

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PSN Illinois, LLC,)	
)	CASE No. 08 CV 3742
PLAINTIFF,)	
)	JUDGE REBECCA R. PALLMEYER
vs.)	
)	MAGISTRATE JUDGE MARIA VALDEZ
Sigma-Aldrich Corp., EMD Chemicals)	
Inc., VWR International LLC, Orbigen,)	
Inc., Axxora Life Sciences, Inc.,)	
Cayman Chemical Company, Inc.,)	
Origene Technologies, Inc., Superarray)	
Bioscience Corp., Tocris Bioscience, and)	
Millipore Corp.,)	
)	
DEFENDANTS.)	

**PLAINTIFF PSN ILLINOIS LLC'S MOTION TO
PROVE UP DAMAGES AGAINST ORBIGEN, INC.**

Plaintiff, PSN ILLINOIS, LLC (“PSN”) pursuant to the Court’s Order of October 2, 2008 (Exhibit A), respectfully moves this Court to enter damages, costs, and attorneys fees against defendant ORBIGEN, INC. (“Orbigen”). In support thereof, Plaintiff states as follows:

1. PSN filed its claim for patent infringement on July 1, 2008 seeking, *inter alia*, damages for past, present and future infringement of United States Patent No. 5,856,443, entitled “Molecular Cloning And Expression of G-Coupled Receptors,” issued January 5, 1999 (“the ‘443 patent”) and United States Patent No. 6,518,414B1 entitled “Molecular Cloning and Expression of G-Protein Coupled Receptors”, issued February 1, 2003 (“the ‘414 patent”) (see Docket No. 1, PSN Complaint at ¶ 3).

2. In its Complaint, PSN alleges that defendant Orbigen has infringed claims of at least ‘443 and ‘414 patents through, amongst other activities, the manufacture, use, offer for sale, sale, and/or distribution of products and services utilizing Sphingosine 1-Phosphate Receptor 2/ aka Edg 5/ aka p^{H218} (“SIP2”) that fall within the scope of claims of these patents, including at

least the following products: Rabbit Endothelial differentiation sphingolipid G-protein-coupled receptor 5 (EDG5) polyclonal antibody (Catalog # PAB-10630); and Chicken Endothelial differentiation sphingolipid G-protein-coupled receptor 5 (EDG5) polyclonal antibody (Catalog # PAB-U0005).

3. On October 2, 2008 the Court entered a Default Judgment against Orbigen, and ordered PSN to file a motion to prove up its damages within 10 days (Exhibit A).

4. On behalf of Orbigen, Terry Huang, stated that Orbigen's sales of the alleged infringing products have totaled \$2,134.00 (Exhibit B).

5. PSN requested that Orbigen provide corroborating sales information to enable PSN to prove up its damages; however Orbigen has failed to respond to this request (Exhibit C).

6. Accordingly, PSN respectfully requests this Court require Orbigen to provide information corroborating its sales of the alleged infringing products for the past six (6) years, to pay PSN a reasonable royalty on the corroborated sales of 20% of such, and to pay PSN's legal fees to date, which are estimated at \$5,000.00.

WHEREFORE, PSN moves this Court to enter judgment against defendant Orbigen in the form attached as Exhibit D , plus any further relief the Court deems equitable and just.

Dated: October 14, 2008

Respectfully submitted,

PSN ILLINOIS, LLC

By: /s/ Dana L. Drexler
One of its Attorneys

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