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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

ANTICANCER, INC., Plaintiff, v. LEICA MICROSYTEMS, INC., and DOES 1-10, inclusive, Defendants.	Civil Action No. 3:11-cv-02756-DMS-JMA **SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT AGAINST LEICA MICROSYSTEMS, INC., and DOES 1-10; DEMAND FOR JURY**

AntiCancer, Inc., by and through its counsel, alleges for its Second Amended Complaint against Leica Microsystems, Inc., and Does 1-10, inclusive as follows:

JURISDICTION AND VENUE

1. This Court has general and specific jurisdiction over this action pursuant to 28 U.S.C. § § 1331, 1332(a)(1), 1338(a), and 2201.

2. Venue is proper in this judicial district under pertinent law, including, *inter alia*, 28 U.S.C. §§ 1391 and 1400.

THE PARTIES

3. Plaintiff AntiCancer, Inc. ("AntiCancer") is a corporation organized and existing under the laws of the State of California and having as its principal place of business San Diego, California. AntiCancer has both developed and practices groundbreaking methods of fluorescence optical imaging. AntiCancer's scientists engineer cancer and other cell types encoded with green fluorescent protein (GFP), a protein which occurs naturally in a species of jellyfish or other color fluorescent proteins such as red fluorescent proteins which occur in corals and related organisms. Researchers can track the expression of a gene of interest by viewing the animal with an appropriate filter after illumination at specific wavelengths or by creating optical images with appropriate instruments of the animal as it expresses GFP linked to the gene of interest and other fluorophores linked to the gene of interest. In other embodiments of AntiCancer's technology, GFP-expressing cancer cells can be implanted into laboratory animals (such as live mice) via such means as subcutaneous injection and surgical orthotopic implantation. When the cells fluoresce, they glow green (or other colors, depending on the fluorescent protein used), enabling scientists to track their growth and spread in the living animal in real time by fluorescence imaging. These methods are highly useful for learning whether a given drug or treatment regimen is slowing, stopping, or having no effect on the cancer or other cells being monitored.

4. AntiCancer is widely recognized as a world leader in fluorescence optical imaging. For example, the National Cancer Institute (NCI) has recognized AntiCancer in its print publications as "a leader in small-animal imaging technology and mouse models" and the developer of "leading mouse models for cancer research." In these same publications NCI noted that AntiCancer's mouse models "are now used in contract research with pharmaceutical and biotechnology companies to support novel cancer drug discovery and evaluation." And, in announcing the 2008 award of the Nobel Prize in Chemistry to three pioneers in the field of GFP, the Nobel committee cited AntiCancer's methods of using GFP to watch cancer cells spread by stating:

> The remarkable brightly glowing green fluorescent protein, GFP, was first observed in the beautiful jellyfish, *Aequorea victoria*, in 1962. Since then, this protein has become one of the most important tools used in contemporary bioscience. With the aid of GFP, researchers have developed ways to watch processes that were previously invisible, such as the development of nerve cells in the brain or how cancer cells spread.

(Emphasis added in underlined portion.)

5. Defendant Leica Microsystems, Inc. ("Leica") is a Delaware corporation having a principal place of business at 1700 Leider Lane, Buffalo Grove, Illinois, 60089. Leica USA is a wholly-owned subsidiary of Leica Microsystems GmbH ("Leica GmbH"), a company organized and existing under the laws of Germany, maintaining its principal place of business at Ernst-Leitz Str. 17-37, 35578 Wetzlar, Hessen, Germany. AntiCancer is informed and believes, and on that basis alleges, that Leica develops and manufactures imaging devices and markets, sells, and offers to sell imaging devices to public and private researchers around the world, including within the United States and within this judicial district.

