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12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 Ravgen, Inc.,
15 Plaintiff,
16 v.
17 Quest Diagnostics Incorporated and
18 Quest Diagnostics Nichols Institute,
19 Defendants.
20 Quest Diagnostics Incorporated,
21 Counterclaimant,
22 v.
23 Ravgen, Inc.,
24 Counterclaim-Defendant.
25
26

Case No. 2:21-cv-09011-RGK-GJS
**FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT**

JURY TRIAL DEMANDED

1 Plaintiff Ravgen, Inc. (“Ravgen”), for its First Amended Complaint against
2 Defendants Quest Diagnostics Incorporated (“Quest”) and Quest Diagnostics Nichols
3 Institute (“Quest Nichols”) (collectively, “Defendants”), hereby alleges as follows:

4 **NATURE OF THE ACTION**

5 1. This is a civil action for infringement of United States Patent Nos.
6 7,727,720 (the “’720 Patent”) and 7,332,277 (the “’277 Patent”) (collectively the
7 “Patents-in-Suit”), arising under the Patent Laws of the United States, 35 U.S.C.
8 §§ 271 *et seq.*

9 **THE PARTIES**

10 2. Plaintiff Ravgen is a Delaware corporation with its principal place of
11 business at 9241 Rumsey Rd., Columbia, MD 21045. Ravgen is a pioneering
12 diagnostics company that focuses on non-invasive prenatal testing. Ravgen has spent
13 millions of dollars researching and developing novel methods for the detection of cell-
14 free DNA to replace conventional, invasive procedures. Ravgen’s innovative cell-free
15 DNA technology has various applications, including non-invasive prenatal and other
16 genetic testing. Those efforts have resulted in the issuance of several patents,
17 including the Patents-in-Suit.

18 3. Defendant Quest is a Delaware corporation with its principal place of
19 business at 500 Plaza Drive, Secaucus, NJ 07094. (ECF No. 152 at ¶ 3 (Quest
20 Answer); Ex. 48.) Quest is registered to do business in the state of California. (Ex.
21 41.) Quest has appointed Corporation Service Company (d/b/a CSC – Lawyers
22 Incorporating Service Company), located at 2710 Gateway Oaks Drive, Suite 150N,
23 Sacramento, CA 95833, as its agent for service of process. (Ex. 48; Ex. 42.) Quest
24 maintains several places of business in this District, including patient collection
25 centers that offer diagnostic tests (e.g., the QNatal Advanced test), such as at 1300
26 Avenida Vista Hermosa, Suite 160, San Clemente, CA 92673; and other offices, such
27

1 as at 675 Camino De Los Mares, Suite 300, San Clemente, CA 92673. (*See, e.g.*, Ex.
2 43 (<https://appointment.questdiagnostics.com/find-location/as-location-finder>); Exs.
3 50-51 (Dun & Bradstreet reports identifying the businesses at the addresses as Quest
4 Diagnostics).)

5 4. Defendant Quest Nichols is a Delaware corporation with its principal
6 place of business at 33608 Ortega Highway, San Juan Capistrano, CA 92675. (ECF
7 No. 152 at ¶ 48 (Quest Answer); Ex. 49.) Quest Nichols is registered to do business
8 in the state of California. (Ex. 44). Quest has appointed Corporation Service
9 Company (d/b/a CSC – Lawyers Incorporating Service Company), located at 2710
10 gateway Oaks Drive, Suite 150N, Sacramento, CA 95833, as its agent for service of
11 process. (Ex. 49; Ex. 42.)

12 5. Quest and Quest Nichols each have employees at the San Juan
13 Capistrano location above. (*See, e.g.*, ECF No. 21 at 13 (Quest Motion to Transfer).)

14 6. Defendants commercialize genetic tests using cell-free DNA, including a
15 non-invasive prenatal diagnostic test for the determination of fetal chromosomal
16 abnormalities marketed under the trade name “QNatal Advanced.” Defendants offer
17 and market this test throughout the United States, at least through the website
18 www.questdiagnostics.com. (*See generally* Ex. 12
19 ([https://www.questdiagnostics.com/home/patients/health-test-info/womens-
20 health/prenatal/during-pregnancy/noninvasive/](https://www.questdiagnostics.com/home/patients/health-test-info/womens-health/prenatal/during-pregnancy/noninvasive/))).

21 JURISDICTION AND VENUE

22 7. Ravgen incorporates by reference paragraphs 1–6.

