ANTICANCER, INC.
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Attorney for Plaintiff AntiCancer, Inc.

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

ANTICANCER, INC., a California corporation,

Plaintiff,

v.

CELLSIGHT TECHNOLOGIES, INC., a Delaware corporation; and DOES 1-50,

Defendants.

Case No. 10 CV 2515 MMA BLM

COMPLAINT FOR:

(1) INFRINGEMENT OF U.S. PATENTS NOS. 6,759,038 AND 6,649,159
(2) COPYRIGHT INFRINGEMENT
(3) FALSE DESIGNATION OF ORIGIN AND FALSE DESCRIPTION
(4) UNFAIR COMPETITION

DEMAND FOR JURY TRIAL

AntiCancer, Inc., by and through its counsel, alleges for its Complaint against CellSight Technologies, Inc. and Does 1-50, inclusive as follows:

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over AntiCancer's claims for patent infringement, copyright infringement, trademark infringement and related claims arises under Titles 35, 17, and 15 of the United States Code and under 28 U.S.C. §§ 1331 and 1338(a).

2. This Court has supplemental jurisdiction over AntiCancer's claims arising

under the laws of the State of California pursuant to 28 U.S.C. § 1367(a) because those claims are so related to AntiCancer's claims under federal law that they form part of the same case or controversy and derive from a common nucleus of operative fact.

3. Venue is proper in this judicial district under pertinent law, including, *inter alia*, 28 U.S.C. §§ 1391(b), (c).

THE PARTIES

4. Plaintiff AntiCancer, Inc. ("AntiCancer") is a corporation organized and existing under the laws of the State of California and having as its principal place of business San Diego, California. Via years of research and innovation (and large investments of time, capital, and effort by its scientists and researchers), AntiCancer has developed patented techniques to, among other things,

- track metastasis of tumor cells in live lab animals through the use of fluorescent proteins, including green fluorescent protein ("GFP"), a protein which occurs naturally in a species of jellyfish, *Aequorea victoria* (known as the crystal jelly);
- optically image gene expression in live animals; and
- evaluate candidate protocols or drugs for treating disease using fluorescent proteins.

5. GFP is understood by those skilled in the art to mean a protein which fluoresces green or any other color and includes fluorophores such as red fluorescent protein (RFP) and/or DsRed.

6. AntiCancer has both developed and practices groundbreaking methods of fluorescence optical imaging. AntiCancer's scientists engineer tumor cells encoded with GFP and other fluorophores, which glow when excited by blue light. These tumor cells are implanted into laboratory animals (such as live mice) via such means as subcutaneous injection and surgical orthotopic implantation. When the cells fluoresce, they glow green (or other colors, depending on the fluorescent protein used), enabling scientists to track their growth and spread in the living animal in real time by fluorescence imaging (or afterward under a microscope). These methods are highly useful for learning whether a given drug or treatment regimen is slowing, stopping, or having no effect on the tumor cells being looked at.

7. AntiCancer is widely recognized as a world leader in fluorescence optical imaging. For example, the National Cancer Institute (NCI) has recognized AntiCancer in its print publications as "a leader in small-animal imaging technology and mouse models" and the developer of "leading mouse models for cancer research." In these same publications NCI noted that AntiCancer's mouse models "are now used in contract research with pharmaceutical and biotechnology companies to support novel cancer drug discovery and evaluation." And, in announcing the 2008 award of the Nobel Prize in Chemistry to three pioneers in the field of GFP, the Nobel committee cited AntiCancer's methods of using GFP to watch cancer cells spread by stating:

> The remarkable brightly glowing green fluorescent protein, GFP, was first observed in the beautiful jellyfish, *Aequorea victoria*, in 1962. Since then, this protein has become one of the most important tools used in contemporary bioscience. With the aid of GFP, researchers have developed ways to watch processes that were previously invisible, such as the development of nerve cells in the brain **or how cancer cells spread**.

(Emphasis added.)

8. AntiCancer has trademarked it's fluorescence mouse models as, among other trademarks, "MetaMouse." (See Certificate of Registration, Exhibit 1). Optical images obtained through the use of MetaMouse models are extremely valuable to researchers, and a primary purpose of a customer or licensee purchasing AntiCancer's products and services is to obtain such quality images. Thus, AntiCancer's use of MetaMouse images in its marketing and advertising are seen in the public as both proof of the efficacy of AntiCancer's products and services, as well as the actual product and service itself.

