

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

14 CV 2758
APR 17 2014

PLAINTIFFS
Kowa Company, Ltd.,
Kowa Pharmaceuticals America, Inc., and
Nissan Chemical Industries, Ltd.

DEFENDANT
Amneal Pharmaceuticals, LLC,

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) **ATTORNEYS (IF KNOWN)**

See Rider A

BUDD LARNER, P.C.
150 John F. Kennedy Parkway
Short Hills, NJ 07078
973.315.4412

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

35 U.S.C. §§ 271, 281-283 – suit for patent infringement

Has this or a similar case been previously filed in SDNY at any time? No? Yes? Judge Previously Assigned Paul A. Crotty

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	[] 610 AGRICULTURE	[] 422 APPEAL 28 USC 158	[] 400 STATE REAPPORTIONMENT
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 620 OTHER FOOD & DRUG	[] 423 WITHDRAWAL 28 USC 157	[] 410 ANTITRUST
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY	[] 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881	PROPERTY RIGHTS	[] 430 BANKS & BANKING
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 630 LIQUOR LAWS	[] 820 COPYRIGHTS	[] 450 COMMERCE
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	PERSONAL PROPERTY	[] 640 RR & TRUCK	<input checked="" type="checkbox"/> 830 PATENT	[] 460 DEPORTATION
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE	[] 370 OTHER FRAUD	[] 650 AIRLINE REGS	[] 840 TRADEMARK	[] 470 RACKETEER INFLU- ENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 371 TRUTH IN LENDING	[] 660 OCCUPATIONAL SAFETY/HEALTH	SOCIAL SECURITY	[] 480 CONSUMER CREDIT
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 690 OTHER	[] 861 HIA (1395ff)	[] 490 CABLE/SATELLITE TV
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	LABOR	[] 862 BLACK LUNG (923)	[] 810 SELECTIVE SERVICE
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY		[] 710 FAIR LABOR STANDARDS ACT	[] 863 DIWC/DIWW (405(g))	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[] 190 OTHER CONTRACT	ACTIONS UNDER STATUTES		[] 720 LABOR/MGMT RELATIONS	[] 864 SSID TITLE XVI	[] 875 CUSTOMER CHALLENGE 12 USC 3410
[] 195 CONTRACT PRODUCT LIABILITY	CIVIL RIGHTS		[] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT	[] 865 RSI (405(g))	[] 890 OTHER STATUTORY ACTIONS
[] 196 FRANCHISE	[] 441 VOTING	PRISONER PETITIONS	[] 740 RAILWAY LABOR ACT	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 891 AGRICULTURAL ACTS
REAL PROPERTY	[] 442 EMPLOYMENT	[] 510 MOTIONS TO VACATE SENTENCE 20 USC 2255	[] 790 OTHER LABOR LITIGATION	[] 871 IRS-THIRD PARTY 26 USC 7609	[] 892 ECONOMIC STABILIZATION ACT
[] 210 LAND CONDEMNATION	[] 443 HOUSING/ ACCOMMODATIONS	[] 530 HABEAS CORPUS	[] 791 EMPL RET INC SECURITY ACT		[] 893 ENVIRONMENTAL MATTERS
[] 220 FORECLOSURE	[] 444 WELFARE	[] 535 DEATH PENALTY	IMMIGRATION		[] 894 ENERGY ALLOCATION ACT
[] 230 RENT LEASE & EJECTMENT	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 540 MANDAMUS & OTHER	[] 462 NATURALIZATION APPLICATION		[] 895 FREEDOM OF INFORMATION ACT
[] 240 TORTS TO LAND	[] 446 AMERICANS WITH DISABILITIES -OTHER	[] 550 CIVIL RIGHTS	[] 463 HABEAS CORPUS- ALIEN DETAINEE		[] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
[] 245 TORT PRODUCT LIABILITY	[] 440 OTHER CIVIL RIGHTS	[] 555 PRISON CONDITION	[] 465 OTHER IMMIGRATION ACTIONS		[] 950 CONSTITUTIONALITY OF STATE STATUTES
[] 290 ALL OTHER REAL PROPERTY					

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE: Yes (See Rider B)