23 8. This action arises under the patent laws of the United States, including
24 U.S.C. §§ 271 *et seq.* The jurisdiction of this Court over the subject matter of this
25 action is proper under 28 U.S.C. §§ 1331 and 1338(a).
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1 9. Venue is proper in this District pursuant to U.S.C. §§ 1391(b), (c), (d),
2 and 1400(b) because Defendants have a permanent and continuous presence in, have
3 committed acts of infringement in, and maintain regular and established places of
4 businesses in, this District.

5 10. By registering to conduct business in California and by having facilities
6 where it regularly conducts business in this District, Defendants have a permanent and
7 continuous presence and regular and established places of business in the Central
8 District of California.

9 11. Quest maintains regular and established places of business in this
10 District. (*See, e.g.*, ECF No. 152 at ¶ 48-49 (Quest Answer); ECF No. 21 at 13.) On
11 information and belief, Quest holds out at least its patient collection centers that offer
12 diagnostic tests, including at 1300 Avenida Vista Hermosa, Suite 160, San Clemente,
13 CA 92673, as Quest’s own, including by displaying its name at these locations, listing
14 these locations and directing patients to these locations on its website located at
15 <https://appointment.questdiagnostics.com/find-location/as-location-finder>. (*See Ex.*
16 43; Ex. 7 at 1 (Quest Diagnostics Incorporated’s Form 10-K for Fiscal Year 2019)
17 (“We conduct business through . . . our laboratories, patient service centers, offices
18 and other facilities around the United States”); *id.* at 38 (“We also maintain
19 offices . . . and patient service centers at locations throughout the United States.”).)
20 Further, Quest’s places of business in this District include other laboratories, such as
21 at 33608 Ortega Highway, San Juan Capistrano, CA 92675. (*See Ex.* 45 (Dun &
22 Bradstreet report identifying the business at this location as Quest Diagnostics Nichols
23 Institute); Ex. 46 (Google street view photos of this location showing “Quest
24 Diagnostics”). On information and belief, employees of Quest carry out Quest’s
25 business at places of business in this District. (*See, e.g.*, ECF No. 21 at 13)

1 12. Quest Nichols maintains regular and established places of business in this
2 District, including a laboratory at 33608 Ortega Highway, San Juan Capistrano, CA
3 92675. (See ECF No. 152 at ¶ 48-49 (Quest Answer); Ex. 44; Ex. 49.) On
4 information and belief, Quest Nichols holds out these places of business as its own,
5 including by displaying its name at this location, listing this location and directing
6 patients to this location on its website located at
7 <https://www.questdiagnostics.com/locations/search.html/domestic> (See Ex. 47.)

8 13. Defendants offer for sale and sell cell-free DNA tests that employ
9 methods claimed in the Patents-in-Suit, including the QNatal Advanced test,
10 throughout the United States, including through its website, which is accessible in this
11 District. (See, e.g., Ex. 15
12 ([https://www.questdiagnostics.com/home/physicians/testing-services/by-test-](https://www.questdiagnostics.com/home/physicians/testing-services/by-test-name/noninvasive/requisition/)
13 [name/noninvasive/requisition/](https://www.questdiagnostics.com/home/physicians/testing-services/by-test-name/noninvasive/requisition/)); Ex. 16 at 2
14 ([https://www.questdiagnostics.com/home/physicians/testing-services/by-test-](https://www.questdiagnostics.com/home/physicians/testing-services/by-test-name/noninvasive/faq/)
15 [name/noninvasive/faq/](https://www.questdiagnostics.com/home/physicians/testing-services/by-test-name/noninvasive/faq/)) (“How do I order QNatal Advanced? . . . contact your sales
16 representative, email a genetic counselor at GENEINFO@QuestDiagnostics.com, or
17 call 1.866.GENE.INFO (1.866.436.3463).”); Ex. 17
18 ([https://www.questdiagnostics.com/dms/Documents/Other/QNatal-](https://www.questdiagnostics.com/dms/Documents/Other/QNatal-Requisition/QNatal%20Requisition.pdf)
19 [Requisition/QNatal%20Requisition.pdf](https://www.questdiagnostics.com/dms/Documents/Other/QNatal-Requisition/QNatal%20Requisition.pdf)) (physician order form for QNatal
20 Advanced).)

21 14. Quest has committed acts of direct infringement in this judicial District.
22 For example, on information and belief, Quest commits acts of infringement in this
23 District by offering for sale and selling the performance of infringing methods at
24 Quest’s patient collection centers, such as at 1300 Avenida Vista Hermosa, Suite 160,
25 San Clemente, CA 92673. Specifically, as detailed further below, Quest offers for
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