

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PRECISION BIOSCIENCES, INC. and)	
DUKE UNIVERSITY,)	
)	
Plaintiffs,)	C.A. No. _____
)	
v.)	JURY TRIAL DEMANDED
)	
CELLECTIS, S.A., CELLECTIS)	
BIORESEARCH and CELLECTIS)	
BIORESEARCH INC.,)	
)	
Defendants.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Precision BioSciences, Inc. and Duke University hereby file this Complaint for Patent Infringement against Collectis SA, Collectis bioresearch and Collectis bioresearch Inc., alleging as follows, on personal knowledge as to their own activities and on information and belief as to all other matters:

Parties

1. Precision BioSciences, Inc. (“Precision”) is a Delaware corporation having a principal place of business at 302 East Pettigrew Street, Dibrell Building, Suite A-100, Durham, North Carolina 27701.

2. Duke University (“Duke”) is an educational, research and health care institution and a North Carolina nonprofit corporation located in Durham, North Carolina.

3. Collectis SA (“Collectis”) is a corporation organized under the laws of France having a principal place of business at 8 Rue de la Croix Jarry, 75013 Paris France.

4. Collectis bioresearch (“Collectis bioresearch”) is a corporation organized under the laws of France having a principal place of business at 8 Rue de la Croix Jarry, 75013 Paris France. Upon information and belief, Collectis bioresearch is a subsidiary of Collectis.

5. Collectis bioresearch Inc. (“Collectis bioresearch USA”) is a Delaware corporation having a principal place of business at One Broadway, Cambridge Massachusetts 02142. Upon information and belief, Collectis bioresearch USA is a subsidiary of Collectis bioresearch established in 2010. On its website at www.collectis-bioresearch.com, Collectis bioresearch identifies Collectis bioresearch USA as its “American office.” A copy of the “Home Page” at www.collectis-bioresearch.com is attached as Exhibit 1. According to a press release issued by Collectis bioresearch dated October 13, 2010 entitled “Collectis bioresearch Announces Establishment of Subsidiary in the US” (a copy of which is attached as Exhibit 2), Collectis bioresearch opened Collectis bioresearch USA to have “a presence in the largest global Life Science market and allow us to be closer to our clients to better meet their needs.” The press release states that Collectis bioresearch USA was intended to “establish a foothold for Collectis bioresearch in the North American market.” It also states that “Collectis bioresearch will be responsible for the US-wide promotion of Collectis bioresearch products and services.”

Jurisdiction and Venue

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. § 101, *et seq.*

7. This Court has personal jurisdiction over Collectis by virtue of its filing of this case in this Court, as well as its consent to this Court’s exercise of personal jurisdiction over it for this dispute. In addition, Collectis regularly conducts business in Delaware, directly and through its agents, and regularly avails itself of the benefits of litigating disputes with Precision in this Court.

8. This Court has personal jurisdiction over Collectis bioresearch USA because it is incorporated under the laws of the State of Delaware, has appointed an agent for service of process in Delaware, and regularly avails itself of the privilege of conducting business in Delaware and of the benefits of Delaware law. In addition, Collectis bioresearch USA has consented to this Court's exercise of personal jurisdiction over it for this dispute.

9. This Court has personal jurisdiction over Collectis bioresearch through principles of agency based upon contacts with the State of Delaware by its agent Collectis bioresearch USA, a subsidiary of Collectis bioresearch that functions as Collectis bioresearch's American office under Collectis bioresearch's direct management and control. Upon information and belief, Collectis bioresearch formed Collectis bioresearch USA in 2010 to have a presence in the United States, and Collectis bioresearch USA is responsible for the US-wide promotion of Collectis bioresearch products and activities. In addition, Collectis bioresearch has consented to this Court's exercise of personal jurisdiction over it for this dispute.

10. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b).

Infringement of U.S. Patent No. 8,377,674

11. United States Patent No. 8,377,674 (the "'674 patent"), entitled "Method for Producing Genetically-Modified Cells with Rationally-Designed Meganucleases with Altered Sequence Specificity," was duly and legally issued by the United States Patent and Trademark Office on February 19, 2013. A copy of the '674 patent is attached hereto as Exhibit 3.

12. Duke is the owner by assignment of the '674 patent.

13. Precision is the exclusive licensee of the '674 patent, with Duke retaining a substantial proprietary interest therein.

