

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GALDERMA LABORATORIES, L.P.;)
NESTLÉ SKIN HEALTH S.A.; and)
TCD ROYALTY SUB, LLC,)
)
Plaintiffs,)
)
v.) C.A. No. _____
)
DR. REDDY’S LABORATORIES, LTD.;)
DR. REDDY’S LABORATORIES, INC.; and)
PROMIUS PHARMA, LLC,)
)
Defendants.)

COMPLAINT

Plaintiffs Galderma Laboratories, L.P. (“Galderma”), Nestlé Skin Health S.A. (“NSH”) and TCD Royalty Sub, LLC (“TCD”) (collectively, “Plaintiffs”), for their Complaint against Defendants Dr. Reddy’s Laboratories, Ltd. (“DRL Ltd.”), Dr. Reddy’s Laboratories, Inc. (“DRL Inc.”), and Promius Pharma, LLC (“Promius”) (collectively, “DRL” or “Defendants”), hereby allege as follows:

THE PARTIES

1. Plaintiff Galderma is a privately held partnership registered in the State of Texas, having a principal place of business at 14501 North Freeway, Fort Worth, Texas 76177.
2. Plaintiff NSH is a “societe anonyme” organized and existing under the laws of Switzerland, having a principal place of business at Avenue Gratta Paille 2, 1018 Lausanne, Switzerland.
3. Plaintiff TCD is a limited liability company organized and existing under the laws of the State of Delaware, having a principal place of business at 222 Delaware Avenue, Suite 1200, Wilmington, DE 19801.

Dr. Reddy’s Laboratories, Ltd., et al.
v.

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PROMIUS PHARMA, LLC,)	
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COMPLAINT

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1. Plaintiff Galderma is a privately held partnership registered in the State of Texas, having a principal place of business at 14501 North Freeway, Fort Worth, Texas 76177.
2. Plaintiff NSH is a “societe anonyme” organized and existing under the laws of Switzerland, having a principal place of business at Avenue Gratta Paille 2, 1018 Lausanne, Switzerland.
3. Plaintiff TCD is a limited liability company organized and existing under the laws of the State of Delaware, having a principal place of business at 222 Delaware Avenue, Suite

4. Upon information and belief, Defendant Promius is a limited liability company organized and existing under the laws of the State of Delaware, having a principal place of business at 200 Somerset Corporate Blvd, Bridgewater, New Jersey 08540, and is a wholly-owned subsidiary and agent of Defendants DRL Inc. and DRL Ltd.

5. Upon information and belief, Defendant DRL Inc. is a corporation organized and existing under the laws of the State of New Jersey, having a principal place of business at 107 College Road East, Princeton, New Jersey 08540, and is a wholly-owned subsidiary and agent of Defendant DRL Ltd.

6. Upon information and belief, Defendant DRL Ltd. is a corporation organized and existing under the laws of India, having a principal place of business at 8-2-337, Road No. 3, Banjara Hills, Hyderabad 500 034, Telangana, India.

NATURE OF THE ACTION

7. This is a civil action for infringement of United States Patent Nos. 7,211,267 (“the ’267 patent”); 7,232,572 (“the ’572 patent”); 8,603,506 (“the ’506 patent”); 7,749,532 (“the ’532 patent”); 8,206,740 (“the ’740 patent”); 8,394,405 (“the ’405 patent”); 8,394,406 (“the ’406 patent”); 8,470,364 (“the ’364 patent”); and 8,709,478 (“the ’478 patent”) (collectively, “the patents-in-suit”). (Exhibits A-I.) This action arises under the Patent Laws of the United States, 35 U.S.C. §§ 100 *et seq.*, as well as the Declaratory Judgment Act, 28 U.S.C. §§ 2201-02.

JURISDICTION AND VENUE

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

9. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b)-(d) and 1400(b).

10. This Court has personal jurisdiction over Defendants Promius, DRL Inc. and DRL Ltd. by virtue of the fact that, *inter alia*, Defendants have committed, aided, abetted, contributed to, and/or participated in the commission of a tortious act of patent infringement under 35 U.S.C. § 271(e)(2) that has led and/or will lead to foreseeable harm and injury to Plaintiffs, including in the State of Delaware. Defendants state that they intend to engage in the commercial manufacture, use, and/or sale under DRL's New Drug Application ("NDA") No. 208286 of a 40 mg doxycycline capsules product proposed for the indication of "treatment of only inflammatory lesions (papules and pustules) of rosacea in adult patients" ("DRL's NDA Product"), before the expiration of the patents-in-suit, throughout the United States, including in the State of Delaware.

11. Upon information and belief, Promius, as a subsidiary and agent of DRL Inc. and DRL Ltd., "focus[es] on [DRL's] U.S. Specialty Business, which is engaged in the development and sales of branded specialty products in the therapeutic areas of dermatology and neurology." Upon information and belief, Promius is the "commercial arm" of DRL Ltd.'s Proprietary Products Group. Upon information and belief, Promius "leverages [DRL Ltd.'s] research, development and manufacturing facilities in Hyderabad, India," including with respect to DRL's NDA No. 208286 and DRL's NDA Product.

12. Upon information and belief, DRL Inc. is the agent for DRL Ltd. for purposes of making regulatory submissions to the United States Food and Drug Administration ("FDA"), including DRL's NDA No. 208286 at issue in this litigation.

13. Upon information and belief, Promius, DRL Inc. and DRL Ltd. have acted in concert with respect to the preparation and filing of NDA No. 208286 for DRL's NDA Product and in preparation to sell the NDA Product in the United States, including in the State of Delaware.

14. Upon information and belief, following approval of NDA No. 208286 by the FDA, Promius will act in concert with DRL Ltd. and DRL Inc. to commercialize DRL's NDA Product throughout the United States, including in the State of Delaware. Upon information and belief, DRL has estimated potential U.S. sales of DRL's NDA Product of \$50-75 million in the near term.

15. DRL's infringing activities with respect to its filing of NDA No. 208286 and intent to commercialize DRL's NDA Product have led and/or will lead to foreseeable harm and injury to Plaintiffs, including to TCD, a Delaware company located in Wilmington, Delaware.

16. This Court also has personal jurisdiction over Promius by virtue of the fact that, upon information and belief, *inter alia*, it is organized and existing under the laws of the State of Delaware, has availed itself of the rights and benefits of Delaware law, and has engaged in systematic and continuous contacts with the State of Delaware.

17. This Court also has personal jurisdiction over DRL Inc. and DRL Ltd. by virtue of the fact that, upon information and belief, *inter alia*, DRL Inc. and DRL Ltd. have availed themselves of the rights and benefits of Delaware law, and have engaged in systematic and continuous contacts with the State of Delaware.

18. Upon information and belief, DRL Inc. and DRL Ltd., directly or through their subsidiaries, affiliates or agents, develop, formulate, manufacture, market, import and sell pharmaceutical products, including branded drug products and generic drug products, throughout the United States, including in the State of Delaware.

19. Upon information and belief, Promius, on behalf of DRL Inc. and DRL Ltd. as their subsidiary and agent, sells branded dermatologic pharmaceutical products in the United States, including in the State of Delaware, through its sales force including 54 sales

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