

Blank Rome LLP

Cheryl S. Chang (SBN: 237098)
cheryl.chang@blankrome.com
2029 Century Park East
6th Floor
Los Angeles, CA 90067
Telephone: 424.239.3400
Facsimile: 424.239.3434

Dipu A. Doshi (*pro hac vice* to be filed)
Andrew R. Kopsidas (*pro hac vice* to be filed)
Jonathan W.S. England (*pro hac vice* to be filed)
Sydney A. Salters (*pro hac vice* to be filed)
dipu.doshi@blankrome.com
andrew.kopsidas@blankrome.com
jonathan.england@blankrome.com
sydney.salters@blankrome.com
1825 Eye Street, NW
Washington, DC 20006
Telephone: 202.420.2200
Facsimile: 202.420.2201

Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

**SARTORIUS BIOANALYTICAL
INSTRUMENTS, INC.,**

Plaintiff,

vs.

GATOR BIO, INC. and HONG TAN

Defendants.

Case No. 22-cv-01417 EJD

**SECOND AMENDED
COMPLAINT**

JURY TRIAL DEMANDED

GATOR-1062

Gator Bio v. Sartorius Bioanalytical Instruments
IPR2025-00633

1 146. Plaintiff has complied with the requirements of 35 U.S.C. § 287 by
2 providing actual or constructive notice to Defendants of their infringement.

3 147. Plaintiff has been, and continues to be, damaged and irreparably harmed
4 by Defendants' infringement, which will continue unless this Court enjoins these
5 infringements.

6 148. Plaintiff, under 35 U.S.C. § 284, is entitled to damages adequate to
7 compensate for Defendants' infringements, including lost profits and/or a
8 reasonable royalty.

9 149. Defendants' infringement of the '585 Patent has been, and continues to
10 be, deliberate, willful, and knowing, thus entitling Plaintiff to treble damages under
11 35 U.S.C. § 284.

12 150. This is an exceptional case under 35 U.S.C. § 285, thus entitling Plaintiff
13 to recover its reasonable attorney fees from Defendants.

14 **FOURTH CAUSE OF ACTION**

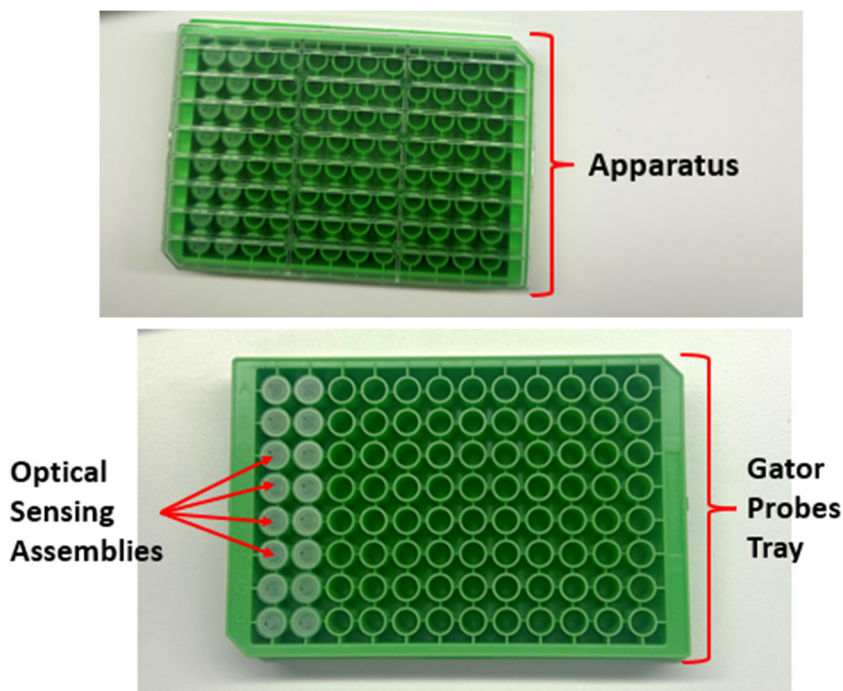
15 **INFRINGEMENT OF U.S. PATENT NO. 8,305,588**

16 151. Plaintiff restates and realleges the foregoing allegations as if fully stated
17 herein.

