

Defendants

3. Upon information and belief, Claris Ltd. is a corporation organized and existing under the laws of India, with its principal place of business at Nr. Parimal Crossing, Ellisbridge, Ahmedabad, 380006, India.

4. Upon information and belief, Claris Inc. is a corporation organized and existing under the laws of New Jersey with its principal place of business at 1445 US Highway 130, North Brunswick, NJ 08902.

5. Upon information and belief, Claris Inc. is a wholly-owned subsidiary of and is controlled by Claris Ltd.

6. Upon information and belief, both Claris Ltd. and Claris Inc. submitted, collaborated and/or acted in concert in the preparation or submission of ANDA No. 203421 (the “Claris ANDA”).

JURISDICTION AND VENUE

Subject Matter Jurisdiction

7. This action for patent infringement arises under 35 U.S.C. § 271.

8. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202.

Personal Jurisdiction Over Defendants

9. Upon information and belief, this Court has personal jurisdiction over Claris Ltd.

10. Upon information and belief, Claris Ltd., through its wholly-owned subsidiary and agent Claris Inc., markets, distributes and/or sells generic drugs throughout the United States and within the State of Delaware.

11. Upon information and belief, Claris Ltd. has engaged in and maintained systematic and continuous business contacts within the State of Delaware, and has purposefully availed itself of the benefits and protections of the laws of Delaware, rendering it at home in Delaware.

12. Upon information and belief, Claris Ltd. routinely files ANDAs in the United States and markets a numerous generic injectable pharmaceutical products, including, *inter alia*, ciprofloxacin, fluconazole, furosemide, levofloxacin, metoprolol tartrate, metronidazole, norepinephrine bitartrate, and ondansetron hydrochloride.

13. Upon information and belief, Claris Ltd. has agreements with pharmaceutical retailers, wholesalers or distributors providing for the distribution of its products in the State of Delaware, including, *inter alia*, ciprofloxacin, fluconazole, furosemide, levofloxacin, metoprolol tartrate, metronidazole, norepinephrine bitartrate, and ondansetron hydrochloride.

14. Upon information and belief, Claris Ltd. has committed, or aided, abetted, contributed to and/or participated in the commission of the tortious action of patent infringement that has led to foreseeable harm and injury to Fresenius, which manufactures Diprivan®, for sale and use throughout the United States, including the State of Delaware.

15. Upon information and belief, Claris Ltd. has applied for FDA approval to market and sell a generic version of Diprivan® throughout the United States, including in Delaware.

16. On November 4, 2014, Claris Ltd. sent a letter to Fresenius, a Delaware Limited Liability Company, stating that it had filed ANDA No. 203421 seeking FDA approval to market a generic Diprivan® product prior to the expiration of the '010 patent (the "Claris Notice Letter").

17. Upon information and belief, Claris Ltd. will market, sell, and offer for sale its proposed generic version of Diprivan® in the State of Delaware following FDA approval of that product.

18. Upon information and belief, as a result of Claris Ltd.'s marketing, selling, or offering for sale of its generic version of Diprivan® in the State of Delaware, Fresenius will lose sales of Diprivan® and be injured in the State of Delaware.

19. Upon information and belief, Claris Ltd.'s systematic and continuous business contacts within Delaware render it at home in Delaware.

20. Upon information and belief, this Court has personal jurisdiction over Claris Ltd. for the reasons stated herein, including, *inter alia*, Claris Ltd.'s activities in the forum, activities directed at the forum, significant contacts with the forum, and consent, all of which render Claris Ltd. at home in the forum.

21. This Court also has personal jurisdiction over Claris Ltd. under Federal Rule of Civil Procedure 4(k)(2).

22. Upon information and belief, this Court has personal jurisdiction over Claris Inc.

23. Upon information and belief, Claris Inc., as an agent of Claris Ltd., markets, distributes and/or sells generic drugs throughout the United States and within the State of Delaware.

24. Upon information and belief, Claris Inc. has engaged in and maintained systematic and continuous business contacts within the State of Delaware, and has purposefully availed itself of the benefits and protections of the laws of Delaware.

25. Upon information and belief, Claris Inc. collaborated and/or acted in concert with Claris Ltd. to apply for FDA approval to market and sell a generic version of Diprivan[®] throughout the United States, including in Delaware.

26. Upon information and belief, Claris Inc. collaborated in the decision to send the Claris Notice Letter to Fresenius, a Delaware Limited Liability Company.

27. Upon information and belief, Claris Inc. will act as the agent of Claris Ltd. by marketing, selling, and/or offering for sale a generic version of Diprivan[®] in the State of Delaware on Claris Ltd.'s behalf following FDA approval of that product.

28. Upon information and belief, Claris Inc. has committed, or aided, abetted, contributed to and/or participated in the commission of the tortious action of patent infringement that has led to foreseeable harm and injury to Fresenius, which manufactures Diprivan[®], for sale and use throughout the United States, including the State of Delaware.

29. Upon information and belief, Claris Inc.'s systematic and continuous business contacts within Delaware render it at home in Delaware.

30. Upon information and belief, this Court has personal jurisdiction over Claris Inc. for the reasons stated herein, including by virtue of Claris Inc.'s activities in the forum, activities directed at the forum, and significant contacts with the forum, all of which render Claris Inc. at home in the forum.

Venue

31. Venue is proper in this Judicial District under 28 U.S.C. § 1391 and 1400(b).

BACKGROUND

The Patent-in-Suit: United States Patent No. 8,476,010

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