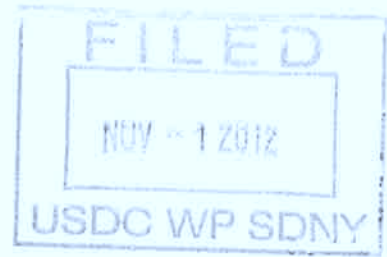


Francisco A. Villegas
fvillegas@cohengresser.com
Joyce E. Kung
jkung@cohengresser.com
COHEN & GRESSER LLP
800 Third Avenue, 21st Floor
New York, New York 10022
Telephone: (212) 957-7600
Facsimile: (212) 957-4514
Attorneys for Plaintiffs



**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

12 CV 8022

NEUROGRAFIX; NEUROGRAPHY
INSTITUTE MEDICAL ASSOCIATES,
INC.; and IMAGE-BASED
SURGICENTER CORPORATION,

Plaintiffs,

vs.

CORNELL UNIVERSITY; NEW YORK-
PRESBYTERIAN HEALTHCARE
SYSTEM, INC.; and WEILL CORNELL
IMAGING AT NEW YORK-
PRESBYTERIAN,

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT
INFRINGEMENT AND DEMAND FOR JURY TRIAL**

Plaintiffs NeuroGrafix, Neurography Institute Medical Associates, Inc. ("NIMA"), and Image-Based Surgicenter Corporation ("IBSC") (collectively, "Plaintiffs") allege as follows:

1. This case is an action for patent infringement of United States Patent No. 5,560,360 (the "'360 Patent") under the Patent Laws of the United States, as set forth in 35 U.S.C. §§271 and 280 through 285.

PARTIES

2. Plaintiff NIMA is incorporated in the State of Pennsylvania (Corporation # 3191217) and in the State of California (Corporation # 2127979) with its two principal places of business at 203 East 60th Street, New York, New York, 10022 (formerly at 75 Park Place New York, New York, 10007) and in Pasadena, California. Its designated representative and medical director, Dr. Aaron Filler, M.D., Ph.D. is a physician licensed in the State of New York (New York License # - 254556) and in the State of California (California License # - G81778). Dr. Filler practices medicine in California and in New York.

3. Plaintiff NeuroGrafix is a California corporation with its two principal places of business in Philadelphia, Pennsylvania (neurography marketing and neurography clinical technology) and in Santa Monica, California (corporate management & DTI research).

4. Plaintiff Image-Based Surgicenter Corporation ("IBSC") is a California corporation with its principal place of business in Santa Monica, California.

5. On information and belief, defendant Cornell University is a non-profit education corporation chartered under the laws of New York State with principal places of business located at 144 East Avenue, Ithaca, New York 14850 and 1300 York Avenue, New York, New York 10065, the location of Weill Cornell Medical College, which is a component of Cornell University.

6. On information and belief, defendant New York-Presbyterian Healthcare System, Inc. ("New York-Presbyterian Healthcare System") is a New York corporation with a principal place of business located at 525 East 68th St., New York, New York 10065 and has an affiliation with Weill Cornell Medical College. See <http://www.nypsystem.org/about.html>.

7. On information and belief, defendant Weill Cornell Imaging at New York-Presbyterian is a New York corporation with a principal place of business located at 525 East 68th St., New York, New York 10065. Cornell University, New York-Presbyterian Healthcare System and Weill Cornell Imaging at New York-Presbyterian are collectively referred to as Defendants.

JURISDICTION AND VENUE

8. This Court has federal subject matter jurisdiction over this action under 28 U.S.C. §§1331, 1332(a)(1), 1332(c)(1) and 1338(a).

9. Venue is proper in this Court pursuant to 28 U.S.C. §§1391(a), 1391(c), and 1400(b), including without limitation because Defendants are advertising, marketing, using, selling, and/or offering to sell products in this Judicial District.

BACKGROUND

10. The University of Washington, a public institution of higher education in the state of Washington, is the owner by assignment of the '360 Patent entitled "Image Neurography and Diffusion Anisotropy Imaging." The '360 Patent issued on October 1, 1999. A true and correct copy of the '360 Patent is attached as Exhibit A.

11. Aaron G. Filler, Jay S. Tsuruda, Todd L. Richards, and Franklyn A. Howe are listed as the inventors of the '360 Patent.

12. Washington Research Foundation ("WRF"), a not-for-profit corporation incorporated and existing under the laws of the State of Washington, holds substantially all rights in the '360 Patent and has exclusively licensed substantially all rights in the '360 Patent to NeuroGrafix in December of 1998. On June 15, 2012, WRF and NeuroGrafix entered into an Amended and Restated Non-Terminable Exclusive License Agreement in which WRF granted

NeuroGrafix an exclusive license to substantially all rights in the '360 Patent and retained no reversionary rights to the '360 Patent.

