

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

\_\_\_\_\_  
CEPHALON, INC., )

*Plaintiff,* )

v. )

SANDOZ INC.; ACCORD HEALTHCARE, )  
INC.; INTAS PHARMACEUTICALS LTD.; )  
INNOPHARMA, INC.; AGILA )  
SPECIALTIES INC. f/k/a STRIDES, INC.; )  
ONCO THERAPIES LIMITED; GLENMARK )  
PHARMACEUTICALS LTD.; GLENMARK )  
GENERICS LTD.; GLENMARK GENERICS )  
S.A.; GLENMARK GENERICS INC., USA; )  
EUROHEALTH INTERNATIONAL SARL; )  
and WEST-WARD PHARMACEUTICAL )  
CORP., )

*Defendants.* )

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

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Cephalon, Inc. (“Cephalon” or “Plaintiff”) brings this action for patent infringement against Defendants Sandoz Inc. (“Sandoz”); Accord Healthcare, Inc. and Intas Pharmaceuticals Ltd. (collectively, “Accord/Intas”); InnoPharma, Inc. (“InnoPharma”); Agila Specialties Inc. f/k/a Strides, Inc. (“Agila”) and Onco Therapies Limited (“Onco”) (collectively “Agila/Onco”); Glenmark Pharmaceuticals Ltd., Glenmark Generics Ltd., Glenmark Generics S.A. and Glenmark Generics Inc., USA (collectively, “Glenmark”); and Eurohealth International Sarl (“Eurohealth”) and West-Ward Pharmaceutical Corp. (“West-Ward”) (collectively, “Eurohealth/West-Ward”), (collectively, “Defendants”).

1. This is an action by Cephalon against Defendants for infringement of United States Patent No. 8,669,279 (“the ’279 patent”), United States Patent No. 8,883,836 (“the ’836 patent”), and United States Patent No. 8,895,756 (“the ’756 patent”). This action arises out of Defendants’ filing of their respective Abbreviated New Drug Applications (“ANDAs”) seeking

approval by the United States Food and Drug Administration (“FDA”) to sell generic versions of TREANDA<sup>®</sup>, Cephalon’s innovative drug for the treatment of patients with chronic lymphocytic leukemia and non-Hodgkin’s lymphoma, prior to the expiration of the ’279 patent, the ’836 patent, and the ’756 patent.

### **THE PARTIES**

#### **Cephalon, Inc.**

2. Plaintiff Cephalon, Inc. is a corporation operating and existing under the laws of Delaware, with its principal place of business at 41 Moores Road, Frazer, Pennsylvania 19355. Cephalon is engaged in the business of research, development, manufacture, and sale of innovative pharmaceutical products throughout the world.

### **DEFENDANTS**

#### **Sandoz**

3. On information and belief, Defendant Sandoz is a corporation organized and existing under the laws of the State of Colorado, with its principal place of business at 506 Carnegie Center, Suite 400, Princeton, New Jersey.

#### **Accord/Intas**

4. On information and belief, Defendant Accord Healthcare Inc. is a corporation organized and existing under the laws of the State of North Carolina, with its principal place of business at 1009 Slater Road, Suite 21 OB, Durham, North Carolina, 27703.

5. On information and belief, Defendant Intas Pharmaceuticals Ltd. is a corporation organized and existing under the laws of India, with its principal place of business at Chinubhai Center Off. Nehru Bridge, Ashram Road, Ahmedabad 380009, Gujarat, India.

6. On information and belief, Accord Healthcare Inc. is a wholly owned subsidiary of Intas Pharmaceuticals Ltd.

**InnoPharma, Inc.**

7. On information and belief, Defendant InnoPharma is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 10 Knightsbridge Road, Piscataway, New Jersey 08854.

**Agila/Onco**

8. On information and belief, Defendant Agila is a corporation organized and existing under the laws of New Jersey, with its principal place of business at 201 South Main Street, Suite #3, Lambertville, New Jersey 08530.

