IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ENZO LIFE SCIENCES, INC.	
Plaintiff,	**Civil Action No.**
v.	**JURY TRIAL DEMANDED**
AGILENT TECHNOLOGIES, INC.	
Defendant.	

COMPLAINT

Plaintiff Enzo Life Sciences, Inc. ("Enzo"), for its Complaint against Defendant Agilent Technologies, Inc. ("Agilent") hereby alleges as follows:

PARTIES

1. Plaintiff Enzo is a New York corporation with its principal place of business at 10 Executive Boulevard, Farmingdale, NY 11735.

2. Defendant Agilent is a Delaware corporation with its principal place of business at 5301 Stevens Creek Blvd., Santa Clara, CA 95051.

NATURE OF THE ACTION

3. This is a civil action for infringement of United States Patent No. 7,064,197 ("the '197 Patent") under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Agilent because, among other things, Agilent has committed, aided, abetted, contributed to, and/or participated in the commission of patent infringement in this judicial district and elsewhere that led to foreseeable harm and injury

to Enzo. Moreover, Agilent is a Delaware corporation which, having availed itself of Delaware's corporate laws, is subject to personal jurisdiction in Delaware.

6. This Court also has personal jurisdiction over Agilent because, among other things, Agilent has established minimum contacts within the forum such that the exercise of jurisdiction over Agilent will not offend traditional notions of fair play and substantial justice. Moreover, Agilent has placed products that practice the claimed inventions of the '197 Patent into the stream of commerce with the reasonable expectation and/or knowledge that purchasers and users of such products were located within this District. Agilent has sold, advertised, marketed, and distributed products in this District that practice the claimed inventions of the '197 Patent.

7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

The Patent-In-Suit

8. United States Patent No. 7,064,197, entitled "System, Array And Non-Porous Solid Support Comprising Fixed Or Immobilized Nucleic Acids," was duly and legally issued by the United States Patent and Trademark Office on June 20, 2006. A copy of the '197 Patent is attached hereto as Exhibit A.

9. Enzo is the assignee of the '197 Patent and has the right to sue and recover damages for any current or past infringement of the '197 Patent.

COUNT I

Infringement Of The '197 Patent

10. Paragraphs 1 through 9 are incorporated by reference as if fully stated herein.

11. Agilent, either alone or in conjunction with others, has infringed and continues to infringe, one or more claims of the '197 Patent under 35 U.S.C. § 271, either literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States certain nucleic acid array products, including without limitation products based upon Agilent SurePrint technology, for example, and without limitation:

a. ChIP-on-chip Microarrays including without limitation, Human ENCODE ChIP-on-chip Microarray, Human Promoter Microarray Kit 2-Design 1x244K, Human Promoter Microarray Set 2-Design 1x244, SurePrint G3 Human Promoter Microarray 2x400K, SurePrint G3 Human Promoter Microarray Kit 1x1M, SurePrint G3 Human Promoter Microarray 2x400K, SurePrint G3 Human Promoter Microarray 1x1M, Model Organism ChIP-on-chip Microarrays, Arabidopsis Genome Microarray 2-Design Set 1x244K, Drosophila Genome Microarray Kit 2-Design Set 1x244K, S. pombe Genome Microarray 4x44K, Yeast Genome Microarray Kit 1x244K, Yeast Genome Microarray Kit 4x44k, Yeast Genome Microarray 1x244K, Yeast Genome Microarry 4x44K, Zebrafish Promoter Microarray 2-Design Set 1x244K, SurePrint G3 Mouse Promoter Microarray 1x1M, SurePrint G3 Mouse Promoter Microarray 2x400K, SurePrint G3 Mouse Promoter Microarray Kit 1x1M, SurePrint G3 Mouse Promoter Microarray Kit 2x400K, Mouse Promoter Microarray Kit 2-Design Set 1x244K, Mouse Promoter Microarray Set 2-Design 1x244K;

b. CGH Microarrays including without limitation, SurePrint G3 Human CGH Bundle 8x60K, Human Genome CGH Microarray 244A Supplemental, Human Genome CGH Microarray Kit 105A, Human Genome CGH Microarray Kit 244A, Human Genome CGH Microarray Kit 4x44K, SurePrint G3 Human CGH Bundle 1x1M, SurePrint G3 Human CGH Bundle 2x400K , SurePrint G3 Human CGH Bundle 4x180K , SurePrint G3 Human CGH Microarray Kit 1x1M, SurePrint G3 Human CGH Microarray Kit 2x400K, SurePrint G3 Human CGH Microarray Kit 4x180K, SurePrint G3 Human CGH Microarray Kit 8x60K, SurePrint G3 Unrestricted CGH ISCA v2 4x180K, SurePrint G3 Unrestricted CGH ISCA v2 8x60K , Unrestricted HD-CGH Microarray ISCA v2 2x105K, Unrestricted HD-CGH Microarray ISCA