DEMAND \$ _____ OTHER _____ JUDGE Paul A. Crotty DOCKET NUMBER 14 cv 2497, et al

Check YES only if demanded in complaint

JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related



(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- 1 Original Proceeding 2a. Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from (Specify District) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judge Judgment
- 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- 1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION (U.S. NOT A PARTY) 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED <u>and</u> PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED <u>or</u> PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Kowa Company, Ltd., 3-6-29, Nishiki, Naka-Ku, Nagoya, Aichi, 460-8625, Japan

Kowa Pharmaceuticals America, Inc., 530 Industrial Park Boulevard, Montgomery, AL 36117 (County: Montgomery)

Nissan Chemical Industries, Ltd., 7-1, Kanda Nishiki-cho 3-chome, Chiyoda-ku, Tokyo 101-0054, Japan

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Amneal Pharmaceuticals, LLC, 440 U.S. 22, No. 104, Bridgewater, NJ 08807 (County: Somerset)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE
Apr. 17, 2014

SIGNATURE OF ATTORNEY OF RECORD



ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
[X] YES (DATE ADMITTED Mo. Yr.) April, 2009
Attorney Bar Code # ZS-0515

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Rider A to Civil Cover Sheet

in Kowa Company, Ltd., Kowa Pharmaceuticals America, Inc., and Nissan Chemical Industries, Ltd. v. Amneal Pharmaceuticals, LLC,

For Plaintiffs Kowa Company, Ltd., Kowa Pharmaceuticals America, Inc., and Nissan Chemical Industries, Ltd.

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Rider B to Civil Cover Sheet in Kowa Company, Ltd., Kowa Pharmaceuticals America, Inc., and Nissan Chemical Industries, Ltd. v. Amneal Pharmaceuticals, LLC:

Kowa Company, Ltd., et al. v. Aurobindo Pharma Limited, et al. (14 cv 02497) (PAC)
Kowa Company, Ltd., et al. v. Mylan Inc., et al. (14 cv 2647) (PAC)
Kowa Company, Ltd., et al. v. Orient Pharma Co., Ltd. (concurrently filed)
Kowa Company, Ltd., et al. v. Zydus Pharmaceuticals (USA) Inc., and Cadila Healthcare Ltd. (dba Zydus Cadila) (concurrently filed)

Plaintiffs are the holders of a number of patents and an approved New Drug Application (“NDA”) with respect to an innovative pharmaceutical product known as Livalo[®], which comprises the active ingredient pitavastatin.

Plaintiffs previously have filed, on April 9 and 14, 2014, separate actions against Aurobindo Pharma Limited and Aurobindo Pharma USA Inc. (“Aurobindo”), and Mylan, Inc. and Mylan Pharmaceuticals, Inc. (“Mylan”), in the United States District Court for the Southern District of New York. Both of these cases were assigned to The Honorable Paul A. Crotty. Plaintiffs are also concurrently filing two other cases against Orient Pharma Co., Ltd., and Zydus Pharmaceuticals (USA) Inc., and Cadila Healthcare Ltd. (dba Zydus Cadila), in this district. The prior and concurrent cases (as does this one) seek relief against the defendants for, *inter alia*, statutory infringement under 35 U.S.C. § 271(e)(2), inducing infringement under 35 U.S.C. § 271(b), and contributory infringement under 35 U.S.C. § 271(c). This case involves the same patents as the Aurobindo case, and two of the three patents at issue in the previously-filed Mylan case are also at issue in this case. The previously-filed cases also address defendants’ efforts to make and market a generic version of plaintiffs’ Livalo[®] drug products prior to the expiration of the patents covering those products. It was alleged that the conduct of defendants in the Aurobindo and Mylan cases constitutes, *inter alia*, patent infringement, inducement to infringe, and contributory infringement, and those cases involve the same patents at issue in the instant action.

The instant action thus will involve the same plaintiffs the same patents, and many of the same facts and issues as the previously-filed actions against Aurobindo and Mylan. Because The Honorable Paul A. Crotty has been assigned to those prior cases and will be familiar with the facts, the law, and the science related to these patents, it would be in the interest of judicial economy for His Honor to preside over the instant case as well. As a result, it is respectfully submitted that this case should be assigned to The Honorable Paul A. Crotty.