9. Defendant CellSight Technologies, Inc. ("CellSight") is a corporation organized and existing under the laws of the State of Delaware and having as its principal places of business in San Francisco and Los Angeles, California. It is primarily a CRO offering molecular imaging services using "multiple imaging strategies in living subjects," including fluorescence optical imaging services. On information and belief, CellSight has extensive contacts with, advertises to, and provides services for customers in San Diego County's academic, biotech, and pharmaceutical industries.

10. The true names and capacities, whether individual, corporate, associate, representative or otherwise, of DOES 1 through 50, inclusive, are unknown to plaintiff, who therefore sues them by such fictitious names. Plaintiff will seek leave to amend this complaint to show the true names and capacities of said defendants when they are ascertained. Plaintiff is informed and believes, and thereupon alleges, that each of the defendants named as a Doe, along with the named defendants, is responsible in some manner for the occurrences herein alleged, and that plaintiff's injuries herein alleged were legally or proximately caused by said defendants. Wherever it is alleged that any act or omission was also done or committed by any specifically named defendant, or by defendants generally, plaintiff intends thereby to allege, and does allege, that the same act or omission was also done and committed by each and every defendant named as a Doe, and each named defendant, both separately and in concert or conspiracy with the named defendants.

11. At all times mentioned herein, defendants, and each of them, were the agents, servants, co-conspirators, or employees of one another, and the acts and omissions herein alleged were done or suffered by them, acting individually and through or by their alleged capacity, within the scope of their authority. Each of the defendants aided and abetted and rendered substantial assistance in the accomplishment of the acts complained of herein. In taking the actions, as particularized herein, to aid and abet and substantially assist in the commission of the misconduct complained of, each defendant acted with an awareness of his, her or its primary wrongdoing and realized that his, her or its conduct would substantially assist in the accomplishment of that misconduct and was aware of his, her or its overall contribution to, and furtherance of the conspiracy, common enterprise, and common course of conduct. Defendants' acts of aiding and abetting included, *inter alia*, all of the acts each defendant is alleged to have committed in furtherance of the conspiracy, common enterprise, and common course of conduct complained of herein.

THE PATENTS-IN-SUIT

12. U.S. Patent. No. 6,759,038 (the "'038 patent"). The '038 patent (Exhibit 2) relates to the study of tumor progression. Specifically, it concerns model systems for tracking

cancer cells and tumor metastasis in vertebrates and evaluating candidate drugs for treating the tumors. It claims methods for following metastasis by looking at GFP-expressing tumor cells in vertebrate animal organ tissues, including humans. The priority date of the '038 patent is March 27, 1998.

13. U.S. Patent. No. 6,649,159 (the "'159 patent"). The '159 patent (Exhibit 3) relates to the whole-body external optical imaging of gene expression. It claims methods for such imaging, and methods for evaluating candidate protocols or drugs for treating disease using fluorophores linked to the endogenous promoters of genes. These methods offer noninvasive and real-time means for recording and analyzing gene expression in animals and humans. The '159 patent does not limit the methods by which the images produced by fluorescence optical tumor imaging can be monitored. Instead, any suitable methods are encompassed by the claims of the '159 patent. (For example, Example 1 to the specification of the '159 patent provides that high resolution images can be captured by computer, or continuously through video output onto videotape.) The priority date of the '159 patent is March 17, 2000.

14. When a user uses AntiCancer's methods to image GFP-expressing tumor cells or gene expression in a lab animal, it infringes AntiCancer's patents unless done pursuant to a license with AntiCancer.

15. AntiCancer frequently practices these (and other) methods for its own customers as part of its business as a CRO, both for commercial customers (such as pharmaceutical companies) and non-commercial customers (such as universities). AntiCancer has also extensively licensed the '159 and '038 patents.

DEFENDANTS' WRONGFUL COURSE OF CONDUCT

16. CellSight's website offers various products and services that individually and/or when combined directly infringe on claims in AntiCancer's '038 and '159 patents, and/or induce CellSight's customers to so infringe, including but not limited to the following:

- "Cell Kinetics Services Offered[:] Track changes in transplanted-tissues at multiple desired time points . . . Analyze effect of drugs on cells" (Exhibit 4);

- "Gene Expression Services Offered[:] Monitor endogenous gene expression and effect of external factors on the expression" (Exhibit 4, Pages 1-2);

- "Custom Services Offered[:] Genetically engineer cells to express one or more imaging reporter genes of different modalities[;] Assay cells or tissues for imaging reporter gene expression[;] . . . Pre-clinical and clinical reporter gene imaging studies[;] Monitor cancer therapy efficacy through reporter gene imaging or general molecular imaging" (Exhibit 4, Page 2); and

- "Methods to perform reporter gene imaging in living subjects include: Fluorescence[;] Bioluminescence[;] Positron Emission Tomography (PET)[:] CellSight Technologies provides means to combine the three methods of gene imaging with a single tri-fusion multimodality reporter gene. You can then track implanted cells or genes from preclinical applications and then translate to clinical applications. . . .Therapy developers can use the same triple fusion gene during therapy development for imaging cells in vitro all the way to imaging living subjects." (Exhibit 5, Page 2).