v2 4x44k, Chicken Genome CGH Microarray 1x244K, SurePrint G3 Bovine CGH Microarray 4x180K, SurePrint G3 Canine CGH Microarray 4x180K, SurePrint G3 Chimpanzee CGH Microarray 4x180K, SurePrint G3 Rice CGH Microarray 4x180K, SurePrint G3 Rhesus MacaqueGenome CGH Microarray 4x180K, SurePrint G3 Mouse CGH Microarray Kit 1x1M, SurePrint G3 Mouse CGH Microarray Kit 4x180K, Mouse Genome CGH Microarray Kit 244A, Mouse Genome CGH Microarray Kit 105A, SurePrint G3 Rat CGH Microarray Kit 1x1M, SurePrint G3 Rat CGH Microarray Kit, 4x180K, Rat Genome CGH Microarray Kit 244A, Rat Genome CGH Microarray Kit 105A, Custom HD-CGH Microarray 1x244K, Custom HD-CGH Microarray 2x105K, Custom HD-CGH Microarray 4x44K, Custom HD-CGH Microarray 8x15K, SurePrint G3 Custom CGH Microarray 1x1M, SurePrint G3 Custom CGH Microarray 2x400K, SurePrint G3 Custom CGH Microarray 4x180K, SurePrint G3 Custom CGH Microarray 8x60K;

c. CGH+SNP microarrays including without limitation, SurePrint G3 Cancer CGH+SNP Bundle 4x180K, SurePrint G3 Cancer CGH+SNP Microarray Kit 4x180K, SurePrint G3 Human Genome CGH+SNP Bundle 2x400K, SurePrint G3 Human Genome CGH+SNP Microarray Kit 2x400K, SurePrint G3 Human Genome CGH+SNP Microarray Kit 4x180K, SurePrint G3 ISCA CGH+SNP Bundle 4x180K, SurePrint G3 Custom CGH+SNP 1x1M, SurePrint G3 Custom CGH+SNP 2x400K, SurePrint G3 Custom CGH+SNP 4x180K, SurePrint G3 Custom CGH+SNP 8x60K;

d. CNV microarrays including without limitation, Human CNV Association Microarray Kit 2x105K, Human Genome CNV Microarray Set Slide 1 1x244K, Human Genome CNV Microarray Set Slide 2 1x244K, SurePrint G3 Human CNV Microarray Kit 2x400K, SurePrint G3 Human CNV Microarray

2x105K, SurePrint G3 Human High Resolution Microarray Kit 1x1M, SurePrint G3 Human High Resolution Microarray 1x1M;

e. DNA Methylation microarrays including without limitation, Human CpG Island Microaray Kit 1x244K, Human DNA Methylation Microarray, Mouse CpG Island Microarray 2x105K, Custom ChIP-on-chip/DNA Methylation 1x244K, Custom ChIP-on-chip/DNA Methylation 2x105K, Custom ChIP-on-chip/DNA Methylation 4x44K, Custom ChIP-on-chip/DNA Methylation 8x15K, Custom SurePrint G3 ChIP-on-chip/DNA Methylation 2x400K, Custom SurePrint G3 ChIP-on-chip/DNA Methylation 4x180K, Custom SurePrint G3 ChIP-on-chip/DNA Methylation 8x60K, SurePrint G3 ChIP-on-chip/DNA Methylation 1x1M;

f. Gene Expression Microarrays including without limitation, SurePrint G3 Human Exon 2x400K Microarray Kit, SurePrint G3 Human Exon 4x180K Microarray Kit, SurePrint G3 Human GE 8x60K Microarray Kit, Human GE 4x44K v2 Microarray Kit, Whole Human Genome Microarray Kit, 4x44K, Arabidopsis (V4) Gene Expression Microarry 4x44K, Barley Gene Expression Microarray 4x44K, Bovine (V2) Gene Expression Microarray 4x44K, Brassica Gene Expression Microarray 4x44K, C. elegans (V2) Gene Expression Microarray 4x44K, Canine (V2) Gene Expression Microarray 4x44K, Chicken (V2) Gene Expression Microarray 4x44K, Cotton Gene Expression Microarray 4x44K, Drosophila Gene Expression Microarray 4x44K, E. coli Gene Expression Microarray 8x15K, Horse Gene Expression Microarray 4x44K, Magnaporthe (V2) Gene Expression Microarray 4x44K, Medicago Gene Expression Microarray 4x44K, Mosquito Gene Expression Microarray 4x44K, Porcine (V2) Gene Expression Microarray 4x44K, Rabbit Gene Expression Microarray 4x44K, Rhesus Macaque (V2) Gene Expression Microarray 4x44K, Rice Gene Expression Microarray 4x44K, Salmon Gene

