

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CEPHALON, INC.,)

Plaintiff,)

v.)

DR. REDDY’S LABORATORIES, LTD.; DR.)
REDDY’S LABORATORIES, INC.;)
EMCURE PHARMACEUTICALS LTD.;)
EMCURE PHARMACEUTICALS USA, INC.;)
PHARMASCIENCE, INC.; HOSPIRA INC.;)
BRECKENRIDGE PHARMACEUTICAL,)
INC.; NATCO PHARMA LTD.; HETERO)
LABS LTD.; HETERO USA, INC.; SUN)
PHARMA GLOBAL FZE; SUN)
PHARMACEUTICAL INDUSTRIES LTD.;)
ACTAVIS LLC, f/k/a ACTAVIS INC.;)
SAGENT PHARMACEUTICALS, INC.;)
WOCKHARDT BIO AG; WOCKHARDT)
LTD.; and WOCKHARDT USA, LLC,)

Defendants.)

C.A. No. _____

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Cephalon, Inc. (“Cephalon” or “Plaintiff”) brings this action for patent infringement against Defendants Dr. Reddy’s Laboratories, Ltd. and Dr. Reddy’s Laboratories, Inc. (collectively “DRL”); Emcure Pharmaceuticals Ltd. and Emcure Pharmaceuticals USA, Inc. (collectively, “Emcure”); Pharmascience, Inc. (“Pharmascience”); Hospira Inc. (“Hospira”); Breckenridge Pharmaceutical, Inc. (“Breckenridge”) and Natco Pharma Ltd. (“Natco”) (collectively, “Breckenridge/Natco”); Hetero Labs Ltd. (“Hetero Labs”) and Hetero USA, Inc. (“Hetero USA”) (collectively, “Hetero”); Sun Pharma Global FZE (“Sun FZE”) and Sun Pharmaceutical Industries Ltd. (“Sun Ltd.”) (collectively, “Sun”); Actavis LLC, f/k/a Actavis

Inc. (“Actavis”); Sagent Pharmaceuticals, Inc. (“Sagent”); and Wockhardt Bio AG, Wockhardt Ltd., and Wockhardt USA, LLC (collectively, “Wockhardt”) (collectively, “Defendants”).

1. This is an action by Cephalon against Defendants for infringement of United States Patent No. 8,669,279 (“the ’279 patent”), United States Patent No. 8,883,836 (“the ’836 patent”), and United States Patent No. 8,895,756 (“the ’756 patent”). This action arises out of Defendants’ filing of their respective Abbreviated New Drug Applications (“ANDAs”) seeking approval by the United States Food and Drug Administration (“FDA”) to sell generic versions of TREANDA[®], Cephalon’s innovative drug for the treatment of patients with chronic lymphocytic leukemia and non-Hodgkin’s lymphoma, prior to the expiration of the ’279 patent, the ’836 patent, and the ’756 patent.

THE PARTIES

Cephalon, Inc.

2. Plaintiff Cephalon, Inc. is a corporation operating and existing under the laws of Delaware, with its principal place of business at 41 Moores Road, Frazer, Pennsylvania 19355. Cephalon is engaged in the business of research, development, manufacture, and sale of innovative pharmaceutical products throughout the world.

DEFENDANTS

DRL

3. On information and belief, Defendant Dr. Reddy’s Laboratories, Ltd. is a corporation organized and existing under the laws of India, with its principal place of business at 7-1-27, Ameerpet, Hyderabad 500 016, Andhra Pradesh, India.

4. On information and belief, Defendant Dr. Reddy’s Laboratories, Inc. is a corporation organized and existing under the laws of the State of New Jersey, with its principal place of business at 107 College Road East, Princeton, New Jersey, 08540.

5. On information and belief, Defendant Dr. Reddy's Laboratories, Inc. is a wholly owned subsidiary of Dr. Reddy's Laboratories, Ltd., and is controlled by Dr. Reddy's Laboratories, Ltd.

6. On information and belief, both Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd. submitted, collaborated and/or acted in concert in the preparation or submission of ANDA No. 205376.

