

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

FOREST LABORATORIES, INC., FOREST )  
LABORATORIES HOLDINGS, LTD., and )  
ADAMAS PHARMACEUTICALS, INC., )  
)  
Plaintiffs, )

v. )

APOTEX CORP., APOTEX INC., ZYDUS )  
PHARMACEUTICALS (USA), INC., )  
CADILA HEALTHCARE LTD. (d/b/a/ )  
ZYDUS CADILA), PAR )  
PHARMACEUTICAL, INC., ANCHEN )  
PHARMACEUTICALS, INC. and WATSON )  
LABORATORIES, INC. – FLORIDA, )  
)  
Defendants. )

C.A. No. \_\_\_\_\_

**COMPLAINT**

Plaintiffs Forest Laboratories, Inc., Forest Laboratories Holdings, Ltd., and Adamas Pharmaceuticals, Inc. (collectively, "Plaintiffs"), for their Complaint against Defendants Apotex Corp., Apotex Inc., Zydus Pharmaceuticals (USA), Inc., Cadila Healthcare Ltd. (d/b/a/ Zydus Cadila), Par Pharmaceutical, Inc., Anchen Pharmaceuticals, Inc., and Watson Laboratories, Inc. - Florida (collectively, "Defendants"), hereby allege as follows:

**PARTIES**

1. Plaintiff Forest Laboratories, Inc. is a Delaware corporation having a principal place of business at 909 Third Avenue, New York, New York 10022.
2. Plaintiff Forest Laboratories Holdings, Ltd. is an Irish corporation having a principal place of business at Columbia House, 1 Victoria Street, Hamilton HM11, Bermuda (referred to herein, together with Forest Laboratories, Inc., as "Forest").

3. Plaintiff Adamas Pharmaceuticals, Inc. ("Adamas") is a Delaware corporation having a principal place of business at 2200 Powell Street, Suite 220, Emeryville, California 94608.

4. Upon information and belief, Defendant Apotex Corp. is a Delaware corporation having a principal place of business at 2400 North Commerce Parkway, Suite 400, Weston, Florida 33326. Upon information and belief, Defendant Apotex Corp. manufactures and/or distributes numerous generic drugs for sale and use throughout the United States, including in this judicial district, and including as an agent of Apotex Inc.

5. Upon information and belief, Defendant Apotex Inc. is a Canadian corporation having a principal place of business at 150 Signet Drive, Toronto, Ontario, Canada M9L 1T9. Upon information and belief, Defendant Apotex Inc. (referred to herein, together with Apotex Corp., as "Apotex") manufactures and/or distributes numerous generic drugs for sale and use throughout the United States, including in this judicial district, and including through its agent Apotex Corp.

6. Upon information and belief, Defendant Zydus Pharmaceuticals (USA), Inc. is a New Jersey corporation having a principal place of business at 73 Route 31 N., Pennington, New Jersey 08534. Upon information and belief, Defendant Zydus Pharmaceuticals (USA), Inc. is a subsidiary of Cadila Healthcare Ltd. (d/b/a/ Zydus Cadila). Upon information and belief, Defendant Zydus Pharmaceuticals (USA), Inc. manufactures and/or distributes numerous generic drugs for sale and use throughout the United States, including in this judicial district, and including as a subsidiary and agent of Cadila Healthcare Ltd. (d/b/a/ Zydus Cadila).

7. Upon information and belief, Defendant Cadila Healthcare Ltd. (d/b/a/ Zydus Cadila) is an Indian corporation having a principal place of business at Zydus Tower, Satellite

Cross Roads, Ahmedabad-380015, Gujurat, India. Upon information and belief, Defendant Cadila Healthcare Ltd. (d/b/a/ Zydus Cadila) (referred to herein, together with Zydus Pharmaceuticals (USA), Inc., as "Zydus") manufactures and/or distributes numerous generic drugs for sale and use throughout the United States, including in this judicial district, and including through its subsidiary and agent Zydus Pharmaceuticals (USA), Inc.

8. Upon information and belief, Defendant Par Pharmaceutical, Inc. ("Par") is a Delaware corporation having a principal place of business at 300 Tice Boulevard, Woodcliff Lake, New Jersey 07677. Upon information and belief, Defendant Par Pharmaceutical, Inc. manufactures and/or distributes numerous generic drugs for sale and use throughout the United States, including in this judicial district, and including through its subsidiary and agent Anchen Pharmaceuticals, Inc.