Expression Microarray 4x44K, Sheep Gene Expression Microarray 8x15K, Tobacco Gene Expression Microarray 4x44K, Tomato Gene Expression Microarray 4x44K, Wheat Gene Expression Microarray 4x44K, Xenopus (V2) Gene Expression Microarray 4x44K, Yeast (V2) Gene Expression Microarray 8x15K, Zebrafish (V3) Gene Expression Microarray 4x44K, SurePrint G3 Mouse Exon 2x400K Microarray Kit, SurePrint G3 Mouse Exon 4x180K Microarray Kit, SurePrint G3 Mouse GE 8x60K Microarray Kit, Mouse GE 4x44K v2 Microarray Kit, Whole Mouse Genome Microarray Kit 4x44K, Mouse Development Microarray Kit 4x44K, SurePrint G3 Rat Exon 2x400K Microarray Kit, SurePrint G3 Rat Exon 4x180K Microarray Kit, SurePrint G3 Rat GE 8x60K Microarray Kit, Rat GE 4x4K v3 Microarray, Whole Rat Genome Microarray Kit 4x44K, Rat Gene Expression Microarray, Custom Gene Expression Microarray 1x1M, Custom Gene Expression Microarray 1x244K, Custom Gene Expression Microarray 2x105K, Custom Gene Expression Microarray 2x400K, Custom Gene Expression Microarray 4x180K, Custom Gene Expression Microarray 4x44K, Custom Gene Expression Microarray 8x15K, Custom Gene Expression Microarray 8x60K; and

g. microRNA microarrays including without limitation, Human miRNA Microarray (V1) Kit 8x15K, Human miRNA Microarray (V1) 8x15K, Human miRNA Microarray (V2) Kit 8x15K, Human miRNA Microarray (V2) 8x15K, Human miRNA Microarray (V3) 8x15K, Human miRNA Microarray Kit (V3) 8x15K, Human miRNA Microarray Kit Release 16.0 8x60K, Human miRNA Microarray Release 14.0 8x15K, Human miRNA Microarray Release 16.0 8x60K , Mouse miRNA Microarray Kit (V2) 8x15K, Mouse miRNA Microarray Kit Release 16.0 8x60K, Mouse miRNA Microarray Kit 8x15K, Mouse miRNA Microarray Kit Release 17.0 8x60K, Mouse miRNA

Microarray Release 12.0 8x15K, Mouse miRNA Microarray Release 15.0 8x15K, Mouse miRNA Microarray Release 16.0 8x60K , Mouse miRNA Microarray 8x15K, Mouse miRNA Microarray Release 17.0 8x60K, Mouse miRNA Microarray Release 18.0 8x60K , Rat miRNA Microarray Kit Release 16.0 8x15K, Rat miRNA Microarray Kit V1 8x15K, Rat miRNA Microarray Release 15.0 8x15K, Rat miRNA Microarray Release 16.0 8x15K, Rat miRNA Microarray Slide V1 8x15K, Custom miRNA Microarray 8x60K and Custom miRNA Microarray 8x15K.

12. Enzo has been and continues to be damaged by Agilent's infringement of the '197 Patent.

13. Agilent's conduct in infringing the '197 Patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, Enzo respectfully requests that this Court enter judgment against Agilent as follows:

A. That Agilent has infringed the '197 Patent;

B. That Enzo be awarded damages adequate to compensate it for Agilent's past infringement and any continuing or future infringement up until the date such judgment is entered, including interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary to adequately compensate Enzo for Agilent's infringement, an accounting;

C. That this case be declared an exceptional case within the meaning of 35 U.S.C. § 285;

D. A preliminary and permanent injunction preventing Agilent, and those in active concert or participation with Agilent, from directly infringing the '197 Patent;

E. A judgment requiring that, in the event a permanent injunction preventing future acts of infringement is not granted, Enzo be awarded a compulsory ongoing licensing fee; and

F. That Enzo be awarded such other and further relief at law or equity as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff Enzo hereby demands a trial by jury on all claims and issues so triable.

Dated: April 6, 2012

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

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