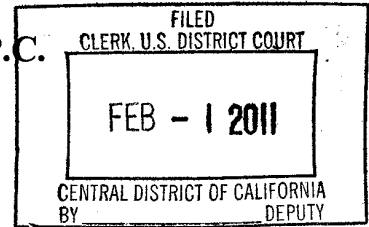


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Attorney for Plaintiff:
OCUGIENE, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

OCUGIENE, INC., a California
Corporation,

Plaintiff,

v.

EYE ECO, INC., a California
Corporation,

Defendant.

CV11-00969 PA (JEM)

Case No. ..

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

1 Plaintiff, OCUGIENE, INC., A California Corporation (“Ocugiene” or
2 “Plaintiff”), files this Complaint against EYE ECO, INC., a California Corporation
3 (“Eye Eco” or “Defendant”), and demanding a trial by jury, avers as follows:

4 **JURISDICTION AND VENUE**

5 1. This is a civil action for patent infringement, under the United States
6 Patent Act, 35 U.S.C. § 101 *et seq.* The Court therefore has jurisdiction over the
7 claims pursuant to 28 U.S.C. §§ 1331 and 1338.

8 2. Venue is proper in this judicial district pursuant to 28 U.S.C. §§
9 1391(b), 1391(c) and 1400(b) because the named defendant conducts business
10 activities within this District and the acts of infringement have taken place in this
11 district.

12 **THE PARTIES**

13 3. Plaintiff, OCUGIENE, INC, is a corporation organized and existing
14 under the laws of the State of California.

15 4. Upon information and belief, Defendant EYE ECO, INC. is a
16 corporation organized under the laws of the State of California and having a
17 business address of 28544 Old Town Front Street, Suite 202, Temecula, California.

18 **FACTS COMMON TO ALL COUNTS**

19 5. This action is brought to obtain equitable and legal relief for the
20 Defendant’s infringement of Plaintiff’s United States Patents.

21 6. Plaintiff is the owner of United States Patent No. 7,513,893 entitled
22 Device and Method for Treatment of Eyelid Diseases and awarded to Dr. Abraham
23 Ebbie Soroudi (the “893 Patent”). (**Exhibit “A”**).

24 7. Plaintiff is also the owner of United States Patent No. 7,211,070
25 entitled Device and Method for Exothermic Treatment of Eyelid Diseases and
26 awarded to Dr. Abraham Ebbie Soroudi (the “070 Patent.”). (**Exhibit “B”**).

27 8. Collectively, the ‘893 and ‘070 Patents are referred to herein as the
28 Soroudi Patents.

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1 Patents, and Plaintiff will suffer irreparable injury as a direct and proximate result
2 of Defendant's conduct.

3 20. Plaintiff has been damaged and injured by Defendant's conduct, and
4 until an injunction issues will continue to be damaged and injured in an amount yet
5 to be determined.

6 21. On information and belief, Defendant knew or should have known of
7 the Soroudi Patents and the Plaintiff's rights to the patented structures.

8 22. Defendant proceeded to knowingly and willfully disregard Plaintiff's
9 rights and to infringe Plaintiff's patents.

10 23. Plaintiff is therefore entitled to an amount which is treble the amount
11 of Plaintiff's damages found or assessed.

12 24. Based on Defendant's willful infringement, Plaintiff believes this to be
13 an "exceptional" case, which entitles Plaintiff to attorney's fees pursuant to 35
14 U.S.C. § 285.

15 25. Defendant has caused and continues to cause irreparable injury to
16 Plaintiff by infringement of Plaintiff's patents.

17 **COUNT II**

18 **INDUCEMENT OF PATENT INFRINGEMENT**

19 26. Plaintiff realleges and incorporates by reference the matters alleged in
20 the foregoing paragraphs of this Complaint as if fully set forth herein.

21 27. Plaintiff has not authorized Defendant to make, use, offer for sale, sell
22 or import products infringing Plaintiff's patents.

23 28. Plaintiff is informed and believes, and based thereon alleges that
24 Defendant has infringed the Soroudi Patents by actively inducing its agents and
25 others to, among other things, make, use, import, advertise, offer for sale, and sell
26 products infringing Plaintiff's patents.

27 29. Defendant is thereby inducing others including, without limitation,
28 Defendant's distributors, retailers, and end users to infringe said patent, pursuant to

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1 35 U.S.C. § 271(b).

2 30. Unless enjoined, Defendant will continue to induce infringement of the
3 Soroudi Patents, and Plaintiff will suffer irreparable injury as a direct and proximate
4 result of Defendant's conduct.

