and
7. Award Alcon such other and further relief as the Court deems just and proper.

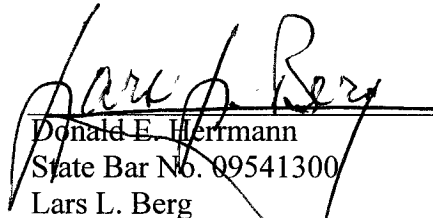
REQUEST FOR JURY TRIAL

Alcon requests a trial by jury for all issues triable to a jury.

* * * *

Dated: January 28, 2004

Respectfully submitted,



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