6. The true names and capacities, whether individual, corporate, associate, representative or otherwise, of DOES 1 through 10, inclusive, are unknown to plaintiff, who therefore sues them by such fictitious names. Plaintiff will seek leave to amend this complaint to show the true names and

capacities of said defendants when they are ascertained. Plaintiff is informed and believes, and thereupon alleges, that each of the defendants named as a Doe, along with the named defendants, is responsible in some manner for the occurrences herein alleged, and that plaintiff's injuries herein alleged were legally or proximately caused by said defendants. Wherever it is alleged that any act or omission was also done or committed by any specifically named defendant, or by defendants generally, plaintiff intends thereby to allege, and does allege, that the same act or omission was also done and committed by each and every defendant named as a Doe, and each named defendant, both separately and in concert or conspiracy with the named defendants.

7. At all times mentioned herein, defendants, and each of them, were the agents, servants, co-conspirators, or employees of one another, and the acts and omissions herein alleged were done or suffered by them, acting individually and through or by their alleged capacity, within the scope of their authority. Each of the defendants aided and abetted and rendered substantial assistance in the accomplishment of the acts complained of herein. In taking the actions, as particularized herein, to aid and abet and substantially assist in the commission of the misconduct complained of, each defendant acted with an awareness of his, her or its primary wrongdoing and realized that his, her or its conduct would substantially assist in the accomplishment of that misconduct and was aware of his, her or its overall contribution to, and furtherance of the conspiracy, common enterprise, and common course of conduct. Defendants' acts of aiding and abetting included, inter alia, all of the acts each defendant is alleged to have committed in furtherance of the conspiracy, common enterprise, and common course of conduct complained of herein.

JURISDICTION AND VENUE FACTS

8. Leica maintains a regular place of business in the southern district of California, with known local employees including Bob Cowden, an "Imaging Specialist" who covers the "Greater San Diego Area" for Leica, and Jennifer Ford, a "Research Microscopy Sales Specialist" for Leica whose

work phone is a San Diego 858 area code number, and who has made sales calls to AntiCancer on behalf of Leica.

9. Leica has specifically and purposefully directed its activities with respect to its products and AntiCancer's inventions into this judicial district by promoting its products to third parties within this district and by participating in and sponsoring one or more national tradeshows held in this judicial district, including sponsoring the "Leica Scientific Forum San Diego" regarding "Pushing the Envelope of Biological Imaging", in which the key speaker discussed matters directly pertaining to AntiCancer's patented methods. Leica USA is also licensed by Mauna Kea Technologies, a French and Pennsylvanian company, to sell its "CellVizio" imaging device under Leica's brand name as the "Leica FCM1000." Mauna Kea Technologies is the plaintiff and counterdefendant in the related case of *Mauna Kea Technologies v. AntiCancer, Inc.*, Case No. 11cv1407 AJB (JMA), currently pending before this court. (The Leica FCM1000 has also been used by one or more Leica customers to practice the methods of one or more of the patents-in-suit, as detailed more fully below.)

10. In addition, Leica has specifically and purposefully directed its activities at residents of this judicial district by, on information and belief, obtaining at least two documents from AntiCancer's website which it has used to market its products and to induce to its customers' use of AntiCancer's patented methods with Leica products. Attached hereto and incorporated herein as Exhibit 1 is a true and correct copy of a paper published by AntiCancer scientists entitled "Whole-body optical imaging of green fluorescent protein-expressing tumors and metastases" which was downloaded from Leica's website at http://www.e-leica.com/pdfs.nsf/(ALLIDs)/44EFFEFFE6B0B34480256C41003F2C23/$FILE/-whole_body_gfp.pdf. The paper describes imaging methods performed by AntiCancer scientists using, among other things, a Leica device. The methods described in the paper are directly related to the methods described in the patent-in-suit of this case. In addition, attached hereto and incorporated

herein as Exhibit 2 is a true and correct copy of a list of fluorescent tumor models offered by AntiCancer which was also downloaded from Leica's website at http://www.e-leica.com/pdfs.nsf/(ALLIDs)/490AD09F59B7348880256C41003E9EA0/$FILE/-gfp_tumor_models.pdf. These fluorescent tumor models are also directly related to the methods of the patents-in-suit and can be used to practice those methods with the Leica instruments alleged herein.

