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Attorneys for Plaintiffs
SENJU PHARMACEUTICAL CO., LTD.
BAUSCH & LOMB INCORPORATED, and
BAUSCH & LOMB PHARMA HOLDINGS CORP.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SENJU PHARMACEUTICAL CO., LTD.,)
BAUSCH & LOMB INCORPORATED and)
BAUSCH & LOMB PHARMA HOLDINGS)
CORP.)
) Civil Action No.:
Plaintiffs,)
)
v.)
)
INNOPHARMA LICENSING, INC.,)
INNOPHARMA LICENSING, LLC,)
INNOPHARMA, INC., INNOPHARMA,)
LLC, MYLAN PHARMACEUTICALS, INC.,)
and MYLAN INC.)
)
Defendants.)

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Senju Pharmaceutical Co., Ltd., Bausch & Lomb Incorporated and Bausch & Lomb Pharma Holdings Corp. (collectively, "Plaintiffs") by way of Complaint against Defendants Innopharma Licensing, Inc., InnoPharma Licensing, LLC, InnoPharma, Inc., and InnoPharma, LLC (collectively, "Innopharma"), and Mylan Pharmaceuticals, Inc. and Mylan

Inc. (collectively, “Mylan”) (Innopharma and Mylan collectively as “Defendants”) allege as follows:

THE PARTIES

1. Plaintiff Senju Pharmaceutical Co., Ltd. (“Senju”) is a corporation organized and existing under the laws of Japan, with a principal place of business at 2-5-8, Hirano-machi, Chuo-ku, Osaka 541-0046, Japan.

2. Plaintiff Bausch & Lomb Incorporated (“B+L”) is a corporation organized and existing under the laws of New York, with a place of business at 1400 North Goodman St., Rochester, New York 14609. B+L is the registered holder of approved New Drug Application No. 203168, which covers Prolensa[®].

3. Plaintiff Bausch & Lomb Pharma Holdings Corp. (“B+L Pharma Holdings”) is a corporation organized and existing under the laws of Delaware, with a place of business at 400 Somerset Corporate Blvd., Bridgewater, New Jersey 08807. B+L Pharma Holdings is a wholly-owned subsidiary of B+L.

4. Upon information and belief, defendant Innopharma Licensing, Inc. is a corporation organized and existing under the laws of Delaware, having a principal place of business at 10 Knightsbridge Road, Picastaway, New Jersey 08854.

5. Upon information and belief, defendant InnoPharma Licensing, LLC is a limited liability company organized and existing under the laws of Delaware, having a principal place of business at 10 Knightsbridge Road, Picastaway, New Jersey 08854.

6. Upon information and belief, defendant InnoPharma, Inc. is a corporation organized and existing under the laws of Delaware, having a principal place of business at 10 Knightsbridge Road, Picastaway, New Jersey 08854.

7. Upon information and belief, defendant InnoPharma, LLC is a limited liability company organized and existing under the laws of Delaware, having a principal place of business at 10 Knightsbridge Road, Picastaway, New Jersey 08854.

8. Upon information and belief, defendant Mylan Pharmaceuticals, Inc. is a company organized and existing under the laws of West Virginia, having a principal place of business at 781 Chestnut Ridge Road, Morgantown, West Virginia 26505. Upon information and belief, Mylan Pharmaceuticals, Inc. is a wholly-owned subsidiary of Mylan Inc. Upon information and belief, Mylan Pharmaceuticals, Inc. is registered to do business in New Jersey and has appointed Corporation Service Company, 830 Bear Tavern Road, West Trenton, New Jersey, as its registered agent for the receipt of service of process.

9. Upon information and belief, defendant Mylan Inc. is a company organized and existing under the laws of the Commonwealth of Pennsylvania, having a principal place of business at 1500 Corporate Drive, Canonsburg, Pennsylvania 15317. Upon information and belief, Mylan Inc. is registered to do business in New Jersey and has appointed Corporation Service Company, 830 Bear Tavern Road, West Trenton, New Jersey, as its registered agent for the receipt of service of process.

