

SANOFI and SANOFI-AVENTIS U.S. LLC, )  
)  
Plaintiffs, )  
)  
v. ) C.A. No.: \_\_\_\_\_  
)  
LUPIN ATLANTIS HOLDINGS S.A., )  
LUPIN LTD., and LUPIN )  
PHARMACEUTICALS INC., )  
)  
Defendants. )

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs Sanofi and Sanofi-Aventis U.S. LLC (“Sanofi U.S.”) (collectively, “Plaintiffs”) for their Complaint against defendants Lupin Atlantis Holdings S.A., Lupin Ltd., and Lupin Pharmaceuticals Inc. (collectively “Defendants”) hereby allege as follows:

**THE PARTIES**

1. Plaintiff Sanofi is a corporation organized and existing under the laws of France, having its principal place of business at 54 rue La Boétie, 75008 Paris, France.
2. Plaintiff Sanofi U.S. is a wholly owned U.S. subsidiary of Sanofi and is a company organized and existing under the laws of the state of Delaware, having commercial headquarters at 55 Corporate Drive, Bridgewater, New Jersey 08807.
3. Upon information and belief, Defendant Lupin Ltd. is a corporation organized and existing under the laws of India, having its principal place of business at B/4 Laxmi Towers, Bandra Kurla Complex, Bandra (E), Mumbai 400051, Maharashtra, India.
4. Upon information and belief, Defendant Lupin Atlantis Holdings S.A. (“Lupin Atlantis”) is a wholly-owned subsidiary of Lupin Ltd., and is a corporation organized

and existing under the laws of Switzerland, with a principal place of business at Bachstrasse 56, 8200 Schaffhausen SH, Switzerland.

5. Upon information and belief, Defendant Lupin Pharmaceuticals, Inc. (“Lupin Pharmaceuticals”) is a wholly-owned subsidiary of Lupin Ltd. and is a corporation organized and existing under the laws of the Commonwealth of Virginia, with a principal place of business located at 111 S. Calvert Street, 21st Floor, Baltimore, MD 21202.

### **JURISDICTION AND VENUE**

6. This is an action for patent infringement arising under the Patent Laws of the United States and the Food and Drug Laws of the United States, Titles 35 and 21, United States Code. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331, 1338.

7. This court has personal jurisdiction over Lupin Atlantis. On information and belief, Lupin Atlantis regularly does or solicits business in Delaware, engages in other persistent courses of conduct in Delaware, and/or derives substantial revenue from services or things used or consumed in Delaware, demonstrating that Lupin Atlantis has continuous and systematic contacts with Delaware.

8. On information and belief, Lupin Atlantis is in the business of researching, developing, manufacturing, and/or selling pharmaceutical products that are distributed throughout the United States, including in the state of Delaware. On information and belief, Lupin Atlantis directly or through its affiliates and agents formulates, manufactures, packages, markets, and/or sells pharmaceutical products throughout the United States, including in this judicial district.

9. On information and belief, Lupin Atlantis has purposefully conducted business in the state of Delaware, continues to conduct business in Delaware, and Delaware is a likely destination of Lupin Atlantis's products or the products of its affiliates or agents.

10. On information and belief, Lupin Atlantis has previously availed itself of this forum by filing lawsuits in this judicial district as a plaintiff, including but not limited to *Lupin Atlantis Holdings S.A. v. Ranbaxy Laboratories Limited, et al.*, 10-cv-659-SLR (D. Del. 2010).

11. Alternatively, assuming that the above facts do not establish personal jurisdiction over Lupin Atlantis, this Court may exercise jurisdiction over Lupin Atlantis pursuant to Federal Rule of Civil Procedure 4(k)(2) because (a) Plaintiffs' claims arise under federal law; (b) Lupin Atlantis is a foreign defendant not subject to personal jurisdiction in the courts of any state; and (c) Lupin Atlantis has sufficient contacts with the United States as a whole, including but not limited to submitting an Abbreviated New Drug Application (ANDA) to the U.S. Food and Drug Administration (FDA) and manufacturing and/or selling pharmaceutical products distributed throughout the United States, such that this Court's exercise of jurisdiction over Lupin Atlantis satisfies due process.

12. This court has personal jurisdiction over Lupin Ltd. On information and belief, Lupin Ltd. regularly does or solicits business in Delaware, engages in other persistent courses of conduct in Delaware, and/or derives substantial revenue from services or things used or consumed in Delaware, demonstrating that Lupin Ltd. has continuous and systematic contacts with Delaware.

13. On information and belief, Lupin Ltd. is in the business of researching, developing, manufacturing, and/or selling pharmaceutical products that are distributed

throughout the United States, including in the state of Delaware. On information and belief, Lupin Ltd. directly or through its affiliates and agents formulates, manufactures, packages, markets, and/or sells pharmaceutical products throughout the United States, including in this judicial district.

14. On information and belief, Lupin Ltd. has purposefully conducted business in the state of Delaware, continues to conduct business in Delaware, and Delaware is a likely destination of Lupin Ltd.'s products or the products of its affiliates or agents.

15. On information and belief, Lupin Ltd. has previously availed itself of this forum by submitting to the jurisdiction of this court and asserting counterclaims in this judicial district in, for example, *ViiV Healthcare UK Ltd.et al. v. Lupin Ltd., et al.*, 14-cv-369-LPS (D. Del. 2014).

16. Alternatively, assuming that the above facts do not establish personal jurisdiction over Lupin Ltd., this Court may exercise jurisdiction over Lupin Ltd. pursuant to Federal Rule of Civil Procedure 4(k)(2) because (a) Plaintiffs' claims arise under federal law; (b) Lupin Ltd. is a foreign defendant not subject to personal jurisdiction in the courts of any state; and (c) Lupin Ltd. has sufficient contacts with the United States as a whole, including but not limited to manufacturing and/or selling pharmaceutical products distributed throughout the United States, such that this Court's exercise of jurisdiction over Lupin Atlantis satisfies due process.

17. This court has personal jurisdiction over Lupin Pharmaceuticals. On information and belief, Lupin Pharmaceuticals regularly does or solicits business in Delaware, engages in other persistent courses of conduct in Delaware, and/or derives substantial revenue

from services or things used or consumed in Delaware, demonstrating that Lupin Pharmaceuticals has continuous and systematic contacts with Delaware.

18. On information and belief, Lupin Pharmaceuticals is in the business of researching, developing, manufacturing, and/or selling pharmaceutical products that are distributed throughout the United States, including in the state of Delaware. On information and belief, Lupin Pharmaceuticals directly or through its affiliates and agents formulates, manufactures, packages, markets, and/or sells pharmaceutical products throughout the United States, including in this judicial district.

19. On information and belief, Lupin Pharmaceuticals has purposefully conducted business in the state of Delaware, continues to conduct business in Delaware, and Delaware is a likely destination of Lupin Pharmaceutical's products or the products of its affiliates or agents.

20. On information and belief, Lupin Pharmaceuticals has previously availed itself of this forum by submitting to the jurisdiction of this court and asserting counterclaims in this judicial district in, for example, *ViiV Healthcare UK Ltd. et al. v. Lupin Ltd., et al.*, 14-cv-369-LPS (D. Del. 2014).

21. On information and belief, upon approval of Lupin Atlantis's ANDA No. 205904, Defendants will market and sell Lupin Atlantis's dronedarone hydrochloride tablets, eq. 400 mg base in Delaware and throughout the United States and will derive substantial revenue therefrom.

22. On information and belief, upon approval of Lupin Atlantis's ANDA No. 205904, Defendants will place Lupin Atlantis's Proposed Generic Product into the stream of

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