IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PURDUE PHARMA L.P., PURDUE PHARMACEUTICALS L.P., THE P.F. LABORATORIES, INC., and RHODES TECHNOLOGIES,	)	
Plaintiffs,	)	C.A. No. _____
v.	)	
ABHAI, LLC and KVK-TECH, INC.,	)	
Defendants.	)	

COMPLAINT

Plaintiffs Purdue Pharma L.P., Purdue Pharmaceuticals L.P., The P.F. Laboratories, Inc. (collectively, "Purdue"), and Rhodes Technologies ("Rhodes") (collectively, "Plaintiffs"), for their Complaint against Defendants Abhai, LLC ("Abhai") and KVK-TECH, Inc. ("KVK") (collectively, "Defendants"), aver as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code, for infringement of United States Patent Nos. 9,492,389 ("the '389 patent"); 9,492,391 ("the '391 patent"); 9,492,392 ("the '392 patent"); 9,492,393 ("the '393 patent") and 9,522,919 ("the '919 patent") (collectively, "the patents-in-suit"). This action relates to Abbreviated New Drug Application ("ANDA") No. 207493 ("Defendants' ANDA") submitted upon information and belief in the name of Defendants to the United States Food and Drug Administration ("FDA").

2. Plaintiffs seek judgment that Defendants have infringed the '389, '391, '392, '393, and '919 patents, which are listed in the FDA *Approved Drug Products With*

Therapeutic Equivalence Evaluations ("Orange Book") as covering Purdue's OxyContin® (oxycodone hydrochloride) ("OxyContin®"), an extended-release pain medication. Defendants have infringed the Orange Book patents under 35 U.S.C. § 271(e)(2)(A) by filing ANDA No. 207493, submitted in the name of Defendants to the FDA. Defendants' ANDA seeks approval to market a generic version of Purdue's OxyContin®, which is the subject of approved New Drug Application ("NDA") No. 022272, in the 10 mg, 15 mg, 20 mg, 30 mg, 40 mg, 60 mg, and 80 mg dosage strengths ("Defendants' ANDA Products").

THE PARTIES

3. Plaintiff Purdue Pharma L.P. ("Purdue Pharma") is a limited partnership organized and existing under the laws of the State of Delaware, having a place of business at One Stamford Forum, 201 Tresser Boulevard, Stamford, Connecticut 06901-3431. Purdue Pharma is an owner of the '389, '391, '392, '393, and '919 patents, identified in paragraphs 19-23 below. Purdue Pharma is also the holder of approved NDA No. 022272 for OxyContin®, indicated for pain severe enough to require daily, around-the-clock, long-term opioid treatment and for which alternative treatment options are inadequate. Purdue Pharma sells OxyContin® in the United States.

4. Plaintiff Purdue Pharmaceuticals L.P. ("Purdue Pharmaceuticals") is a limited partnership organized and existing under the laws of the State of Delaware, having a place of business at 4701 Purdue Drive, Wilson, NC 27893. Purdue Pharmaceuticals is an owner of the '389, '391, '392, '393, and '919 patents, identified in paragraphs 19-23 below.

5. Plaintiff The P.F. Laboratories, Inc. ("P.F. Labs") is a corporation organized and existing under the laws of the State of New Jersey, having a place of business at One Stamford Forum, Stamford, CT 06901. P.F. Labs is an owner of the '919 patent, identified in paragraph 23 below.

6. Plaintiff Rhodes Technologies ("Rhodes") is a general partnership organized and existing under the laws of the State of Delaware, having a place of business at 498 Washington Street, Coventry, RI 02816. Rhodes is an owner of the '919 patent, identified in paragraph 23 below, and is involved in the manufacture of the active pharmaceutical ingredient ("API") used in OxyContin®.

7. On information and belief, Defendant Abhai is a limited liability company organized and existing under the laws of the State of Florida, having a principal place of business at 194 Inlet Drive, St. Augustine, FL 32080.