13. On September 14, 2011, NeuroGrafix and NIMA entered into an amended license agreement in which NIMA received the exclusive right to practice the '360 Patent in all fields of use, but granted back to NeuroGrafix an exclusive license to practice the '360 Patent in the field of use of non-human, non-surgical medicine. On September 14, 2011, NIMA and IBSC entered into an exclusive license agreement in which NIMA granted to IBSC an exclusive license to practice the '360 Patent in the field of human, surgical medicine. Accordingly, NeuroGrafix has an exclusive license to the '360 Patent in the field of use of non-human, non-surgical medicine, IBSC has an exclusive license in the field of use of human, surgical medicine, and NIMA has an exclusive license in the field of use of human, nonsurgical medicine.

14. NeuroGrafix, NIMA and IBSC have been investing in and practicing the technology disclosed in the '360 Patent since at least 2000.

COUNT I **PATENT INFRINGEMENT**

15. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 14 above, inclusive, as if fully repeated and restated herein.

16. Defendants have been and still are directly (literally and under the doctrine of equivalents) infringing at least claim 36 of the '360 Patent by making, using, selling, offering to sell, or importing, without license or authority, products and services that include, without limitation, the performance of diffusion tensor imaging and diffusion anisotropy based tractography. See

<http://www.cornellradiology.com/research/index.html?name1=Recent+Publications&type1=2>Active. On information and belief, New York-Presbyterian Healthcare System owns and operates

General Electric Company ("GE") Magnetic Imaging Resonance Imaging ("MRI") scanners that include both software and hardware components that can be used for infringing purposes. This includes hardware used to obtain diffusion gradient images in six or more directions along with software and workstations used to infringe upon at least claim 36 of the '360 Patent. On information and belief, Cornell University and Weill Cornell Imaging at New York Presbyterian Hospital both employ physicians who prepare technical operating prescriptions for MRI studies that infringe upon the '360 Patent and carry out the steps of vector processing and tractography using software and hardware owned by their respective employers or New York-Presbyterian Healthcare System. Thus, by making, using, importing, offering for sale, and/or selling such products and software, Defendants have injured Plaintiffs and are thus liable to Plaintiffs for infringement of the '360 Patent under 35 U.S.C. § 271(a).

17. To the extent that facts learned in discovery show that Defendants' infringement of the '360 Patent is or has been willful, Plaintiffs reserve the right to request such a finding at the time of trial.

18. As a result of Defendants' infringement of the '360 Patent, Plaintiffs have suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court.

19. Defendants' wrongful acts have damaged and will continue to damage Plaintiffs irreparably, and Plaintiffs have no adequate remedy at law for those wrongs and injuries. In addition to their actual damages, Plaintiffs are entitled to a preliminary and permanent injunction restraining and enjoining Defendants and their agents, servants and employees, and all persons acting thereunder, in concert with, or on their behalf, from infringing the '360 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter:

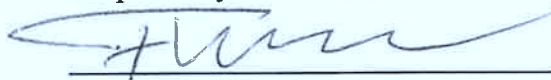
1. A judgment in favor of Plaintiffs that Defendants have directly infringed the '360 Patent;
2. An injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert or privity with any of them from infringing the '360 Patent;
3. A judgment and order requiring Defendants to pay Plaintiffs their damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '360 Patent as provided under 35 U.S.C. § 284;
4. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiffs their reasonable attorneys' fees; and
5. Any and all other relief to which Plaintiffs may show themselves to be entitled.

JURY TRIAL DEMANDED

Plaintiffs hereby demand a trial by jury of all issues so triable.

Dated: November 1, 2012

Respectfully submitted,



Francisco A. Villegas
fvillegas@cohengresser.com
Joyce E. Kung
jkung@cohengresser.com
COHEN & GRESSER LLP
800 Third Avenue, 21st Floor
New York, NY 10022
Telephone: (212) 957-7600
Facsimile: (212) 957-4514

Of Counsel:
Marc A. Fenster
mfenster@raklaw.com
Andrew D. Weiss

aweiss@raklaw.com

Fredricka Ung

fung@raklaw.com

Russ August & Kabat

12424 Wilshire Boulevard, 12th Floor

Los Angeles, CA 90025

Telephone: (310) 826-7474

Facsimile: (310) 826-6991

*Attorneys for Plaintiffs Neurography Institute
Medical Associates, Inc., NeuroGrafix, and Image-
Based Surgicenter Corporation*