

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

LEE ANGROS, an individual,

Plaintiff,

v.

**VENTANA MEDICAL SYSTEMS, INC.,
a Delaware corporation,**

Defendant.

Case No. _____

COMPLAINT

COMES NOW, Plaintiff, Lee Angros, (“Plaintiff”), by his attorneys, and for his Complaint against Defendant, Ventana Medical Systems, Inc. (“Ventana”), states and alleges as follows:

Nature of the Action

1. This is an action for patent infringement.

The Parties

2. Plaintiff is an individual residing in Oklahoma City, Oklahoma.
3. Ventana is, upon information and belief, a for profit corporation organized under the laws of the state of Delaware, and has its principal place of business in Tucson, Arizona.
4. Ventana is, upon information and belief, wholly-owned by its parent company, Roche Holdings AG and is a member of The Roche Group.

Jurisdiction and Venue

5. This Court has subject matter jurisdiction over this action under at least 28 U.S.C. §§ 1338 and 2201.

6. Ventana is subject to personal jurisdiction in this Court, being registered to do business in Oklahoma, as well as having made sales of the infringing devices in this judicial district.

7. Venue is appropriate in this district pursuant to 28 U.S.C. § 1391.

Background

8. Plaintiff is the owner of each of the following United States Letters Patents (“the Angros patents”):

a. On January 13, 2009, the United States Commissioner of Patents and Trademarks issued United States Patent No. 7,476,362 to Lee Angros for an invention titled “In Situ Heat Induced Antigen Recovery and Staining Apparatus and Method” (the ‘362 patent).

b. On December 15, 2009, the United States Commissioner of Patents and Trademarks issued United States Patent No. 7,632,461 for an invention titled “In Situ Heat Induced Antigen Recovery and Staining Apparatus and Method” (“the ‘461 Patent”).

c. On August 30, 2011, the United States Commissioner of Patents and Trademarks issued United States Patent No. 8,007,720 for an invention titled “In Situ Heat Induced Antigen Recovery and Staining Apparatus and Method” (“the ‘720 Patent”).

d. On August 30, 2011, the United States Commissioner of Patents and Trademarks issued United States Patent No. 8,007,721 for an invention titled “In Situ Heat Induced Antigen Recovery and Staining Apparatus and Method” (“the ‘721 Patent”).

e. On November 8, 2011, the United States Commissioner of Patents and Trademarks issued United States Patent No. 8,052,927 for an invention titled “In Situ Heat Induced Antigen Recovery and Staining Apparatus and Method” (“the ‘927 Patent”).

f. On December 6, 2011, the United States Commissioner of Patents and Trademarks issued United States Patent No. 8,071,023 for an invention titled “In Situ Heat Induced Antigen Recovery and Staining Apparatus and Method” (“the ‘023 Patent”).

g. On January 10, 2012, the United States Commissioner of Patents and Trademarks issued United States Patent No. 8,092,742 for an invention titled “In Situ Heat Induced Antigen Recovery and Staining Apparatus and Method” (“the ‘742 Patent”).

9. Ventana has been infringing the Patents-in-Suit by making, using, selling and offering for sale, products embodying the patented inventions, and will continue to do so unless enjoined by this Court.

10. Ventana has known about the Patents-in-Suit since the respective dates of issue, and Ventana has pursued its knowing and willful infringement thereof in flagrant disregard of Plaintiff’s rights thereunder.

WHEREFORE, Plaintiff, Lee Angros, demands:

- (a) an injunction against Ventana's continued infringement of the Patents;
- (b) an accounting for damages resulting from Ventana's infringement and the trebling of such damages because of the knowing willful and wanton nature of Ventana's conduct;
- (c) an assessment of interest on the damages so computed;
- (d) an award of Plaintiff's attorneys' fees and costs in this action; and
- (e) such other and further relief as this Court may deem just and proper.

JURY DEMAND REQUESTED

Dated: November 14, 2012

Respectfully submitted,

s/ Phillip L. Free, Jr.

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