IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

DENTSPLY INTERNATIONAL INC. and MATERIALISE DENTAL, INC.,	)	
Plaintiffs,	)	CIVIL ACTION NO. 1:12CV898-LMB/TCB
v.	)	
TECHNIQUE D'USINAGE SINLAB, INC.,	)	
Defendant.	)	JURY TRIAL DEMANDED

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiffs DENTSPLY International Inc. ("DENTSPLY") and Materialise Dental, Inc. ("Materialise Dental"), a subsidiary of DENTSPLY, by counsel, hereby file this Complaint for a declaratory judgment against Defendant Technique D'Usinage Sinlab, Inc. ("Sinlab"). In support thereof, DENTSPLY and Materialise Dental state the following:

NATURE AND BASIS OF THE ACTION

1. This is an action for a declaratory judgment brought pursuant to 28 U.S.C. §§2201-2202 seeking a declaration of non-infringement and invalidity of U.S. Patents 6,382,975 (the " '975 patent"); 6,814,575 (the " '575 patent"); 7,331,786 (the " '786 patent"); 7,866,980 (the " '980 patent"); and 8,021,153 (the " '153 patent"), (collectively the "Patents-In-Suit"), all of which Sinlab asserts are infringed by DENTSPLY and Materialise Dental.

PARTIES

2. DENTSPLY is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 221 W. Philadelphia Street, York, Pennsylvania 17405.

3. Materialise Dental is a corporation organized and existing under the laws of the State of Maryland, having its principal place of business at 810-X Cromwell Park Drive, Glen Burnie, Maryland 21061 and is a subsidiary of DENTSPLY.

4. Upon information and belief, Sinlab is a Canadian federal corporation with its principal place of business at 3517 Boul De La Grande-Allée, Broisbriand, Quebec J7H 1H5 Canada and a registered office address at 52, rue des Feux-Follets, Morin-Heights, Quebec J0R 1H0 Canada.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1332, 1338 and 2201.

6. This Court has personal jurisdiction over Sinlab pursuant to 35 U.S.C. §293.

7. Venue is proper in this district pursuant to 35 U.S.C. §293.

FACTS COMMON TO ALL COUNTS

8. DENTSPLY and Materialise Dental are in the business of, among other things, developing, manufacturing and selling dental equipment and materials, including, *inter alia*, dental prosthetic modeling machines.

9. On or about June 14, 2012, Sinlab, through U.S. counsel, sent a cease and desist notice to DENTSPLY alleging that DENTSPLY was "infringing upon" each of the '975, '575, '786, '980 and '153 patents "in direct violation of 35 U.S.C. § 271" and informing DENTSPLY that "[t]he purpose of this letter is to demand that you immediately cease and desist in any further activities which infringe upon" those patents.

10. The June 14, 2012 letter further threatened that unless DENTSPLY took action by July 2, 2012 at 5:00 pm, Sinlab had authorized its counsel to "file a lawsuit" against DENTSPLY. A copy of the June 14, 2012 letter is attached as Exhibit 1.

11. On or about July 26, 2012, responding to a request from DENTSPLY's in-house patent counsel for more information about which DENTSPLY product or products were alleged to be infringed, Sinlab's counsel again accused DENTSPLY of infringing all of the previously identified patents.

12. The July 26, 2012 letter further stated that "We are proceeding with litigation against all parties who are infringing upon our client's patents." and stating that "If we do not receive a favorable response by 5:00 p.m. on August 10, 2012 we will be filing suit against Dentsply." A copy of the July 26, 2012 letter is attached as Exhibit 2.

13. On or about June 14, 2012, Sinlab, through U.S. counsel, also sent a cease and desist notice to Materialise Dental alleging that it was "infringing upon" each of the '975, '575, '786, '980 and '153 patents "in direct violation of 35 U.S.C. § 271" and informing Materialise Dental that "[t]he purpose of this letter is to demand that you immediately cease and desist in any further activities which infringe upon" those patents.

14. The June 14, 2012 letter further threatened that unless Materialise Dental took action by July 2, 2012, at 5:00 pm, Sinlab had authorized its counsel to "file a lawsuit" against Materialise Dental. A copy of the June 14, 2012 letter is attached as Exhibit 3.

15. Sinlab also announced its intention to take legal action against DENTSPLY, Materialise Dental, and other entities in a June 19, 2012 press release by Capital Pro-Égaux Inc., a company purporting to be Sinlab's parent company. A copy of that press release is attached as Exhibit 4.

16. As a result of the June 14, 2012 and the July 26, 2012 letters from Sinlab and its June 19, 2012 press release, an actual and justiciable controversy exists between DENTSPLY and Materialise Dental and Sinlab regarding the infringement of the products and systems of DENTSPLY and Materialise Dental and of the validity of the Patents-In-Suit.

COUNT I
DECLARATION OF NON-INFRINGEMENT AND/OR INVALIDITY OF THE '975 PATENT

17. Paragraphs 1 through 16 are hereby incorporated by reference as if set forth in full.

18. Sinlab has asserted it is the owner of all right and interest in the '975 patent, entitled "Manufacturing A Dental Implant Drill Guide And A Dental Implant Superstructure." A copy of the '975 patent is attached as Exhibit 5.

19. One or more claims of the '975 patent are invalid for violation of one or more provisions of U.S.C. §§102, 103, 112 and/or 282.

20. DENTSPLY and Materialise Dental have not and do not directly or indirectly infringe any valid and enforceable claim of the '975 patent.

