

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GENOVIS AB and HANSA MEDICAL AB,)	
)	
Plaintiffs,)	
v.)	C.A. No. _____
)	
PROMEGA CORPORATION,)	DEMAND FOR JURY TRIAL
)	
Defendant.)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Genovis AB (“Genovis”) and Hansa Medical AB (“Hansa”) (collectively “Plaintiffs”), by and through their undersigned attorneys, hereby make the following claims of patent infringement against Promega Corporation (“Promega”) and plead and allege as follows:

PARTIES

1. Plaintiff Genovis is a corporate entity organized under the laws of Sweden and has its principal place of business at Scheelevägen 2, 223 63, Lund, Sweden.
2. Genovis is dedicated to developing, producing and marketing innovative technologies that facilitate and enable development of new treatment methods and diagnostics for customers in the medical device and pharmaceutical industries.
3. Plaintiff Hansa is a corporate entity organized under the laws of Sweden and has its principal place of business at Scheelevägen 2, 223 63 Lund, Sweden.
4. Hansa is a clinical-stage drug development company focused on novel immunomodulatory enzymes for the treatment of rare and acute conditions characterized by pathogenic antibodies.

5. Upon information and belief, defendant Promega is a Delaware corporation and has its principal place of business at 2800 Woods Hollow Road, Madison, Wisconsin 53711.

6. Upon information and belief, Promega manufactures enzymes and other products for biotechnology and molecular biology.

JURISDICTION AND VENUE

7. This is an action for patent infringement arising under the patent laws of the United States of America, Title 35 of the United States Code. This Court has subject matter jurisdiction over the matters pled herein under 28 U.S.C. §§ 1331 and 1338(a).

8. This court has personal jurisdiction over Defendant because, *inter alia*, it is incorporated in the State of Delaware and thus enjoys the privileges and protections of Delaware law.

9. Venue is proper in the District of Delaware pursuant to at least 28 U.S.C. § 1391(b) and (c), and §1400(b).

THE PATENT-IN-SUIT

10. United States Patent No. 7,666,582 (“the ’582 patent”), entitled “IDES, An IgG-Degrading Enzyme of Streptococcus Pyogenes,” was duly issued by the United States Patent and Trademark Office on February 23, 2010. The ’582 patent is attached hereto as Exhibit A.

11. Ulrich Von Pawel-Rammingen, Bjorn Johansson and Lars Bjorck are the named inventors of the ’582 patent. Hansa owns the ’582 patent by way of assignment from the inventors.

12. Genovis is an exclusive licensee under the ’582 patent.

13. The ’582 patent, *inter alia*, discloses and claims a method of generating Fc or Fab fragments of Immunoglobulin G (“IgG”) comprising contacting IgG with a protease referred to

as “IgG degrading enzyme of *S. pyogenes*,” or “IdeS,” and isolating the IgG fragments obtained or analyzing the starting materials or reaction products to determine if the desired fragments are present.

PROMEGA’S KNOWLEDGE OF THE ’582 PATENT

14. Upon information and belief, Promega has been aware of the ’582 patent since at least July 2014.

15. Specifically, in July 2014, the Licensing Manager of Promega, Tim McCauley, contacted Sarah Fredriksson, CEO of Genovis, and inquired if the IdeS “patent family is available from Genovis for sub-licensing the rights to make, use and sell products in the research market.”

PROMEGA’S IDES PROTEASE

16. Promega offers IdeS Protease for sale on its website. *See, e.g.*, <https://www.promega.com/products/mass-spectrometry/proteases-and-surfactants/ides-protease/> (attached as Exhibit B).

17. On its website, Promega states that its IdeS Protease product is a “recombinant, engineered version of the enzyme from *S. pyogenes*.” *See* <https://www.promega.com/resources/protocols/product-information-sheets/n/ides-protease-protocol/> (attached as Exhibit C).

18. Upon information and belief, Promega’s IdeS Protease has a sequence which is covered by the claims of the ’582 patent.

