

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Western Division
No. 5:12-CV-00160

PRECISION BIOSCIENCES,	)	
INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	COMPLAINT FOR PATENT
	)	INFRINGEMENT
	)	
CELLECTIS SA, CELLECTIS	)	
BIORESEARCH, and CELLECTIS	)	
BIORESEARCH INC.,	)	(JURY TRIAL DEMANDED)
	)	
Defendants.	)	

Plaintiff Precision BioSciences, Inc. brings this action for patent infringement against defendants Cellectis SA, Cellectis bioresearch and Cellectis bioresearch Inc., alleging as follows, on personal knowledge as to its own activities and on information and belief as to all other matters:

PARTIES

1. Plaintiff Precision BioSciences, Inc. (“Precision”) is a Delaware corporation having a principal place of business at 302 East Pettigrew Street, Dibrell Building, Suite A-100, Durham, North Carolina 27701.

2. Defendant Cellectis SA (“Cellectis”) is a corporation organized under the laws of France having a principal place of business at 8 Rue de la Croix Jarry, 75013 Paris, France.

3. Defendant Cellectis bioresearch (“Cellectis bioresearch”) is a corporation organized under the laws of France having a principal place of business at 8 Rue de la Croix Jarry 75013, France. Cellectis bioresearch is a subsidiary of Cellectis established in 2008.

4. Defendant Collectis bioresearch Inc. (“Collectis bioresearch USA”) is a Delaware corporation having a principal place of business at One Broadway, Cambridge Massachusetts 02142. Collectis bioresearch USA is a subsidiary of Collectis bioresearch established in 2010 and is responsible for the US-wide promotion of Collectis bioresearch products and services.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. § 101, *et seq.*

6. This Court has personal jurisdiction over Collectis, Collectis bioresearch and Collectis bioresearch USA because, *inter alia*, they regularly conduct business in North Carolina and in this judicial district, directly and through their agents, and they have committed acts of infringement in North Carolina and in this judicial district.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), 1391(d) and 1400(b).

INFRINGEMENT OF U.S. PATENT NO. 8,143,015

8. United States Patent No. 8,143,015 (the “’015 patent”), entitled “Methods of Cleaving DNA with Rationally-Designed Meganucleases,” was duly and legally issued by the United States Patent and Trademark Office on March 27, 2012.

9. Precision is the exclusive licensee of the ’015 patent and owner of all substantial rights therein and thereto, including but not limited to the right to institute and to maintain proceedings in its own name for infringement of the ’015 patent by others.

10. Collectis, Collectis bioresearch and/or Collectis bioresearch USA have infringed and, upon information and belief, will continue, subsequent to the filing of this action, to infringe one or more claims of the ’015 patent in violation of 35 U.S.C. § 271 by making, using, offering

for sale, selling and importing into the United States one or more products, including but not limited to meganucleases targeting the HPRT gene in Chinese Hamster Ovary cells, meganucleases targeting the GS gene in Chinese Hamster Ovary cells, meganucleases targeting the human RAG1 gene, and meganucleases targeting the HIV1 genome and/or by contributing to and inducing others to make, use, offer for sale, sell and import into the United States one or more products, including but not limited to meganucleases targeting the HPRT gene in Chinese Hamster Ovary cells, meganucleases targeting the GS gene in Chinese Hamster Ovary cells, meganucleases targeting the human RAG1 gene, and meganucleases targeting the HIV1 genome.

11. As a result of the infringement of the '015 patent by Collectis, Collectis bioresearch and/or Collectis bioresearch USA, Precision has suffered and continues to suffer injury to its business and property in an amount to be determined as damages.

12. Unless an injunction is issued enjoining Collectis, Collectis bioresearch and Collectis bioresearch USA, and their respective officers, agents, servants, employees and attorneys, and all those persons and entities in active concert and participation with them, from infringing the '015 patent, Precision will be irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Precision respectfully requests entry of a judgment that includes:

- A. A finding that Collectis, Collectis bioresearch and Collectis bioresearch USA have infringed the '015 patent;
- B. A preliminary and permanent injunction enjoining Collectis, Collectis bioresearch and Collectis bioresearch USA, and their respective officers, agents, servants, employees and attorneys, and all those persons and entities in active concert with them, from infringing the '015 patent;

- C. An award of damages in favor of Precision and against Collectis, Collectis bioresearch and Collectis bioresearch USA, such damages being in an amount sufficient to fully compensate Precision for infringement of the '015 patent by Collectis, Collectis bioresearch and Collectis bioresearch USA, and an assessment of prejudgment and post-judgment interest;
- D. A finding by the Court that this is an exceptional case under 35 U.S.C. § 285 and an award to Precision of its costs, expenses and attorneys' fees in this action; and
- E. Such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Precision hereby demands trial by jury as to all issues triable by jury as of right.

This the 27th day of March, 2012.

/s/ Robert J. Morris
Robert J. Morris
N.C. State Bar No. 15981
jmorris@smithlaw.com
SMITH ANDERSON BLOUNT DORSETT
MITCHELL & JERNIGAN, LLP
Wells Fargo Capitol Center
Post Office Box 2611
Raleigh, North Carolina 27602-2611
Telephone: (919) 821-6800
Facsimile: (919) 821-6800

Attorneys for Plaintiff
Precision BioSciences, Inc.

OF COUNSEL:

E. Anthony Figg
efigg@rothwellfigg.com
Sharon E. Crane, Ph.D.
scrane@rothwellfigg.com
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
607 14th Street, N.W.
Suite 800
Washington, DC 20005
Telephone: (202) 783-6040
Facsimile: (202) 783-6031