14. Upon information and belief, Collectis, Collectis bioresearch and/or Collectis bioresearch USA directly infringe one or more claims of the '674 patent in violation of 35 U.S.C. § 271(a) by practicing in the United States a method of producing genetically-modified cells with rationally-designed meganucleases with altered sequence specificity using one or more Collectis, Collectis bioresearch and/or Collectis bioresearch USA products, including but not limited to the cGPS® Custom HepG2 Full Kit DD and the CLS4617 meganuclease targeting the human CCR5 gene (*e.g.*, as described in Certo, *et al.*, "Coupling endonucleases using DNA end-processing enzymes to drive gene disruption," *Nature Methods*, September 12, 2012), as described in one or more claims of the '674 patent.

15. Upon information and belief, Collectis, Collectis bioresearch and/or Collectis bioresearch USA indirectly infringe one or more claims of the '674 patent in violation of 35 U.S.C. § 271(b) by inducing others to practice in the United States a method of producing genetically-modified cells with rationally-designed meganucleases with altered sequence specificity using one or more Collectis, Collectis bioresearch and Collectis bioresearch USA products, including but not limited to the cGPS® Custom HepG2 Full Kit DD and the CLS4617 meganuclease targeting the human CCR5 gene, as described in one or more claims of the '674 patent. Upon information and belief, Collectis, Collectis bioresearch and/or Collectis bioresearch are doing so with knowledge of the '674 patent and/or the allowed claims in the application from which the '674 patent issued, with knowledge that such products infringe one or more claims of the '674 patent, and with the specific intent that others would use such products in practicing a method of producing genetically-modified cells with rationally-designed meganucleases with altered sequence specificity so as to infringe one or more claims of the '674 patent.

16. Upon information and belief, Collectis, Collectis bioresearch and Collectis bioresearch USA indirectly infringe one or more claims of the '674 patent in violation of 35 U.S.C. § 271(c) by offering for sale and selling in the United States and importing into the United States one or more Collectis, Collectis bioresearch and/or Collectis bioresearch USA products, including but not limited to the cGPS® Custom HepG2 Full Kit DD and the CLS4617 meganuclease targeting the human CCR5 gene, for use by others as a material part in practicing a method of producing genetically-modified cells with rationally-designed meganucleases with altered sequence specificity so as to infringe one or more claims of the '674 patent. Upon information and belief, Collectis, Collectis bioresearch and Collectis bioresearch USA are doing so with knowledge of the '674 patent and/or the allowed claims in the application from which the '674 patent issued; with knowledge that such products are not a staple article of commerce suitable for a substantial noninfringing use; and with knowledge that such products will be used by others in practicing a method of producing genetically-modified cells with rationally-designed meganucleases with altered sequence specificity so as to infringe one or more claims of the '674 patent.

17. As a result of the infringement of the '674 patent by Collectis, Collectis bioresearch and/or Collectis bioresearch USA, Precision and Duke have suffered and continue to suffer injury to their business and property in an amount to be determined as damages.

18. Unless an injunction is issued enjoining Collectis, Collectis bioresearch and/or Collectis bioresearch USA, and their respective officers, agents, servants, employees and attorneys, and all those persons and entities in active concert and participation with them, from infringing the '674 patent, Precision and Duke will be irreparably harmed.

19. Upon information and belief, Collectis, Collectis bioresearch and Collectis bioresearch USA are willfully infringing the '674 patent by engaging in the activities described herein with full knowledge of the '674 patent and/or the allowed claims in the application from which the '674 patent issued and with reckless disregard for the infringing nature of such activities.

Prayer for Relief

WHEREFORE, Precision and Duke respectfully request entry of judgment that includes:

- A. A finding that Collectis, Collectis bioresearch and Collectis bioresearch USA have infringed the '674 patent;
- B. A preliminary and permanent injunction enjoining Collectis, Collectis bioresearch and Collectis bioresearch USA, and their respective officers, agents, servants, employees and attorneys, and all those persons and entities in active concert with them, from infringing the '674 patent;
- C. An award of damages in favor of Precision and Duke and against Collectis, Collectis bioresearch and Collectis bioresearch USA, such damages being in an amount sufficient to fully compensate Precision and Duke for infringement of the '674 patent by Collectis, Collectis bioresearch and Collectis bioresearch USA;
- D. A finding that the infringement of the '674 patent has been willful;
- E. Pursuant to 35 U.S.C. §284, an award of enhanced damages up to three times the amount of compensatory damages awarded;
- F. An assessment of prejudgment and post-judgment interest;

G. A finding by the Court that this is an exceptional case under 35 U.S.C. § 285 and an award to Precision and Duke of their costs, expenses and attorneys' fees in this action; and

H. Such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Precision and Duke hereby demand trial by jury of this counterclaim as to all issues triable by jury as of right.

Respectfully submitted,

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