11. Leica has also specifically and purposefully directed its activities to this judicial district by marketing its infringing "TCS STED CW" instrument in San Diego. A Leica press release states that the "new superresolution system Leica TCS STED CW made its successful debut in December 2009 at the 49th annual meeting of the American Society for Cell Biology in San Diego. A large number of highly interested scientists who followed the product demonstrations were convinced by the progressive technology with its potential to revolutionize life science research."

12. The Leica press release goes on to state that the "Leica TCS STED CW combines the high-end confocal Leica TCS SP5 with purely optical and patented superresolution technology . . . ." On information and belief, this indicates that the TCS STED CW is a newer model of the Leica TCS SP5, which in turn is a newer model of the Leica TCS SP2 and its related model, the TCS SP2-AOBS. The Leica TCS SP2-AOBS has been used by Leica customers to practice the methods of one or more of the patent-in-suit, as described more fully below.

13. On information and belief, at least two units of the Leica M165FC were purchased by the Sanford Burnham Medical Research Institute in La Jolla, California, and are currently in use there, and the Leica MZ16 FA, Leica DC500 digital CCD camera, and Leica MZFL3 Stereomicroscope were used by researchers at the University of California, San Diego and the San Diego-based biotech Genelux Corporation. All of these devices are the subjects of infringement allegations below.

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PATENTS-IN-SUIT

14. U.S. Patent No. 6,649,159 (the "'159 patent"). The '159 patent (Exhibit 3) relates to the whole-body external optical imaging of gene expression. It claims methods for such imaging, and methods for evaluating candidate protocols or drugs for treating disease using fluorophores linked to the endogenous promoters of genes. These methods offer noninvasive and real-time means for recording and analyzing gene expression in animals and humans. The '159 patent does not limit the methods by which the images produced by fluorescence optical tumor imaging can be monitored. Instead, any suitable methods are encompassed by the claims of the '159 patent. (For example, Example 1 to the specification of the '159 patent provides that high resolution images can be captured by computer, or continuously through video output onto videotape.)

15. U.S. Patent No. 6,759,038 (the "'038 patent"). The '038 patent (Exhibit 4) relates to the study of tumor progression. Specifically, it concerns model systems for tracking cancer cells and tumor metastasis in vertebrates and evaluating candidate drugs for treating the tumors. It claims methods for following metastasis by monitoring GFP-expressing tumor cells in vertebrate animal organ tissues, including humans.

16. U.S. Patent No. 6,251,384 (the "'384" patent"). The '384 patent (Exhibit 5) claims methods for evaluating candidate protocols or drugs for inhibiting metastasis of primary tumors via methods including administering that protocol or drug to a mammalian subject containing a primary tumor that expresses GFP when the tumor metastasizes, and monitoring the progression of the metastasis *in vivo* by observing the fluorescence at various locations in the animal by fluorescence optical tumor imaging ("FOTI"). Also included are methods for excising fresh organ tissues from the animal and putting those tissues under a fluorescence microscope to view the GFP-expressing cancer cells.

17. When a customer of Leica uses AntiCancer's methods to image GFP-expressing cancer or other cells or gene expression in a lab animal, it infringes AntiCancer's patents unless done pursuant to a license with AntiCancer.

DIRECT INFRINGEMENT BY LEICA CUSTOMERS

18. A paper titled "Mouse Kif7Costal2 is a cilia-associated protein that regulates Sonic hedgehog signaling" published in 2009 by scientists from the Sloan-Kettering Institute and Cornell University (both in New York, NY) describes using a Leica TCS SP2 AOBS to image whole mouse embryos expressing GFP. These entities have thereby directly infringed one or more of the claims of the patents-at-issue.