NATURE OF THE ACTION

10. This is an action for infringement of United States Patent Nos. 8,129,431 (“the ’431 patent”), 8,669,290 (“the ’290 patent”), 8,754,131 (“the ’131 patent”), 8,871,813 (“the ’813 patent”), and 8,927,606 (“the ’606 patent”) against Mylan and for infringement of the ’606 patent against Innopharma, arising under the United States patent laws, Title 35, United States Code, § 100 et seq., including 35 U.S.C. §§ 271 and 281. This action relates to Innopharma Licensing Inc.’s filing of an Abbreviated New Drug Application (“ANDA”) under Section 505(j) of the Federal Food, Drug, and Cosmetic Act (“the Act”), 21 U.S.C. § 355(j), seeking U.S. Food and

Drug Administration (“FDA”) approval to market generic Bromfenac Ophthalmic Solution 0.07% (“Innopharma Licensing, Inc.’s generic bromfenac ophthalmic solution”).

JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

12. Upon information and belief, this Court has jurisdiction over Innopharma Licensing, Inc. Upon information and belief, Innopharma Licensing, Inc. is in the business of licensing, manufacturing, distributing and selling pharmaceutical products, including generic drug products. Upon information and belief, Innopharma Licensing, Inc. directly licenses, manufactures, markets and sells generic drug products throughout the United States and in this judicial district, and this judicial district is a likely destination for Innopharma Licensing, Inc.’s generic bromfenac ophthalmic solution. Upon information and belief, Innopharma Licensing, Inc. operates as a patent owner or lessor for InnoPharma, Inc., whose principal place of business is, on information and belief, at 10 Knightsbridge Road, Picastaway, New Jersey 08854, and has thereby purposefully and systematically conducted and continues to conduct business in this judicial district.

13. Upon information and belief, this Court has jurisdiction over InnoPharma Licensing, LLC. Upon information and belief, InnoPharma Licensing, LLC is in the business of licensing, manufacturing, distributing and selling pharmaceutical products, including generic drug products. Upon information and belief, InnoPharma Licensing, LLC directly licenses, manufactures, markets and sells generic drug products throughout the United States and in this judicial district, and this judicial district is a likely destination for InnoPharma Licensing, LLC’s generic bromfenac ophthalmic solution. Upon information and belief, InnoPharma Licensing, LLC operates as a patent owner or lessor for InnoPharma, LLC, whose principal place of business is, on information and belief, at 10 Knightsbridge Road, Picastaway, New Jersey 08854,

and has thereby purposefully and systematically conducted and continues to conduct business in this judicial district.

14. Upon information and belief, this court has jurisdiction over InnoPharma, Inc. Upon information and belief, InnoPharma, Inc. directly, or indirectly, manufactures, markets and sells generic drug products, including generic drug products manufactured by Innopharma Licensing, Inc. and InnoPharma Licensing, LLC, throughout the United States and in this judicial district. Upon information and belief, InnoPharma, Inc. purposefully has conducted and continues to conduct business in this judicial district.

15. Upon information and belief, this court has jurisdiction over InnoPharma, LLC. Upon information and belief, InnoPharma, LLC directly, or indirectly, manufactures, markets and sells generic drug products, including generic drug products manufactured by Innopharma Licensing, Inc. and InnoPharma Licensing, LLC, throughout the United States and in this judicial district. Upon information and belief, InnoPharma, LLC purposefully has conducted and continues to conduct business in this judicial district.

16. Upon information and belief, this court has jurisdiction over Mylan Pharmaceuticals, Inc. Upon information and belief, Mylan Pharmaceuticals, Inc. directly, or indirectly, manufactures, markets and sells generic drug products, including generic drug products manufactured by Innopharma Licensing, Inc. and InnoPharma Licensing, LLC, throughout the United States and in this judicial district. Upon information and belief, Mylan Pharmaceuticals, Inc. purposefully has conducted and continues to conduct business in this judicial district. Mylan Pharmaceuticals, Inc. is also one of the listed real parties in interest for *Inter Partes* Reviews (“IPR”) 2015-00902 and IPR 2015-00903, filed by Innopharma and Mylan collectively on March 19, 2015.

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