9. On information and belief, Defendant Onco is a corporation organized and existing under the laws of India, with its principal place of business at Strides House, Bilkahalli, Bannerghatta Road, Bangalore, Karnataka India 560076.

10. On information and belief, both Agila and Onco submitted, collaborated and/or acted in concert in the preparation or submission of ANDA No. 204104.

**Glenmark**

11. On information and belief, Defendant Glenmark Pharmaceuticals Ltd. is an Indian corporation having a place of business at Glenmark House, HDO – Corporate Bldg., Wing A, B, D, Sawant Marg, Chakala, Off Western Express Highway, Andheri [East], Mumbai, 400 099, India.

12. On information and belief, Defendant Glenmark Generics Ltd. is an Indian corporation having a place of business at Glenmark House, HDO – Corporate Bldg., Wing A, B, D, Sawant Marg, Chakala, Off Western Express Highway, Andheri [East], Mumbai, 400 099, India.

13. On information and belief, Defendant Glenmark Generics S.A. is an Argentine corporation having a place of business at Parque Industrial, Calle 9 Ing. Meyer Oks No 593, Pilar, Argentina.

14. On information and belief, Defendant Glenmark Generics Inc., USA is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 750 Corporate Drive, Mahwah, NJ 07430.

15. On information and belief, Glenmark Generics Inc., USA and Glenmark Generics S.A. are wholly owned subsidiaries of Glenmark Generics Ltd.

16. On information and belief, Glenmark Generics Ltd. is a wholly owned subsidiary of Glenmark Pharmaceuticals Ltd.

17. On information and belief, Glenmark Generics Inc., USA acts as an agent of Glenmark Pharmaceuticals Ltd.

#### **Eurohealth/West-Ward**

18. On information and belief, Defendant Eurohealth is a company incorporated in Switzerland with a principal place of business at Rue des Battoirs 7, 1205 Geneve, Switerland.

19. On information and belief, Defendant West-Ward is a corporation organized and existing under the laws of the State of Delaware with a principal place of business at 401 Industrial Way West, Eatontown, New Jersey 07724.

20. On information and belief, West-Ward acts as a domestic marketer, manufacturer, and distributor of drug products for sale and use throughout the United States for entities affiliated with Hikma Pharmaceuticals PLC (“Hikma”), including Eurohealth. On information and belief, West-Ward is the authorized U.S. agent for Eurohealth. West-Ward’s website also

indicates that it has a sales representative for the State of Delaware. On information and belief, West-Ward is a wholly owned subsidiary of Eurohealth (U.S.A.) Inc., and its parent, Hikma.

21. On information and belief, Hikma acquired the assets of Bedford, an unincorporated division of Ben Venue Laboratories, Inc., a corporation organized and existing under the laws of the State of Delaware, both having a place of business at 300 Northfield Road, Bedford, Ohio 44146, on or about July 15, 2014. Hikma's website states that it acquired Bedford's "large product portfolio, intellectual property rights, contracts for products marketed under license, raw material inventories, a strong R&D and business development pipeline and a number of employees across key business functions." The website also states that the Bedford acquisition "brings a unique and attractive R&D pipeline of 27 products, of which 16 are filed and pending approval from the US FDA. The pipeline assets focus on higher value, medically necessary and acute care products, including numerous Paragraph IV opportunities." On information and belief, included in the assets that Hikma acquired is ANDA No. 206412.

22. On information and belief, Ben Venue Laboratories, Inc. transferred all rights to the ANDA No. 206412 to Defendant Eurohealth.

### **JURISDICTION AND VENUE**

#### **Subject Matter Jurisdiction**

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

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

#### **Personal Jurisdiction, Generally**

25. On information and belief, this Court has personal jurisdiction over Defendants because they did not challenge this Court's exercise of personal jurisdiction over them for purposes of litigating allegations of patent infringement involving the ANDAs that are the

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