19. A paper titled "Noninvasive *in vivo* imaging of pancreatic islet cell biology" published in 2007 by scientists from, among other places, the University of Miami describes using a Leica TCS SP2 AOBS to non-invasively image GFP expression in pancreatic islets implanted in the anterior chambers of the eyes of GFP-expressing mice. These entities have thereby directly infringed one or more of the claims of the patents-at-issue.

20. A paper titled "Visualization of lymphatic vessels by *Prox1*-promoter directed GFP reporter in a bacterial artificial chromosome-based transgenic mouse" published in 2010 by scientists from the University of Southern California describes using a Leica M165 FC device to image whole mouse embryos expressing GFP. This entity has thereby directly infringed one or more claims of the patents-at-issue.

21. A paper titled "In vivo imaging of graft-versus-host-disease in mice" published in 2004 by scientists from the University of Minnesota and the University of North Carolina, Chapel Hill describes using a Leica MZFLIII steromicroscope to obtain whole body images of mice expressing GFP. These entities have thereby directly infringed one or more of the claims of the patents-at-issue.

22. A paper titled "The longest telomeres: a general signature of adult stem cell compartments" published in 2007 by scientists from, among other places, the University of Pennsylvania School of Medicine describes obtaining non-invasive images of mice expressing GFP using the Leica FCM1000 endoscopic confocal microscope (the same instrument Leica partnered with Mauna Kea Technologies to distribute in the United States). These entities have thereby directly infringed one or more of the claims of the patents-at-issue.

23. A paper titled "Functional hyper-IL-6 from vaccine virus-colonized tumors triggers platelet formations and helps alleviate toxicity of mitomycin C enhanced virus therapy" published in 2012 by scientists from, among other places, the University of California, San Diego, and Genelux Corporation, a San Diego biotech, describes obtaining non-invasive images of GFP-expressing tumors in mice tails using the Leica MZ16 FA equipped with a Leica DC500 digital CCD camera. These entities have thereby directly infringed one or more of the claims of the patents-at-issue.

24. A paper titled "Real-time intraoperative detection of melanoma lymph node metastases using recombinant vaccine virus GLV-1h68 in an immunocompetent animal model" published in 2009 by scientists from, among other places, Memorial Sloan-Kettering Cancer Center in New York, NY and Genelux Corporation in San Diego, describes obtaining non-invasive images of GFP-expressing tumors using a Leica MZFL3 Stereomicroscope. These entities have thereby directly infringed one or more of the claims of the patents-at-issue.

EVIDENCE OF INDUCEMENT BY LEICA

25. In 2008 Leica issued a press release promoting, among other instruments, the M165 FC, the TCS SP5, and the FCM1000 endoscopic microscope. Describing the FCM1000, the press release states the following:

> **Smallest fiber-optic confocal microscope for endoscopic in vivo microscopy**

> The endoscopic confocal microscope Leica FCM1000 enables non-invasive real time examinations to be conducted on living animals. High-speed recordings can be made of cellular or vascular processes simply by bringing the flexible and minimally invasive micro probe in contact with tissue of interest. This new method allows repeat measurements as well as follow-up analysis of living processes on the same animal. The innovative fiber-optic confocal fluorescence microscope Leica FCM1000 was developed by Leica Microsystems' partnering company Mauna Kea Technologies in Paris and is fully adapted to *in vivo* and *in situ* small animal imaging.

(Emphasis added in underlined portions.) This information induced Leica's customers to practice one or more claims of the patents-in-suit.

26. Leica's website published a promotional article titled "Fluorescence in Microscopy" in or around April 2011. The article discusses various methods of imaging proteins of interest, including by "tagging with fluorescent proteins" and includes a very prominently displayed image captioned as a "Transgenic Mouse Embryo, GFP." This information induced Leica's customers to practice one or more claims of the patents-in-suit.