Emcure

7. On information and belief, Defendant Emcure Pharmaceuticals Ltd. is a corporation organized and existing under the laws of India, with its principal place of business at Emcure House, T 184, M.I.D.C., Bhosari, Pune, India 411 026.

8. On information and belief, Defendant Emcure Pharmaceuticals USA, Inc. is a corporation organized and existing under the laws of the State of New Jersey, with its principal place of business in 21/B Cotters Lane, East Brunswick, New Jersey 08816.

9. On information and belief, Defendant Emcure Pharmaceuticals USA, Inc. is a subsidiary of and is controlled by Emcure Pharmaceuticals Ltd.

10. On information and belief, both Emcure Pharmaceuticals Ltd. and Emcure Pharmaceuticals USA, Inc. submitted, collaborated and/or acted in concert in the preparation or submission of ANDA No. 205964.

Pharmascience

11. On information and belief, Pharmascience is a corporation organized and existing under the laws of the Canada, with a principal place of business at 6111 Royalmount Avenue, Montreal (Quebec), H4P 2T4, Canada.

12. On information and belief, Defendant Pharmascience recently acquired Uman Pharma Inc., the filer and original holder of ANDA No. 205757. On information and belief,

because of the acquisition of Uman by Pharmascience, Pharmascience now is the sole owner of ANDA No. 205757.

Hospira

13. On information and belief, Defendant Hospira is a corporation organized under the laws of Delaware, with its principal place of business at 275 North Field Dr., Lake Forest, Illinois 60045.

Breckenridge/Natco

14. On information and belief, Defendant Breckenridge is a corporation organized and existing under the laws of Florida, having a principal place of business at 6111 Broken Sound Parkway, NW, Suite 170, Boca Raton, FL 33487.

15. On information and belief, Defendant Natco is an Indian company having a principal place of business at Natco House, Road No.2, Banjara Hills, Hyderabad-500 033, India.

16. On information and belief, Natco has partnered with Breckenridge to market and distribute Natco's generic drug products complained of herein, including in this District.

Hetero

17. On information and belief, Defendant Hetero USA is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 1035 Centennial Avenue, Piscataway, New Jersey 08854, and is registered to do business in Delaware, including its appointment of a registered agent in Delaware (located at W/K Incorporating Services, Inc., 3500 South DuPont Highway, Dover, DE 19901) for the receipt of service of process.

18. On information and belief, Defendant Hetero Labs is a corporation organized and existing under the laws of India, with its principal place of business at 7-2-A2, Hetero Corporate Industrial Estates, Sanath Nagar, Hyderabad – 500 018 A.P. India.

19. On information and belief, Hetero Labs is a parent company of Hetero USA.

20. On information and belief, Hetero USA acts as an agent of Hetero Labs.

Sun

21. On information and belief, Defendant Sun FZE is a corporation organized and existing under the laws of the United Arab Emirates, with a principal place of business at Executive Suite #43, Block-Y, SAIF Zone, PO Box 122304, Sharjah, U.A.E.

22. On information and belief, Defendant Sun Ltd. is a corporation organized and existing under the laws of India, having its principal place of business at Acme Plaza, Andheri - Kurla Rd., Andheri (E), Mumbai - 400 059, India.

23. On information and belief, Sun FZE is a wholly owned subsidiary of Sun Ltd.

Actavis

24. On information and belief, Defendant Actavis is a company organized and existing under the laws of Delaware, having its principal place of business at 60 Columbia Road, Building B, Morristown, New Jersey 07960.

Sagent

25. On information and belief, Defendant Sagent is a Delaware corporation having its corporate offices and a principal place of business at 1901 N. Roselle Road, Ste. 700, Schaumburg, IL 60195-3194.

Wockhardt

26. On information and belief, Defendant Wockhardt Bio AG is a corporation organized and existing under the laws of Switzerland, having its principal place of business at Baarerstrasse 43, 6300 Zug, Switzerland. On information and belief, Wockhardt Bio AG is a subsidiary of Wockhardt Ltd. On information and belief, Defendant Wockhardt Bio AG

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