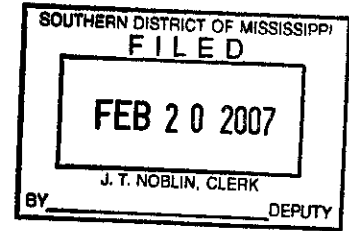


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



CYPRESS PHARMACEUTICAL, INC.,

Plaintiff,

v.

TIBER LABORATORIES, LLC

Defendant.

Case No. 3:07-cv-108 TSL-JCS

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff, Cypress Pharmaceutical, Inc. ("Cypress"), by and through undersigned counsel, brings this action seeking a declaration that it does not infringe United States Patent No. 6,979,689 (the "689 patent") and that each of the claims of the '689 patent is invalid.

The Parties

1. Plaintiff Cypress is a Mississippi corporation with a principal place of business at 135 Industrial Boulevard, Madison, Mississippi 39110.
2. Defendant Tiber Laboratories, LLC ("Tiber") is a Georgia limited liability company with a principal place of business at 5400 Laurel Springs Parkway, Suwanee, Georgia 30024.
3. Tiber has asserted that it is the owner of the '689 patent.

Jurisdiction and Venue

4. This Court has jurisdiction over Cypress' claims in this action pursuant to 28 U.S.C. §§1331, 1338(a), 2201 and 2202, because this complaint arises under the patent laws of the United States and the Federal Declaratory Judgment Act.

5. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b) because a substantial part of the events or omissions giving rise to the claim occurred, and/or a substantial part of the property that is the subject of this action is situated, in this district.

Existence Of An Actual Controversy

6. There is an actual controversy within the jurisdiction of this Court under 28 U.S.C. §§2201 and 2202.

7. On February 6, 2007, counsel for Tiber wrote to Cypress to inform Cypress of the existence of the '689 patent and to invite discussions concerning Tiber's alleged "exclusive rights to products covered by the '689 patent and [Cypress'] product, Hydro-DP, and other related products."

8. Between February 7th and February 19th, principals from Cypress and Tiber had a series of discussions in which Tiber indicated its belief that certain Cypress products infringed the '689 patent.

9. On February 19, 2007, Tiber's president informed Cypress' president that Tiber would sue Cypress for infringement of the '689 patent if Cypress did not immediately agree to enter into a license agreement.

10. Cypress denies infringement of the '689 patent and disputes its validity.

11. An actual controversy exists between Cypress and Tiber as to non-infringement and invalidity of the '689 patent.

First Claim
(Non-Infringement of the '689 patent.)

12. Cypress repeats and realleges paragraphs 1 through 11 of this Complaint as if fully set forth herein.

13. Cypress has not infringed and has not induced others to infringe any valid claim of the '689 patent.

Second Claim
(Invalidity of the '689 patent.)

14. Cypress repeats and realleges paragraphs 1 through 13 of this Complaint as if fully set forth herein.

15. Each of the claims of the '689 patent is invalid for failure to comply with the conditions for patentability set forth, *inter alia*, in 35 U.S.C. §§101, 102, 103 and 112.

Prayers for Relief

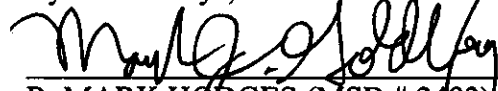
WHEREFORE, Cypress respectfully requests that this Court:

1. Determine and declare (a) that Cypress has not infringed any valid claim of the '689 patent, and (b) that Cypress has not actively induced others to infringe any valid claim of the '689 patent;
2. Determine and declare that the claims of the '689 patent are invalid;
3. Determine that this is an exceptional case, and award to Cypress its reasonable attorneys fees;
4. Award to Cypress the cost of this action; and

5. Grant such other and further relief that the Court deems appropriate in the circumstances.

CYPRESS PHARMACEUTICAL, INC.

By its attorneys,



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HENRY E. CHATHAM, JR. (MSB # 5973)

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Dated: February 20, 2007

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