27. Leica's website published a promotional article titled "An Introduction In Fluorescence" in or around May 2011. The article discusses "fluorescence as a tool in microscopy" and states the following:

> Fluorescence microscopy also allows time lapse imaging of living cells or tissue. For this purpose proteins of interest can be tagged with genetically encoded fluorescing molecules like GFP (green fluorescing protein). Molecules of interest (e.g. Ca^{2+}) can also be tagged using reversibly binding synthetic dyes (e.g. fura-2) or genetically modified naturally occurring proteins (e.g. GFP-derivates).

(Emphasis added in underlined portions.) This information induced Leica's customers to practice one or more claims of the patents-in-suit.

28. A promotional brochure published by Leica in 2007 includes an article written by Anja Schue, "Leica P.R. Editor." The article describes the "new research standard" of using GFP as a way

to make target proteins visible to imaging devices such as those produced by Leica. The article states that "GFP [is] ideal for in-vivo studies of biological processes." It goes on to state the following:

> The use of [G]FP is now standard in biological and medical research, for example when studying gene expression. It is now possible to create proteins related to GFP that fluoresce in other colors such as yellow, blue or red. Various parts of the cell and interactions between proteins can be investigated using a variety of fluorescent markers.

(Emphasis added in underlined portions). On the same page, Leica advertises a promotion for one of its products capable of studying gene expression using GFP, stating:

> Purchase a completely configured inverted research microscope with fluorescence (DMI4000 B model) and receive a FREE Leica EL6000 fluorescence illuminator (>$5,000 value)!

This information induced Leica's customers to practice one or more claims of the patents-in-suit.

29. A brochure for the Leica DMI4000 B model referenced above includes a picture of the device with an adjacent computer screen displaying what appears to be the exact image of a "Transgenic Mouse Embryo, GFP" referenced above, indicating that the device produced the image. This information induced Leica's customers to practice one or more claims of the patents-in-suit.

30. A brochure for the Leica MZ16 FA (which was used to infringe by the University of California, San Diego and Genelux Corporation, as described above) contains prominent images of GFP-expressing zebrafish embryos. The brochure quotes a self-described "cancer researcher" implying that he has used the Leica MZ16 FA device in his research. It also includes the following statement:

> Mice, frogs, zebrafish, and fruit flies serve as representatives to investigate the developmental biology of humans and their illnesses in the form of a model. At the center of the interest are indicator areas such as heart/circulation, blood vessels, nerves, as well as bone and cartilage formation. In research labs, millions of gene-treated model organisms are examined in different stages of their life cycle for mutated phenotypes. For this purpose, fluorescence microscopy has established itself as the most effective method for examining,

> identifying, sorting, screening and selecting. For all of these tasks, the new Leica MZ16 F and MZ16 FA from Leica Microsystems are the best fluorescence stereomicroscopes.

(Emphasis added in underlined portions.) This information induced Leica's customers to practice one or more claims of the patents-in-suit.

31. A promotional brochure published by Leica entitled "Leica AS TP: The bundled know-how in Optics and Micromanipulation," includes images of the "Transgenic Mouse Embryo, GFP" referenced above and an image of a live mouse standing on a Leica microscope platform. It also contains the following statements:

- "Together with Eppendorf we have developed a total system solution specifically for transgenic applications";
- "By keeping abreast of scientific developments, Leica Microsystems is able to offer its customers exactly what they need. Core competencies of the leading microscope and micromanipulator manufacturers and the experience of top transgenic laboratories have been pooled to offer the best possible solution for transgenic mouse research";
- "The application solution also comprises fluorescence microscopy with special GFP, YFP, RFP and CFP filters (Green Fluorescent Protein and mutants)";
- "Optimized fluorescence equipment for GFP applications"; and,
- "Optimized for transgenic mouse research".

(Emphasis added in underlined portions.) This information induced Leica's customers to practice one or more claims of the patents-in-suit.