- "Technology - Genetic Engineering[:] Reporter Gene Technique For Imaging Cell Kinetics[:] Cells desired to be monitored are genetically engineered in culture by transfection, transduction or electroporation/nucleofection to constitutively express the reporter gene and then administered into the living subject. At any desired time-point thereafter a specific imaging probe can be injected to determine cell kinetics. This technique can be used to image all aspects of cell kinetics." (Exhibit 6).

- "Technology - Fluorescence Optical Imaging[:] Fluorescence images are obtained by detecting light of a certain wavelength emitted from molecules that have been excited by light of another wavelength. Various sensitive instruments are available for fluorescence imaging." (Exhibit 7); and

- "Fluorescence Reporter Genes[:] Fluorescence reporter genes, such as those encoding green fluorescent protein (GFP) and red fluorescent protein offer many in vitro and in vivo molecular-genetic applications. . . . Fluorescence Imaging of Reporter genes Can be Used to Image the Following Non-Invasively

in Small Animals[:] Transgene expression (Gene therapy monitoring)[;] Endogenous gene expression[;] Cell kinetics (cell therapy, regenerative medicine and cancer therapy)" (Exhibit 7);

17. CellSight's "Technology - Fluorescence Optical Imaging" web page prominently features a copyrighted and trademarked AntiCancer MetaMouse image of an RFP glioma (brain tumor) in a living mouse (Exhibit 7). CellSight copied this image directly from AntiCancer's website. Exhibit 8 is a copy of the page from AntiCancer's Metamouse website, which shows the image, along with its associated copyright notice, MetaMouse trademark, and indications of origin, all of which were deleted by CellSight before being posted on the CellSight website. Notably, this image is the one and only fluorescence optical image of an experimental animal featured on the entire CellSight website.

18. Adjacent to AntiCancer's MetaMouse image in Exhibit 7 is an illustration that reproduces, in all pertinent respects, Figure 2B in AntiCancer's '159 patent (see Exhibit 3, page 3).

19. CellSight's website prominently features and distributes a book entitled *Molecular Imaging With Reporter Genes*, which is edited (and written in large part) by the Chairman of CellSight's Scientific Advisory Board, Sanjiv Sam Gambhir, MD, Ph.D. ("Dr. Gambhir") and CellSight's Chief Technology Officer, Shahriar S. Yaghoubi, Ph.D. (Dr. Yaghoubi") (Exhibit 9). CellSight's prominent distribution of this book on its website, directly alongside advertisements for CellSight's services, implies and represents to CellSight's past, current, and prospective customers that CellSight has practiced the methods described in the book and is offering its commercial services to perform such methods for customers.

20. *Molecular Imaging With Reporter Genes* contains numerous descriptions and detailed instructions for performing fluorescence optical imaging in ways that individually or when combined with each other or with other statements made by CellSight on its website, directly infringe on claims in AntiCancer's '038 and '159 patents, and/or induce CellSight's customers to so infringe, including but not limited to the following illustrative examples:

- "Monitoring Tumor Mass[:] Noninvasive reporter gene imaging offers excellent opportunities to understand cancer progression, metastasis, and therapy in whole animals. Individual animals can be visually monitored for tumor burden at primary sites, difference in tumor progression rates can be distinguished, the possibility of metastases can investigated, individual responses to alternative therapies can be repeatedly monitored, and therapies can be altered and the consequences of these alterations observed." (Exhibit 9, page 2); and

- "Optical fluorescence imaging (FLI) can image a variety of *in vivo* processes including gene expression occurring in cells located within tissues of live small laboratory animal subjects (mostly mice) by observing the body surface distribution of FL signal. Specific genes of interest can be linked with reporter genes in transgenic animals and their expression followed *in vivo* over the animal's lifetime. This approach has also ben used in important *in vivo* applications such as monitoring therapeutic gene delivery strategies, tracking infectious diseases, and following the proliferation of cancer cells and their progeny in xenograft and transplant tumor models. The FL proteins are isolated from living organisms and the gene that encodes for these proteins may be inserted into cells and used as a reporter gene. GFP has been widely used in biological research for cell culture and *ex vivo* study of tissue sections as well as *in vivo* studies." (Exhibit 9, page 3).