5 31. Plaintiff has been damaged and injured by Defendant's conduct, and
6 until an injunction issues will continue to be damaged and injured in an amount yet
7 to be determined.

8 32. On information and belief, Defendant knew or should have known of
9 the Soroudi Patents and the Plaintiff's rights to the patented structure.

10 33. Defendant proceeded to knowingly and willfully disregard Plaintiff's
11 right and to infringement Plaintiff's patents.

12 34. Plaintiff is therefore entitled to an amount which is treble the amount
13 of Plaintiff's damages found or assessed.

14 35. Based on Defendant's willful infringement, Plaintiff believes this to be
15 an "exceptional" case, which entitles Plaintiff to attorney's fees pursuant to 35
16 U.S.C. § 285.

17 **COUNT III**

18 **CONTRIBUTORY PATENT INFRINGEMENT**

19 36. Plaintiff realleges and incorporates by reference the matters alleged in
20 the foregoing paragraphs of this Complaint as if fully set forth herein.

21 37. Plaintiff has not authorized Defendant to make, use, offer for sale, sell
22 or import components of products that when combined with other components
23 result in products that infringe Plaintiff's patents.

24 38. Plaintiff is informed and believes, and based thereon alleges that
25 Defendant has infringed the Soroudi Patents by, among other things, selling one or
26 more devices which comprise a material part of the patented invention especially
27 adapted for use in an infringement of Plaintiff's patents, without Plaintiff's
28 permission or authority.

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39. Defendant is thereby contributorily infringing said patent, pursuant to 35 U.S.C. § 271(c).

40. Unless enjoined, Defendant will continue to contributorily infringe the Soroudi Patents, and Plaintiff will suffer irreparable injury as a direct and proximate result of Defendant's conduct.

41. Plaintiff has been damaged and injured by Defendant's conduct, and until an injunction issues will continue to be damaged and injured in an amount yet to be determined.

42. On information and belief, Defendant knew or should have known of the Soroudi Patents and the Plaintiff's rights to the patented structure.

43. Defendant proceeded to knowingly and willfully disregard Plaintiff's right and to infringement Plaintiff's patents.

44. Plaintiff is therefore entitled to an amount which is treble the amount of Plaintiff's damages found or assessed.

45. Based on Defendant's willful infringement, Plaintiff believes this to be an "exceptional" case, which entitles Plaintiff to attorney's fees pursuant to 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Ocugiene, Inc., prays that the Court enter a judgment in favor of Plaintiff as follows:

- (1) That the Soroudi Patents are valid and enforceable;
- (2) That the Soroudi Patents are infringed by the Defendant;
- (3) That Defendant's infringement was willful;
- (4) That Defendant and its directors, officers, employees, attorneys, agents, and all persons in active concert or participation with any of the foregoing be preliminarily and permanently enjoined from further acts of infringement of the Soroudi Patents;
- (5) That Defendant be required to pay Plaintiff damages according to the

1 following:

2 a) In accordance with 35 U.S.C. § 284, the greater of \$1,000,000
3 or, actual damages, and in no event less than a reasonable royalty regarding
4 Defendant's revenues and those of its agents from infringing sales revenues and of
5 revenue conveyed thereby, consequential of Defendant's infringements, pursuant to
6 35 U.S.C. § 271(a), (b), and (c);

7 (6) That the foregoing damages awards be trebled, pursuant to 35 U.S.C. §
8 284;

9 (7) That this is an exceptional case and that Plaintiff be awarded its
10 reasonable costs and attorney's fees, pursuant to 35 U.S.C. § 285;

11 (8) That Plaintiff be awarded interest from the date of the commencement
12 of infringement; and

13 (9) That Plaintiff has such other and further relief as the Court may deem
14 equitable.

15 Dated: January 31, 2011

16
17 Respectfully submitted,
18 **LAW OFFICES OF SEPEHR DAGHIGHIAN, P.C.**

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20 
21 **SEPEHR DAGHIGHIAN, ESQ.**
22 Attorney for Plaintiff: Ocugiene, Inc.
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DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands a trial by jury of all issues raised by this Complaint which are triable by jury.

Dated: January 31, 2011

Respectfully submitted,
LAW OFFICES OF SEPEHR DAGHIGHIAN, P.C.



SEPEHR DAGHIGHIAN, ESQ.
Attorney for Plaintiff: Ocugiene, Inc.

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