32. Leica's website and promotional brochures described above demonstrate that Leica intends to encourage and assist its infringing customers to practice such methods, and thereby has induced its customers to infringe. This notably includes Exhibit 1, a paper published by AntiCancer scientists entitled "Whole-body optical imaging of green fluorescent protein-expressing tumors and metastases" which directly teaches the methods of the patents-in-suit, and Exhibit 2, a list of fluorescent tumor models offered by AntiCancer which can be used by Leica's customers to infringe.

The reason for Leica to post such information on its website is to encourage and induce its customers to use Leica products to infringe one or more claims of the patent-in-suit.

33. In or around January 2006, AntiCancer wrote to Leica regarding its marketing of imaging devices for in vivo GFP imaging. The correspondence informed Leica of the need for it to obtain a license to AntiCancer's technology in order to sell and market devices that would otherwise infringe, and listed by name six of AntiCancer's patents, including the '159, '038, and '384 patents-in-suit in this case. Shortly thereafter, Dr. Wolf O. Reuter, President of Leica, sent a letter to AntiCancer in response. Dr. Reuter's letter stated, in part, "I would like to acknowledge the receipt of your memos regarding in vivo GFP imaging. Immediately after becoming aware of your 1st letter I have already advised our Patent Department to evaluate the information you provided." In later correspondence, Leica stated its refusal to engage in negotiations to obtain a license. No license was ever obtained by Leica to any AntiCancer technology. This demonstrates that Leica was aware of the patent-in-suit prior to the aforementioned acts of inducement, and therefore knew that the promotional brochures and website articles described herein would induce its customers to infringe.

FIRST CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 6,649,159)

34. AntiCancer realleges and incorporates by reference as though fully set forth preceding paragraphs 1 through 33.

35. United States Patent No. 6,649,159 (the "'159 Patent") was issued by the United States Patent and Trademark Office on November 18, 2003.

36. AntiCancer is the sole owner of all rights, title and interest in and to the '159 Patent.

37. AntiCancer is informed and believes, and on that basis alleges that Leica has indirectly infringed the '159 Patent in violation of 35 U.S.C. §271(b) by inducing direct infringements of the

'159 Patent by third parties, including its customers. In particular, Leica has sold or provided numerous devices capable of infringing the patents-in-suit, as described herein, to customers or other third parties and has instructed and aided and induced them to perform one or more of the claimed methods of the '159 Patent using the devices, within the United States, during the term of the '159 Patent, without AntiCancer's authorization, as detailed herein. AntiCancer is informed and believes, and on that basis alleges, that Leica had actual knowledge of the '159 Patent and its claimed inventions, and has known and intended that its customers would directly infringe the '159 Patent by using the Leica devices in their intended manner and according to Leica USA's instructions.

38. By reason of the foregoing, AntiCancer has suffered damages in an amount to be proven at trial and, in addition, has suffered irreparable loss and injury.

39. The acts of infringement described above have been willful, deliberate and in reckless disregard of AntiCancer's patent rights.

SECOND CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 6,759,038)

40. AntiCancer realleges and incorporates by reference as though fully set forth preceding paragraphs 1 through 39.

41. United States Patent No. 6,759,038 (the "'038 Patent") was issued by the United States Patent and Trademark Office on July 6, 2004.

42. AntiCancer is the sole owner of all rights, title and interest in and to the '038 Patent.

43. AntiCancer is informed and believes, and on that basis alleges that Leica has indirectly infringed the '038 Patent in violation of 35 U.S.C. §271(b) by inducing direct infringements of the '038 Patent by third parties, including its customers. In particular, Leica has sold or provided numerous devices capable of infringing the patents-in-suit, as described herein, to customers or other third parties and has instructed and aided and induced them to perform one or more of the claimed

methods of the '038 Patent using the devices, within the United States, during the term of the '038 Patent, without AntiCancer's authorization, as detailed herein. AntiCancer is informed and believes, and on that basis alleges, that Leica had actual knowledge of the '038 Patent and its claimed inventions, and has known and intended that its customers would directly infringe the '038 Patent by using the Leica devices in their intended manner and according to Leica USA's instructions.