21. In or around 2009 Drs. Gambhir and Yaghoubi were interviewed about techniques used at CellSight in an article titled "Advances in Imaging Techniques Help Drive Stem Cell Research Forward." (Exhibit 10.) The article states "Gambhir founded a company, CellSight Technologies in Sunnyvale, California, to pursue reporter-based imaging techniques. They will develop methods to image 'anything about the status of the cell,' said Yaghoubi, who serves part-time as chief scientific officer." (Exhibit 10, page 2.)

22. According to an Internal Revenue Service list of companies who received grants under its Qualifying Therapeutic Discovery Project, CellSight will have spent at least $202,209.00 on "Imaging cell trafficking to advance clinical translation of cell and gene therapeutics." (Exhibit 11, page 2.)

23. At all relevant times, CellSight has engaged in a pattern of willful, direct

infringement, and inducement of third party infringement, of AntiCancer's intellectual property, including patents, copyrights, and trademarks, with the purpose and effect of unfairly competing with AntiCancer and depriving AntiCancer of licensing and contract research revenue.

FIRST CLAIM FOR RELIEF

(Infringement of '038 Patent)

24. Plaintiff realleges and incorporates by reference as though fully set forth preceding paragraphs 1 through 23.

25. The '038 Patent issued on July 6, 2004. A true and correct copy of the '038 Patent is attached hereto as Exhibit 2 and incorporated herein by this reference.

26. Plaintiff is the sole owner of the '038 Patent.

27. Plaintiff is informed and believes that CellSight has infringed, and still is infringing, the '038 patent by making, using, selling, offering for sale and/or licensing products and services covered by one or more claims of the '038 Patent without plaintiff's authorization or consent.

28. Plaintiff is informed and believes that CellSight has infringed the '038 Patent and encouraged others to do so, and will continue to do so unless enjoined by this Court.

29. Plaintiff is informed and believes, and on that basis, alleges that CellSight is aware of the '038 Patent and that its infringement has been willful.

30. Plaintiff is informed and believes that CellSight is actively inducing and/or contributing to infringement of the '038 Patent by others, all of whom are sued herein as DOES 1 through 50. Plaintiff will seek leave to amend this complaint to show the true names and capacities of said defendants when they are ascertained.

31. By reason of the foregoing, plaintiff has suffered damages in an amount to be proven at trial and, in addition, has suffered irreparable loss and injury.

32. The acts of infringement described above are willful, deliberate and in reckless disregard of plaintiff's patent rights.

SECOND CLAIM FOR RELIEF

(Infringement of '159 Patent)

33. Plaintiff realleges and incorporates by reference as though fully set forth preceding paragraphs 1 through 32.

34. The '159 Patent issued on November 18, 2003. A true and correct copy of the '159 Patent is attached hereto as Exhibit 3 and incorporated herein by this reference.

35. Plaintiff is the sole owner of the '159 Patent.

36. Plaintiff is informed and believes that CellSight has infringed, and still is infringing, the '159 patent by making, using, selling, offering for sale and/or licensing products and services covered by one or more claims of the '159 Patent without plaintiff's authorization or consent.

37. Plaintiff is informed and believes that CellSight has infringed the '159 Patent and encouraged others to do so, and will continue to do so unless enjoined by this Court.

38. Plaintiff is informed and believes, and on that basis, alleges that CellSight is aware of the '159 Patent and that its infringement has been willful.

39. Plaintiff is informed and believes that CellSight is actively inducing and/or contributing to infringement of the '159 Patent by others, all of whom are sued herein as DOES 1 through 50. Plaintiff will seek leave to amend this complaint to show the true names and capacities of said defendants when they are ascertained.

40. By reason of the foregoing, plaintiff has suffered damages in an amount to be proven at trial and, in addition, has suffered irreparable loss and injury.

41. The acts of infringement described above are willful, deliberate and in reckless disregard of plaintiff's patent rights.

