

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SEQUENOM, INC., a Delaware corporation, )  
 )  
Plaintiff, )  
 )  
v. ) C.A. No. \_\_\_\_\_  
 )  
IBIS BIOSCIENCES, INC., a Delaware ) **JURY TRIAL DEMANDED**  
corporation, )  
 )  
Defendant. )

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff SEQUENOM, INC. (“Sequenom”), for its complaint against Defendant IBIS BIOSCIENCES, INC. (“Ibis”), alleges as follows:

**NATURE OF THE ACTION**

1. This is an action under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.*, for infringement by Ibis of patents owned by Sequenom.

**THE PARTIES**

2. Plaintiff Sequenom is a Delaware corporation with its principal place of business at 3595 John Hopkins Court, San Diego, California 92121.

3. On information and belief, Defendant Ibis is a corporation incorporated under the laws of the state of Delaware with its principal place of business at 1896 Rutherford Road, Carlsbad, California 92008. On information and belief, Ibis offers for sale and/or sells its infringing products and processes in this Judicial District, among other places.

**JURISDICTION AND VENUE**

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Ibis because Ibis is incorporated in the State of Delaware and/or has purposely availed itself of the privilege of conducting activities within this State and District.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§1391(b) & (c) and 1400(b).

### **THE PATENTS-IN-SUIT**

7. Sequenom owns the following United States patents:

A. U.S. Patent No. 6,300,076 (“the ‘076 patent”), issued on October 9, 2001, entitled “DNA diagnostics based on mass spectrometry.” A true and correct copy of the ‘076 patent is attached to this Complaint as Exhibit 1 and is incorporated herein by reference.

B. U.S. Patent No. 6,500,621 (“the ‘621 patent”), issued on December 31, 2002, entitled “DNA diagnostics based on mass spectrometry.” A true and correct copy of the ‘621 patent is attached to this Complaint as Exhibit 2 and is incorporated herein by reference.

C. U.S. Patent No. 7,419,787 (“the ‘787 patent”), issued on September 2, 2008, entitled “Mass spectrometric methods for detecting mutations in a target nucleic acid.” A true and correct copy of the ‘787 patent is attached to this Complaint as Exhibit 3 and is incorporated herein by reference.

8. The ‘076, ‘621, and ‘787 patents were duly issued and are owned by Sequenom (the ‘076, ‘621, and ‘787 patents are hereinafter collectively referred to as the “Patents-in-Suit”). Sequenom has the full legal right to sue, enforce, and recover damages for all infringements of the Patents-in-Suit.

**COUNT 1**  
**(Infringement of United States Patent No. 6,300,076 by Ibis)**

9. Sequenom realleges and incorporates herein by reference the allegations stated in paragraphs 1-8 of this Complaint.

10. Ibis has been and still is infringing the '076 patent by making, using, offering for sale, and/or selling assays, products, software, and associated instrumentation under the name Ibis T5000™ Biosensor System technology.

11. Ibis also has been and is contributorily infringing and/or actively inducing others to infringe the '076 patent by supplying the aforementioned Ibis T5000™ Biosensor System technology and associated instrumentation.

12. On information and belief, Ibis' infringement, contributory infringement, and/or active inducement of others' infringement of the '076 patent has taken place with full knowledge of the '076 patent and has been intentional, deliberate, and willful.

13. On information and belief, Ibis will continue to infringe, contributorily infringe, and/or actively induce others to infringe the '076 patent unless and until it is enjoined by this Court.

**COUNT 2**  
**(Infringement of United States Patent No. 6,500,621 by Ibis)**

14. Sequenom realleges and incorporates herein by reference the allegations stated in paragraphs 1-8 of this Complaint.

15. Ibis has been and still is infringing the '621 patent by making, using, offering for sale, and/or selling assays, products, software, and associated instrumentation under the name Ibis T5000™ Biosensor System technology.

16. Ibis also has been and is contributorily infringing and/or actively inducing others to infringe the '621 patent by supplying the aforementioned Ibis T5000™ Biosensor System technology and associated instrumentation.

17. On information and belief, Ibis' infringement, contributory infringement, and/or active inducement of others' infringement of the '621 patent has taken place with full knowledge of the '621 patent and has been intentional, deliberate, and willful.

18. On information and belief, Ibis will continue to infringe, contributorily infringe, and/or actively induce others to infringe the '621 patent unless and until it is enjoined by this Court.

**COUNT 3**  
**(Infringement of United States Patent No. 7,419,787 by Ibis)**

19. Sequenom realleges and incorporates herein by reference the allegations stated in paragraphs 1-8 of this Complaint.

20. Ibis has been and still is infringing the '787 patent by making, using, offering for sale, and/or selling assays, products, software, and associated instrumentation under the name Ibis T5000™ Biosensor System technology.

21. Ibis also has been and is contributorily infringing and/or actively inducing others to infringe the '787 patent by supplying the aforementioned Ibis T5000™ Biosensor System technology and associated instrumentation.

22. On information and belief, Ibis' infringement, contributory infringement, and/or active inducement of others' infringement of the '787 patent has taken place with full knowledge of the '787 patent and has been intentional, deliberate, and willful.

23. On information and belief, Ibis will continue to infringe, contributorily infringe, and/or actively induce others to infringe the '787 patent unless and until it is enjoined by this Court.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Sequenom prays that this Court:

A. Enter a judgment that Ibis has infringed, contributorily infringed, and actively induced others to infringe Sequenom's Patents-in-Suit;

B. Grant a permanent injunction restraining and enjoining Ibis, its officers, directors, agents, servants, employees, successors, assigns, parents, subsidiaries, affiliated or related companies, and attorneys from infringing, inducing others to infringe and contributing to the infringement of Sequenom's Patents-in-Suit;

C. Award Sequenom damages in an amount sufficient to compensate Sequenom for Ibis' infringement, contributory infringement, and active inducement of others' infringement of Sequenom's Patents-in-Suit, but not less than a reasonable royalty;

D. Award prejudgment interest to Sequenom pursuant to 35 U.S.C. § 284;

E. Award increased damages, pursuant to 35 U.S.C. § 284, in an amount not less than three times the amount of actual damages awarded to Sequenom, by reason of Ibis' willful infringement of Sequenom's Patents-in-Suit;

F. Declare this case exceptional under 35 U.S.C. § 285 and award Sequenom its reasonable attorneys' fees, expenses, and costs incurred in this action; and

G. Grant Sequenom such other and further relief as this Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Sequenom hereby demands a jury trial on all issues appropriately triable by a jury.

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