8. On information and belief, Defendant KVK is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, having a principal place of business at 110 Terry Drive, Suite 200, Newtown, PA 18940.

SUBJECT MATTER JURISDICTION AND VENUE

9. This action arises under the patent laws of the United States, including 35 U.S.C. § 271 and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.

10. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

11. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b), because Defendants have committed an act of patent infringement in this Judicial District.

PERSONAL JURISDICTION

12. This Court has personal jurisdiction over each of the Defendants by virtue of, *inter alia*, their systematic and continuous contacts with Delaware and contacts with Delaware in connection with the submission of Defendants' ANDA, as set forth below.

13. On information and belief, Defendant KVK holds current and valid "Distributor/Manufacturer CSR" and "Pharmacy-Wholesale" licenses from the Delaware Board of Pharmacy.

14. On information and belief, Defendants are in the business of preparing generic pharmaceuticals that they distribute in the State of Delaware and throughout the United States.

15. On information and belief, if ANDA No. 207493 is approved, the Defendants' ANDA Products would, among other things, be marketed and distributed in Delaware, and/or prescribed by physicians practicing and dispensed by pharmacies located within Delaware, all of which would have a substantial effect on Delaware.

16. On information and belief, Defendants have admitted to, consented to or have not contested, the jurisdiction of this Court, and/or have availed themselves of the rights, benefits, and privileges of this Court by asserting counterclaims in a pending District of Delaware action, *Purdue Pharma L.P. et al. v. Abhai, LLC et al.*, C.A. No. 16-25 (RGA) (SRF).

17. This Court also has personal jurisdiction over Defendants by virtue of the fact that they directed their "Notice of Paragraph IV Certification" to Plaintiffs, including Plaintiffs Purdue Pharma and Purdue Pharmaceuticals, which are limited partnerships organized and existing under the laws of the State of Delaware, and Plaintiff Rhodes, which is a general partnership organized and existing under the laws of the State of Delaware.

18. This Court further has personal jurisdiction over Defendants by virtue of the fact that Defendants have committed, or aided, abetted, contributed to, and/or participated in the commission of, the tortious act of patent infringement that has led to foreseeable harm and injury to Plaintiffs, including Plaintiffs Purdue Pharma and Purdue Pharmaceuticals, which are

limited partnerships organized and existing under the laws of the State of Delaware, and Plaintiff Rhodes, which is a general partnership organized and existing under the laws of the State of Delaware.

THE PATENTS-IN-SUIT

THE '389 PATENT

19. Purdue Pharma and Purdue Pharmaceuticals are the lawful owners of all right, title and interest in the '389 patent, titled "TAMPER RESISTANT DOSAGE FORMS," including the right to sue and to recover for past infringement thereof. The '389 patent is listed in the Orange Book as covering OxyContin®, which is the subject of approved NDA No. 022272. A copy of the '389 patent is attached hereto as Exhibit A, which was duly and legally issued on November 15, 2016, naming William H. McKenna, Richard O. Mannion, Edward P. O'Donnell, and Haiyong H. Huang as the inventors.

THE '391 PATENT

20. Purdue Pharma and Purdue Pharmaceuticals are the lawful owners of all right, title and interest in the '389 patent, titled "TAMPER RESISTANT DOSAGE FORMS," including the right to sue and to recover for past infringement thereof. The '391 patent is listed in the Orange Book as covering OxyContin®, which is the subject of approved NDA No. 022272. A copy of the '391 patent is attached hereto as Exhibit B, which was duly and legally issued on November 15, 2016, naming William H. McKenna, Richard O. Mannion, Edward P. O'Donnell, and Haiyong H. Huang as the inventors.

THE '392 PATENT

21. Purdue Pharma and Purdue Pharmaceuticals are the lawful owners of all right, title and interest in the '392 patent, titled "TAMPER RESISTANT DOSAGE FORMS," including the right to sue and to recover for past infringement thereof. The '392 patent is listed

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