THIRD CLAIM FOR RELIEF

(Copyright Infringement)

42. Plaintiff realleges and incorporates by reference as though fully set forth preceding paragraphs 1 through 41.

43. AntiCancer's website contains original proprietary material that is copyrightable subject matter under the Copyright Act, 17 U.S.C. § 101 *et seq.*, including without limitation a MetaMouse webpage composition containing an optical image of a RFP glioma in the brain of a mouse (see Exhibit 8). On or about December 6, 2010 AntiCancer submitted to the Register of Copyrights, and the Register received, a completed application for registration, deposit copy, and the applicable fee in order to register the copyright to the composition. AntiCancer will seek leave of court to amend its complaint to attach and incorporate by reference a copy of the certificate of registration when it receives it.

44. Without AntiCancer's consent, authorization, approval, or license, CellSight knowingly, willingly, and unlawfully copied, prepared, published, and distributed AntiCancer's copyrighted work, or portions thereof, and continues to do so, including without limitation AntiCancer's RFP glioma image published prominently on CellSight's website (see Exhibit 7). CellSight's website infringes AntiCancer's copyrights and is not licensed to do so.

45. On information and belief, CellSight's infringement is and has been knowing and willful within the meaning of the Copyright Act, and the award of statutory damages should be enhanced in accordance with 17 U.S.C. § 504(c)(2).

46. By this unlawful copying, use, and distribution, CellSight has violated AntiCancer's exclusive rights under 17 U.S.C. § 106. CellSight has realized unjust profits, gains and advantages as a proximate result of its infringement. CellSight will continue to realize unjust profits, gains and advantages as a proximate result of its infringement as long as such infringement is permitted to continue. AntiCancer is entitled to an injunction restraining CellSight from engaging in any further such acts in violation of the United States copyright laws.

47. As a direct and proximate result of CellSight's direct and indirect willful copyright infringement, AntiCancer has suffered, and will continue to suffer, monetary loss to its business, reputation, and goodwill. AntiCancer is entitled to recover from CellSight, in amounts to be determined at trial, the damages sustained and will sustain, and any gains,

profits, and advantages obtained by CellSight as a result of CellSight's acts of infringement and CellSight's use and publication of the copied materials.

FOURTH CLAIM FOR RELIEF

(False Designation of Origin, False Description and Representation of AntiCancer's Product – 15 U.S.C. § 1125 *et seq.*)

48. Plaintiff realleges and incorporates by reference as though fully set forth preceding paragraphs 1 through 47.

49. Among AntiCancer's products and services are MetaMouse images which AntiCancer displays in its promotional and advertising material, including its website, along with AntiCancer's registered MetaMouse trademark.

50. CellSight's wrongful conduct includes without limitation, the removal of AntiCancer's indications of origin and/or trademark from AntiCancer's MetaMouse image/s and the use, advertising, marketing, offering, or distribution of the image/s as its own, including without limitation the image contained in Exhibit 7. CellSight's use, advertising, marketing, offering, or distribution of AntiCancer's MetaMouse image/s as its own misrepresents the source of the product/s and services and misleads the public into believing the image/s are CellSight's products or the result of CellSight's products and services. These acts constitute (a) false designation of origin, (b) false description, and (c) false representation that MetaMouse image/s originate from CellSight, all in violation of § 43(a) of the Lanham Trademark Act, set forth at 15. U.S.C. § 1125(a).

51. Upon information and belief, CellSight used, advertised, marketed, offered, or distributed AntiCancer's MetaMouse image/s with a willful and calculated purpose of misleading, deceiving, or confusing customers and the public as to the origin and authenticity of the image/s.

52. CellSight's use, advertising, marketing, offering, and distribution of AntiCancer's MetaMouse image/s is likely to continue unless restrained and enjoined.

53. As a result of CellSight's use, marketing, offering, and distribution of AntiCancer's MetaMouse image/s, AntiCancer has suffered and will continue to suffer damages and losses, including, but not limited, to irreparable injury to its business reputation and goodwill. AntiCancer

is entitled to injunctive relief and to an order compelling the impounding of all AntiCancer's images being used, offered, marketed, or distributed by CellSight. AntiCancer has no adequate remedy at law for CellSight's wrongful conduct, because among other things, (a) AntiCancer's images are unique and valuable property which have no readily determinable market value, (b) CellSight's use, marketing, or distribution of these images constitutes harm to AntiCancer's business reputation and goodwill such that AntiCancer could not be made whole by any monetary award, and (c) CellSight's wrongful conduct and the resulting damage to AntiCancer is continuing.