21. DENTSPLY and Materialise Dental are entitled to a declaration that one or more claims of the '975 patent are invalid and that they have not and do not directly or indirectly infringe any valid and enforceable claim of the '975 patent.

COUNT II
DECLARATION OF NON-INFRINGEMENT AND/OR INVALIDITY OF THE '575 PATENT

22. Paragraphs 1 through 16 are hereby incorporated by reference as if set forth in full.

23. Sinlab has asserted it is the owner of all right and interest in the '575 patent, entitled "Manufacturing A Dental Implant Drill Guide And A Dental Implant Superstructure." A copy of the '575 patent is attached as Exhibit 6.

24. One or more claims of the '575 patent are invalid for violation of one or more provisions of U.S.C. §§102, 103, 112 and/or 282.

25. DENTSPLY and Materialise Dental have not and do not directly or indirectly infringe any valid and enforceable claim of the '575 patent.

26. DENTSPLY and Materialise Dental are entitled to a declaration that one or more claims of the '575 patent are invalid and that they have not and do not directly or indirectly infringe any valid and enforceable claim of the '575 patent.

COUNT III
DECLARATION OF NON-INFRINGEMENT AND/OR INVALIDITY OF THE '786 PATENT

27. Paragraphs 1 through 16 are hereby incorporated by reference as if set forth in full.

28. Sinlab has asserted it is the owner of all right and interest in the '786 patent, entitled "Manufacturing A Dental Implant Drill Guide And A Dental Implant Superstructure." A copy of the '786 patent is attached as Exhibit 7.

29. One or more claims of the '786 patent are invalid for violation of one or more provisions of U.S.C. §§102, 103, 112 and/or 282.

30. DENTSPLY and Materialise Dental have not and do not directly or indirectly infringe any valid and enforceable claim of the '786 patent.

31. DENTSPLY and Materialise Dental are entitled to a declaration that one or more claims of the '786 patent are invalid and that they have not and do not directly or indirectly infringe any valid and enforceable claim of the '786 patent.

COUNT IV
DECLARATION OF NON-INFRINGEMENT AND/OR INVALIDITY OF THE '980 PATENT

32. Paragraphs 1 through 16 are hereby incorporated by reference as if set forth in full.

33. Sinlab has asserted it is the owner of all right and interest in the '980 patent, entitled "Manufacturing Of A Dental Implant Superstructure." A copy of the '980 patent is attached as Exhibit 8.

34. One or more claims of the '980 patent are invalid for violation of one or more provisions of U.S.C. §§102, 103, 112 and/or 282.

35. DENTSPLY and Materialise Dental have not and do not directly or indirectly infringe any valid and enforceable claim of the '980 patent.

36. DENTSPLY and Materialise Dental are entitled to a declaration that one or more claims of the '980 patent are invalid and that they have not and do not directly or indirectly infringe any valid and enforceable claim of the '980 patent.

COUNT V
DECLARATION OF NON-INFRINGEMENT AND/OR INVALIDITY OF THE '153 PATENT

37. Paragraphs 1 through 16 are hereby incorporated by reference as if set forth in full.

38. Sinlab has asserted it is the owner of all right and interest in the '153 patent, entitled "Manufacturing A Dental Implant Drill Guide And A Dental Implant Superstructure." A copy of the '153 patent is attached as Exhibit 9.

39. One or more claims of the '153 patent are invalid for violation of one or more provisions of U.S.C. §§102, 103, 112 and/or 282.

40. DENTSPLY and Materialise Dental have not and do not directly or indirectly infringe any valid and enforceable claim of the '153 patent.

41. DENTSPLY and Materialise Dental are entitled to a declaration that one or more claims of the '153 patent are invalid and that they have not and do not directly or indirectly infringe any valid and enforceable claim of the '153 patent.

DEMAND FOR JURY TRIAL

42. DENTSPLY and Materialise Dental demand a trial by jury on all issues so triable.

REQUESTED RELIEF

WHEREFORE, DENTSPLY and Materialise Dental request this Court to:

(a) enter an order declaring that one or more claims of the '975 patent are invalid;

(b) enter an order declaring that DENTSPLY and Materialise Dental have not and do not directly or indirectly infringe any valid and enforceable claim of the '975 patent;

(c) enter an order declaring that one or more claims of the '575 patent are invalid;

(d) enter an order declaring that DENTSPLY and Materialise Dental have not and do not directly or indirectly infringe any valid and enforceable claim of the '575 patent;

(e) enter an order declaring that one or more claims of the '786 patent are invalid;

(f) enter an order declaring that DENTSPLY and Materialise Dental have not and do not directly or indirectly infringe any valid and enforceable claim of the '786 patent;

(g) enter an order declaring that one or more claims of the '980 patent are invalid;

(h) enter an order declaring that DENTSPLY and Materialise Dental have not and do not directly or indirectly infringe any valid and enforceable claim of the '980 patent;

(i) enter an order declaring that one or more claims of the '153 patent are invalid;

(j) enter an order declaring that DENTSPLY and Materialise Dental have not and do not directly or indirectly infringe any valid and enforceable claim of the '153 patent;

(k) enter an order declaring that this is an exceptional case and award to DENTSPLY and Materialise Dental their costs and reasonable attorneys' fees incurred in prosecuting this action;

(l) award DENTSPLY and Materialise Dental their costs pursuant to 28 U.S.C. §1920; and

(m) grant such other and further relief as the Court deems just and proper.

DENTSPLY INTERNATIONAL INC.
MATERIALISE DENTAL, INC.

By _____
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