19. Under “Usage Information,” Promega provides a protocol that instructs how to use its IdeS Protease to cleave IgG and isolate the Fc or Fab fragments. *See*

<https://www.promega.com/~media/files/resources/protocols/product%20information%20sheets/n/ides%20protease%20protocol.pdf> (attached as Exhibit D).

20. Promega's IdeS Protease cleaves IgG at the same hinge site as disclosed in the '582 patent. See <https://www.promega.com/products/mass-spectrometry/proteases-and-surfactants/ides-protease/> (attached as Exhibit E).

COUNT 1: INFRINGEMENT OF U.S. PATENT NO. 7,666,582

21. The allegations of ¶¶ 1-20 are incorporated herein by reference as though fully set forth herein.

22. Upon information and belief, Promega directly infringes one or more claims of the '582 patent under 35 U.S.C. § 271(a) by making, using, offering to sell, or selling the IdeS Protease in the manner described by the protocol on its website.

23. Upon information and belief, Promega actively, knowingly, and intentionally induced, and continues to actively, knowingly, and intentionally induce infringement of one or more claims of the '582 patent under 35 U.S.C. § 271(b).

24. Upon information and belief, Promega has induced and continues to induce direct infringement of the '582 patent at least by selling or offering to sell its IdeS Protease and instructing customers to use the Promega IdeS Protease according to the protocol provided on Promega's website, with the intent that the customers will use the Promega IdeS Protease as instructed.

25. Upon information and belief, use of Promega's IdeS Protease according to the protocol provided on Promega's website constitutes direct infringement of one or more claims of the '582 patent.

26. Upon information and belief, customers have purchased Promega's IdeS Protease from Promega and used it in a manner that directly infringes one or more claims of the '582 patent.

27. Upon information and belief, at least since July 2014, Promega has had knowledge of the '582 patent, and has actively and encouraged its customers, knowingly and with intent, to use the IdeS Protease in a manner that directly infringes one or more claims of the '582 patent, knowing that such activities infringe the '582 patent.

28. By inducing its customers' use of the IdeS Protease according to a method claimed in the '582 patent, Promega has been and is now indirectly infringing one or more claims of the '582 patent.

29. As a result of Promega's unlawful infringement of the '582 patent, Genovis has suffered and will continue to suffer damage. Genovis is entitled to recover from Promega the damages adequate to compensate Genovis for such infringement.

30. Genovis has no adequate remedy at law against Promega's acts of infringement and has suffered irreparable harm as a result of Promega's infringement. Unless Promega is enjoined from its infringement of the '582 patent, Promega will continue to infringe the '582 patent and Genovis will continue to suffer irreparable harm as a result.

31. Promega had actual notice of the '582 patent but continued to make, use, offer to sell and sell its IdeS Protease in a manner claimed by one or more claims of the '582 patent. Accordingly, Promega's infringement of one or more claims of the '582 patent has been, and continues to be, willful.

32. At least as a result of Promega's willful infringement of one or more claims of the '582 patent, this case is exceptional pursuant to 35 U.S.C § 285.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor against Promega and grant the following relief:

A. Judgment that Promega has infringed directly or induced the infringement of one or more claims of the '582 patent under 35 U.S.C. § 271;

B. Judgment that Promega's patent infringement has been, and continues to be, willful;

C. A permanent injunction enjoining Promega, its offices, agents, servants, employees, and those persons in active concert or participation with any of them, from infringing one or more claims of the '582 patent;

D. An award of damages to Genovis adequate to compensate it for Promega's infringement, but in no event less than a reasonable royalty, together with interests and costs under 35 U.S.C § 284;

E. Trebling of the aforesaid damages due to Promega's willful infringement, pursuant to 35 U.S.C § 284;

F. Pre- and post-judgment interest on the damages awarded;

G. A declaration that this case is exceptional pursuant to 35 U.S.C § 285, and awarding Plaintiffs their reasonable attorneys fees; and

H. An award to Plaintiffs of such other and further relief as the Court deems just, including but not limited to equitable relief and all remedies available at law.

JURY DEMAND

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

Respectfully submitted,

/s/ John W. Shaw

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