FIFTH CLAIM FOR RELIEF

(Unfair Competition – California Common Law)

54. Plaintiff realleges and incorporates by reference as though fully set forth preceding paragraphs 1 through 53.

55. CellSight's acts, as set forth above, constitute unfair competition under the common law of the State of California, all to the damage of AntiCancer as previously alleged.

SIXTH CLAIM FOR RELIEF

(Unfair Competition – California Business and Professions Code § 17200 *et seq.*)

56. Plaintiff realleges and incorporates by reference as though fully set forth preceding paragraphs 1 through 55.

57. CellSight took the actions described hereinabove for the twin purposes of injuring competition and harming AntiCancer. In so doing, CellSight committed unlawful, unfair and fraudulent business acts and practices, thus violating the provisions of the Unfair Competition Law, California Business and Professions Code § 17200 *et seq.*

58. As a legal and proximate result of defendants' wrongful course of conduct, AntiCancer is entitled to decrees enjoining CellSight from all further unfair competition, ordering it to cease and desist therefrom, and enjoining it to disgorge and/or make restitution of all ill-gotten gains received heretofore to AntiCancer, all pursuant to the provisions of California Business and Professions Code § 17203.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff AntiCancer prays for relief as follows:

(1) That the Court enter a judgment against CellSight as indicated below:

(a) that CellSight has infringed the '038 and '159 patents, under 35 U.S.C. § 271(a), (b), (c), and (g);

(b) that CellSight has willfully infringed the '038 and '159 patents under 35 U.S.C. § 271(a), (b), (c), and (g);

(c) that CellSight has willfully infringed AntiCancer's copyright under 17 U.S.C. § 501;

(d) that CellSight has willfully committed and is committing acts of false designation of origin, false or misleading description of fact, and false or misleading representation against AntiCancer as defined in 15 U.S.C. § 1125(a);

(e) that CellSight has engaged in unfair competition in violation of the common law of the State of California; and

(f) that CellSight has engaged in unfair competition in violation of California Business and Professions Code § 17200 *et seq.*

(2) That the Court issue injunctive relief against CellSight, as well as its respective officers, agents, servants, employees and attorneys, and those persons in active concert or participation with them be preliminarily and permanently restrained and enjoined from:

(a) directly or indirectly infringing the '038 and '159 patents;

(b) imitating, copying, or making any other infringing use of AntiCancer's copyrighted material and any other works now or hereafter protected by any AntiCancer copyright;

(c) using any false designation of origin or false description which can or is likely to lead the trade or public or individuals, erroneously to believe that AntiCancer's products or services are actually CellSight's products or services; and

(d) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs (a) through (c) above.

(3) That the Court order CellSight to pay AntiCancer's damages as follows:

(a) AntiCancer's damages, including enhanced damages, and CellSight's profits pursuant to 35 U.S.C. § 284 for CellSight's willful infringement of the '038 and '159 patents;

(b) AntiCancer's damages and CellSight's profits pursuant to 17 U.S.C. § 504(b), or in the alternative, enhanced statutory damages pursuant to 17 U.S.C. § 504(c)(2), for CellSight's willful infringement of AntiCancer's copyrights;

(c) AntiCancer's damages and CellSight's profits pursuant to 15 U.S.C.§ 1117(a), trebled pursuant to 15 U.S.C. § 1117(c), for willful violation of AntiCancer's registered trademark and service mark;

(d) AntiCancer's damages and CellSight's profits pursuant to California common law; and

(e) AntiCancer's damages and CellSight's profits pursuant to California Business and Professions Code § 17206.

(4) That the Court award AntiCancer its attorney's fees incurred by it in prosecuting this action.

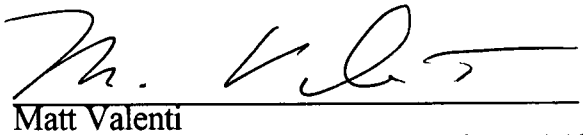
(5) That the Court assess pre-judgment and post-judgment interest and costs of suit against CellSight, and award such interest and costs to AntiCancer.

(6) That AntiCancer have such other and further relief as this Court may deem just and proper.

Respectfully submitted,

Dated: December 8, 2010

ANTICANCER, INC.

By: 

Matt Valenti
Attorney for Plaintiff ANTICANCER, INC.

DEMAND FOR TRIAL BY JURY

AntiCancer hereby demands a trial by jury as to all issues triable by jury.

Respectfully submitted,

Dated: December 8, 2010

ANTICANCER, INC.

By: _____
Matt Valenti
Attorney for Plaintiff ANTICANCER, INC.