9. Upon information and belief, Defendant Anchen Pharmaceuticals, Inc. ("Anchen") is a California corporation having a principal place of business at 9601 Jeronimo Road, Irvine, California 92618. Upon information and belief, Defendant Anchen Pharmaceuticals, Inc. manufactures and/or distributes numerous generic drugs for sale and use throughout the United States, including in this judicial district, and including as a subsidiary and agent of Par Pharmaceutical, Inc.

10. Upon information and belief, Defendant Watson Laboratories, Inc. - Florida ("Watson") is a Florida corporation with a principal place of business at 4955 Orange Drive, Davie, Florida 33314. Upon information and belief, Defendant Watson Laboratories, Inc. - Florida manufactures and/or distributes numerous generic drugs for sale and use throughout the United States, including in this judicial district.

### NATURE OF THE ACTION

11. This is a civil action for the infringement of one or more of the following patents by each of the Defendants: United States Patent Nos. 8,039,009 ("the '009 patent"); 8,168,209, as corrected ("the '209 patent"); 8,173,708 ("the '708 patent"); 8,283,379 ("the '379 patent"); 8,329,752 ("the '752 patent"); 8,362,085 ("the '085 patent"); and 8,598,233 ("the '233 patent"). This action is based upon the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

### JURISDICTION AND VENUE

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

13. This Court has personal jurisdiction over each of the Defendants by virtue of the fact that, *inter alia*, each Defendant has committed, or aided, abetted, induced, contributed to, and/or participated in the commission of, a tortious act of patent infringement that has led to foreseeable harm and injury to Plaintiffs in Delaware. This Court has personal jurisdiction over each of the Defendants for the additional reasons set forth below and for other reasons that will be presented to the Court if such personal jurisdiction is challenged.

14. This Court has personal jurisdiction over Defendant Apotex Corp. by virtue of, *inter alia*, the fact that Apotex Corp. is a Delaware corporation.

15. This Court has personal jurisdiction over Defendant Apotex Inc. by virtue of, *inter alia*: (1) its presence in Delaware, including through its agent Defendant Apotex Corp.; and (2) its systematic and continuous contacts with Delaware, including through its agent Apotex Corp. On information and belief, Apotex Inc. is amenable to litigating in this forum based on Apotex Inc.'s conduct in multiple prior litigations in this District. In particular, Apotex Inc. did

not contest jurisdiction in Civil Action No. 13-1613 (D.I. 8) or Civil Action No. 13-1602 (D.I. 17).

16. This Court has personal jurisdiction over Defendant Zydus Pharmaceuticals (USA), Inc. by virtue of, *inter alia*: (1) its presence in Delaware, including through its parent Defendant Cadila Healthcare Ltd. (d/b/a/ Zydus Cadila); and (2) its systematic and continuous contacts with Delaware, including through its parent Cadila Healthcare Ltd. (d/b/a/ Zydus Cadila). On information and belief, Zydus Pharmaceuticals (USA), Inc. is amenable to litigating in this forum based on Zydus Pharmaceuticals (USA), Inc.'s conduct in at least one prior litigation in this District, Civil Action No. 10-581 (D.I. 9).

17. This Court has personal jurisdiction over Defendant Cadila Healthcare Ltd. (d/b/a/ Zydus Cadila) by virtue of, *inter alia*: (1) its presence in Delaware, including through its subsidiary and agent Defendant Zydus Pharmaceuticals (USA), Inc.; and (2) its systematic and continuous contacts with Delaware, including through its subsidiary and agent Zydus Pharmaceuticals (USA), Inc. On information and belief, Cadila Healthcare Ltd. (d/b/a/ Zydus Cadila) is amenable to litigating in this forum based on Cadila Healthcare Ltd.'s (d/b/a/ Zydus Cadila) conduct in multiple prior litigations in this District. In particular, Cadila Healthcare Ltd. (d/b/a/ Zydus Cadila) did not contest jurisdiction in Civil Action No. 13-1143 (D.I. 26) or Civil Action No. 10-581 (D.I. 13).

18. This Court has personal jurisdiction over Defendant Par Pharmaceutical, Inc. by virtue of, *inter alia*, the fact that Par Pharmaceutical, Inc. is a Delaware corporation.

19. This Court has personal jurisdiction over Defendant Anchen Pharmaceuticals, Inc. by virtue of, *inter alia*: (1) its presence in Delaware, including through its parent Defendant Par Pharmaceutical, Inc.; and (2) its systematic and continuous contacts with Delaware, including

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.