44. By reason of the foregoing, AntiCancer has suffered damages in an amount to be proven at trial and, in addition, has suffered irreparable loss and injury.

45. The acts of infringement described above have been willful, deliberate and in reckless disregard of AntiCancer's patent rights.

THIRD CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 6,251,384)

46. AntiCancer realleges and incorporates by reference as though fully set forth preceding paragraphs 1 through 45.

47. United States Patent No. 6,251,384 (the "'384 Patent") was issued by the United States Patent and Trademark Office on June 26, 2001.

48. AntiCancer is the sole owner of all rights, title and interest in and to the '384 Patent.

49. AntiCancer is informed and believes, and on that basis alleges that Leica has also indirectly infringed the '384 Patent in violation of 35 U.S.C. §271(b) by inducing direct infringements of the '384 Patent by third parties, including its customers. In particular, Leica has sold or provided numerous devices capable of infringing the patents-in-suit, as described herein, devices to customers or other third parties and has instructed and aided and induced them to perform one or more of the claimed methods of the '384 Patent using the devices, within the United States, during the term of the '384 Patent, without AntiCancer's authorization, as detailed. AntiCancer is informed and believes, and on that basis alleges, that Leica had actual knowledge of the '384 Patent and its claimed inventions,

and has known and intended that its customers would directly infringe the '384 Patent by using the Leica devices in their intended manner and according to Leica USA's instructions.

50. By reason of the foregoing, AntiCancer has suffered damages in an amount to be proven at trial and, in addition, has suffered irreparable loss and injury.

51. The acts of infringement described above have been willful, deliberate and in reckless disregard of AntiCancer's patent rights.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff AntiCancer prays for relief as follows:

(1) That AntiCancer have judgment against defendants on the claims;

(3) That all defendants, and each of them, be adjudged to have willfully infringed the patents-in-suit under 35 U.S.C. § 271(a), (b), (c), and (g);

(4) That the Court award AntiCancer enhanced damages, and defendants' profits, pursuant to 35 U.S.C. § 284, for defendants' willful infringement of the patents-in-suit;

(5) That the Court deem this to be an exceptional case under 35 U.S.C., and award increased damages and attorney's fees pursuant to 35 U.S.C. §§ 284 and 285;

(6) That defendants, and each of them, be preliminarily and permanently restrained and enjoined under 35 U.S.C. § 283 from directly or indirectly infringing the patents-in-suit;

(7) That the Court assess pre-judgment and post-judgment interest and costs of suit against defendants, and award such interest and costs to AntiCancer; and,

(8) That AntiCancer have such other and further relief as this Court may deem just and proper.

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Respectfully submitted,

ANTICANCER, INC.

DATED: May 21, 2012 By: /s/ *Matt Valenti*
MATT VALENTI
Attorney for Plaintiff AntiCancer, Inc.

DEMAND FOR TRIAL BY JURY

AntiCancer hereby demands a trial by jury as to all issues triable by jury.

ANTICANCER, INC.

DATED: May 21, 2012

By: /s/ *Matt Valenti*
MATT VALENTI
Attorney for Plaintiff AntiCancer, Inc.

CERTIFICATE OF SERVICE

I hereby certify that, on May 21, 2012, the foregoing documents entitled

SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT AGAINST LEICA MICROSYSTEMS, INC., and DOES 1-10; DEMAND FOR JURY and all exhibits thereto

were filed via the Case Management/Electronic Case Filing (CM/ECF) system, with service to be made on all parties via the automated generation and e-mailing of a Notice of Electronic Filing (NEF) by the CM/ECF system.

By: /s/ *Matt Valenti*
MATT VALENTI
Attorney for Plaintiff AntiCancer, Inc.