

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

GENE READER LLC	)	
	)	
Plaintiff,	)	
	)	Civil Action No. _____
v.	)	
	)	<b>JURY TRIAL DEMANDED</b>
TECAN U.S., INC.	)	
	)	
Defendant.	)	
_____	)	

**COMPLAINT**

For its Complaint, Plaintiff Gene Therapy LLC ("Gene Reader"), by and through the undersigned counsel, alleges as follows:

**THE PARTIES**

1. Gene Reader LLC is a Texas limited liability company with a place of business located at 1400 Preston Road #400, Plano, Texas 75093.

2. Defendant Tecan U.S., Inc. is a North Carolina corporation with, upon information and belief, a place of business located at 9401 Globe Center Drive, Suite 140, Morrisville, North Carolina 27560.

3. Upon information and belief, Defendant has registered with the Texas Secretary of State to conduct business in Texas.

**JURISDICTION AND VENUE**

4. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

5. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

6. Upon information and belief, Defendant conducts substantial business in this

forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

7. Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b).

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

8. On April 8, 2003, United States Patent No. 6,545,758 (the "'758 patent"), entitled "Microarray Detector And Synthesizer," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '758 patent is attached hereto as Exhibit A.

9. On May 20, 2003, United States Patent No. 6,567,163 (the "'163 patent"), entitled "Microarray Detector And Synthesizer," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '163 patent is attached hereto as Exhibit B.

10. Gene Reader is the assignee and owner of the right, title and interest in and to the '758 and '163 patents, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

### **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,545,758**

11. Gene Reader repeats and realleges the allegations of paragraphs 1 through 10 as if fully set forth herein.

12. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of the '758 patent by making, using, importing, offering for sale, and/or selling a system and method for detecting the presence of a sample on a microarray, including, but not limited to the PowerScanner, covered by one or more claims of the '758 patent.

13. More specifically and upon information and belief, the PowerScanner includes a spatial light modulator capable of selectively optically interrogating a patterned microarray. *See* Tecan PowerScanner Brochure at 4; Tecan PowerScanner Specification Sheet at 2. The PowerScanner also includes a synchronous detector capable of detecting an optical signal obtained from the patterned microarray. *See* Tecan PowerScanner Brochure at 5; Tecan PowerScanner Specification Sheet at 2. The PowerScanner further includes a processor capable of performing repetitive comparative measurements of the optical signals from one or more sites on the patterned microarray. *See* Tecan PowerScanner Brochure at 7; *see also id.* at 3.

14. Gene Reader is entitled to recover from Defendant the damages sustained by Gene Reader as a result of Defendant's infringement of the '758 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**COUNT II – INFRINGEMENT OF U.S. PATENT NO. 6,567,163**

15. Gene Reader repeats and realleges the allegations of paragraphs 1 through 14 as if fully set forth herein.

16. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of the '163 patent by making, using, importing, offering for sale, and/or selling a system and method for method for detecting optical signals generated from a microarray, including, but not limited to the PowerScanner, covered by one or more claims of the '163 patent.

17. Gene Reader is entitled to recover from Defendant the damages sustained by Gene Reader as a result of Defendant's infringement of the '163 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and

costs as fixed by this Court under 35 U.S.C. § 284.

**JURY DEMAND**

Gene Reader hereby demands a trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, Gene Reader requests that this Court enter judgment against Defendants as follows:

- A. An adjudication that Defendant have infringed the '758 and '163 patents;
- B. An award of damages to be paid by Defendant adequate to compensate Gene Reader for Defendant's infringement of the '758 and '163 patents and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Gene Reader's reasonable attorneys' fees; and
- D. An award to Gene Reader of such further relief at law or in equity as the Court deems just and proper.

Dated: June 18, 2015

/s/ Andrew W. Spangler

Andrew W. Spangler

**LOCAL COUNSEL**

TX SB #24041960

**Spangler Law P.C.**

208 N. Green Street, Suite 300

Longview, TX 75601

Telephone: (903) 753-9300

Facsimile: (903) 553-0403

spangler@spanglerlawpc.com

**LEAD COUNSEL:**

Stamatios Stamoulis DE SB #4606

Richard C. Weinblatt DE SB #5080  
**Stamoulis & Weinblatt LLC**  
Two Fox Point Centre  
6 Denny Road, Suite 307  
Wilmington, DE 19809  
Telephone: (302) 999-1540  
Facsimile: (302) 762-1688  
stamoulis@swdelaw.com  
weinblatt@swdelaw.com

*Attorneys for Plaintiff*  
*Gene Reader LLC*