152. Defendants' Gator Bioanalysis System line of devices, including, but not limited to, the representative GatorPrime Biosensor Probes, infringes at least independent claim 1 of the '588 Patent, which recites:

1. An apparatus for packaging an optical sensing assembly, the apparatus comprising at least one discrete optical sensing assembly comprising an optical fiber and a transparent optical element having end faces and first and second reflecting surfaces formed on the end faces, the first and second reflecting surfaces separated by at least 50 nm, wherein the first reflecting surface comprises a layer of analyte binding molecules; a substrate with a plurality of openings, each opening being configured for holding a discrete optical sensing assembly therein, the optical sensing assembly being positioned in the opening with a tip of the optical sensing assembly extending through the opening to be suspended from the substrate, wherein the plurality of openings are arranged so the optical sensing assembly positioned therein avoids contacting another optical sensing assembly positioned therein, and wherein at least one opening holds an optical sensing assembly therein, with the tip of the optical sensing assembly extending through the opening.

153. Upon information and belief, the GatorPrime Biosensor Probes are an apparatus for packaging an optical sensing assembly, as shown below.



1 168. Defendants have never been licensed, either expressly or impliedly, under
2 the '588 Patent.

3 169. Plaintiff has complied with the requirements of 35 U.S.C. § 287 by
4 providing actual or constructive notice to Defendants of their infringement.

5 170. Plaintiff has been, and continues to be, damaged and irreparably harmed
6 by Defendants' infringement, which will continue unless this Court enjoins these
7 infringements.

8 171. Plaintiff, under 35 U.S.C. § 284, is entitled to damages adequate to
9 compensate for Defendants' infringements, including lost profits and/or a reasonable
10 royalty.

11 172. Defendants' infringement of the '588 Patent has been, and continues to
12 be, deliberate, willful, and knowing, thus entitling Plaintiff to treble damages under
13 35 U.S.C. § 284.

14 173. This is an exceptional case under 35 U.S.C. § 285, thus entitling Plaintiff
15 to recover its reasonable attorney fees from Defendants.

16 **PRAYER FOR RELIEF**

17 Sartorius hereby requests the following relief from the Court:

18 (a) That judgment be entered for Plaintiff and against Defendants on this
19 Complaint on all claims asserted herein;

20 (b) That the Court award Sartorius such damages as may be proven at trial,
21 in accordance with each of the claims asserted in this Complaint;

22 (c) That the Court find Defendants' infringement of the Asserted Patents to
23 be willful, and that this case be deemed exceptional under 35 U.S.C. § 285, that
24 Plaintiff's damages be trebled, and that Plaintiff be awarded attorney fees and
25 nontaxable costs and expenses;

26 (d) That the Court award Plaintiff pre-judgment and post-judgment interest;

27 (e) That the Court immediately enjoin and restrain, preliminarily and
28 permanently, Defendants, their subsidiaries, affiliates, agents, officers, servants,

1 employees, attorneys, successors, and assigns and all other persons in active concert
2 or participation with Defendants, from manufacturing, distributing, selling or
3 offering to sell, in the United States or importing into the United States products
4 infringing the claims of the Asserted Patents;

5 (f) That the Court award Plaintiff its taxable costs incurred in this action;

6 (g) That the Court award Plaintiff such further relief as the Court deems just
7 and proper.

8 DATED: February 18, 2025

Respectfully submitted,

9 **BLANK ROME LLP**

10
11 By: /s/ Cheryl S. Chang

12
13 Cheryl S. Chang

14 Dipu A. Doshi (*pro hac vice* to be filed)

15 Andrew R. Kopsidas (*pro hac vice* to be filed)

16 Jonathan W.S. England (*pro hac vice* to be
17 filed)

18 Sydney A. Salters (*pro hac vice* to be filed)

19 dipu.doshi@blankrome.com

andrew.kopsidas@blankrome.com

jonathan.england@blankrome.com

sydney.salters@blankrome.com

20 *Counsel for Plaintiff*
21
22
23
24
25
26
27
28