

information and belief, Millipore is in the business, *inter alia*, of making and selling chemical compounds, including product No. 100073-10MG, throughout the United States, including within this judicial district.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

5. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

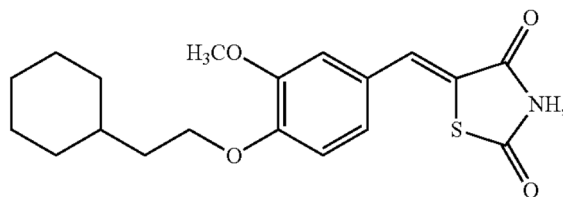
6. Personal jurisdiction is proper based on Millipore's incorporation in the Commonwealth of Massachusetts, and/or from a persistent course of conduct and/or derivation of substantial revenue from its conduct in the Commonwealth of Massachusetts. Millipore does business in the Commonwealth of Massachusetts by making, offering for sale, selling and/or using product No. 100073-10MG in the Commonwealth. Upon information and belief, Millipore has purposely availed itself of the privileges of conducting business within the Commonwealth of Massachusetts and/or has committed acts of patent infringement within the Commonwealth of Massachusetts. Further, upon information and belief, Millipore has placed product No. 100073-10MG into the stream of commerce with the expectation that it will be purchased and used in an infringing manner throughout the United States including within the Commonwealth of Massachusetts.

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

THE PATENT

8. United States Patent No. 8,637,558 is entitled “Thiazolidinedione Derivative and Use Thereof,” and issued January 28, 2014 to inventors Hoon Cho, Ying Wu, and Cheol-hee Choi. The ’558 Patent issued from U.S. Patent Application No. 13/142,924 filed on June 30, 2011. A copy of the ’558 Patent is attached hereto as Exhibit A.

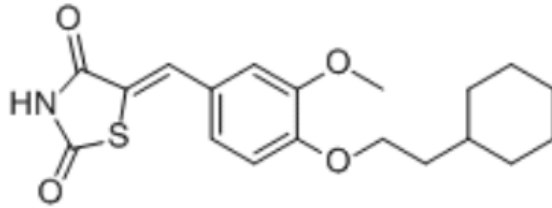
9. The ’558 Patent claims a novel thiazolidinedione derivative, referred to as “Derivative 8.” In particular, claim 1 of the ’558 Patent claims, *inter alia*, a thiazolidinedione derivative having the following structural formula:



10. Chosun is the lawful owner by assignment of all right, title, and interest in and to the ’558 Patent.

INFRINGEMENT OF THE PATENT-IN-SUIT

11. Millipore has infringed and continues to infringe one or more claims of the ’558 Patent by making, using, selling, advertising, and offering for sale a thiazolidinedione derivative with the chemical name 5-(4-(2-Cyclohexylethoxy)-3-methoxybenzylidene)thiazolidine-2,4-dione. In particular, the Merck Millipore - Chemicals and Reagents Catalogue 2014-2016 (“Millipore Catalogue”) distributed by Defendant includes product and purchasing information on this 15-PGDH Inhibitor under the product No. 100073-10MG (the “15-PGDH Inhibitor 100073-10MG product”), having the chemical formula $C_{19}H_{23}NO_4S$ and the following structural formula:



12. The Millipore Catalogue is sold in a hard-copy format and is also available online, at the EMD Millipore website (<http://www.emdmillipore.com/>). The 15-PGDH Inhibitor 100073-10MG product is offered for sale online through Millipore's interactive website, at https://www.emdmillipore.com/US/en/product/15-PGDH-Inhibitor---Calbiochem,EMD_BIO-100073.

13. While, on information and belief, the vial in which the 15-PGDH Inhibitor 100073-10MG product is shipped states "FOR RESEARCH USE ONLY. NOT FOR USE IN DIAGNOSTIC PROCEDURES," at least certain "research" uses of the 15-PGDH Inhibitor 100073-10MG are outside the scope of the 35 U.S.C. §271(e)(1) research exemption. *See Merck KGaA v. Integra Life Sciences*, 545 U.S. 193, 202 (2005).

14. The structural formula of 15-PGDH Inhibitor 100073-10MG sold by Millipore is identical to the thiazolidinedione derivative – Derivative 8 – recited in claim 1 of the '558 Patent. Thus, Defendant's manufacture, use, sale, offer for sale, or sale in the United States and/or importation into the United States of its 15-PGDH Inhibitor 100073-10MG product is an infringement of at least claim 1 of the '558 Patent.

15. Defendant's above activities have been without authority and/or license from Plaintiff.

COUNT I

16. Plaintiff Chosun repeats and incorporates herein by reference each of the foregoing paragraphs as if fully set forth herein.

17. Defendant, Millipore, has infringed and is continuing to infringe at least claim 1 of the '558 Patent by making, using, selling, and offering for sale the 15-PGDH Inhibitor 100073-10MG product in the United States and/or importing the 15-PGDH Inhibitor 100073-10MG product into the United States.

18. By reason of the foregoing, Chosun has suffered, and will continue to suffer, substantial damages as a result of Millipore's infringement of the '558 Patent in an amount to be determined at the trial of this action.

19. Upon information and belief, Millipore will continue to infringe at least claim 1 of the the '558 Patent unless and until it is enjoined by this Court.

20. Unless Millipore is enjoined from infringing the '558 Patent, Chosun will suffer substantial and irreparable injury. Chosun has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court to grant the following relief, and any other relief that the Court may deem proper:

a) Enter judgment that Defendant infringes one or more claims of U.S. Patent No. 8,637,558;

b) Temporarily, preliminarily and permanently enjoin Defendant, its officers, agents, employees and representatives, and all those controlled by or acting in concert or privity with them, from infringing U.S. Patent No. 8,637,558;

- c) Award Plaintiff monetary damages for Defendant's infringement of U.S. Patent No. 8,637,558 in an amount to be determined at a trial;
- d) Award Plaintiff Attorneys' fees in this action under 35 U.S.C. § 285; and
- e) Award Plaintiff all other relief that this Court deems just and proper.

DEMAND FOR JURY TRIAL

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

Dated: February 13, 2017

INDUSTRY-ACADEMIC
COOPERATION FOUNDATION,
CHOSUN UNIVERSITY

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