

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

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SANOFI-AVENTIS U.S. LLC,
AVENTIS PHARMA S.A. and
SANOFI

Plaintiffs,

v.

ACTAVIS LLC and
ACTAVIS ELIZABETH LLC

Defendants.

C.A. No.: _____

Electronically Filed

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Sanofi-Aventis U.S. LLC (hereinafter “Sanofi U.S.”), Aventis Pharma S.A. (hereinafter “Aventis”) and Sanofi (collectively, “Plaintiffs”) for their Complaint against defendants Actavis LLC and Actavis Elizabeth LLC (collectively “Defendants”), hereby allege as follows:

THE PARTIES

1. Plaintiff Sanofi U.S. is a 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.

2. Plaintiff Aventis is a corporation organized and existing under the laws of France, having its principal place of business at 20 avenue Raymond Aron, 92160 Antony, France.

3. 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.

4. Plaintiff Sanofi is a global research-driven pharmaceutical company that discovers, develops, manufactures and markets a broad range of innovative products to improve human and animal health.

5. On information and belief, Actavis LLC is a corporation organized and existing under the laws of the State of Delaware, having principal places of business at 60 Columbia Road, Building B, Morristown, New Jersey 07960 and Morris Corporate Center III, 400 Interspace Parkway, Parsipanny, New Jersey 07054. On information and belief, Actavis LLC was formerly known as Actavis Inc., a Delaware corporation.

6. On information and belief, Actavis Elizabeth LLC is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 200 Elmora Avenue, Elizabeth, New Jersey 07202.

7. On information and belief, Actavis Elizabeth LLC is a wholly-owned subsidiary of Actavis LLC.

8. On information and belief, Actavis LLC is a wholly-owned subsidiary of Actavis, Inc. On information and belief, Actavis, Inc. is a corporation organized and existing under the laws of the State of Nevada, having its principal place of business at Morris Corporate Center III, 400 Interspace Parkway, Parsipanny, New Jersey 07054.

9. On information and belief, Actavis LLC assembled and caused to be filed with the United States Food and Drug Administration (“FDA”), pursuant to 21 U.S.C. § 355(b)(2) (Section 505(b)(2) of the Federal Food, Drug and Cosmetic Act), New Drug Application (“NDA”) No. 207970 (hereinafter “the Actavis 505(b)(2) application”) concerning a proposed drug product, Cabazitaxel Injection, 10 mg/mL (“Actavis’s Proposed Generic Product”).

JURISDICTION AND VENUE

10. This action arises under the patent laws of the United States of America. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

11. This Court has personal jurisdiction over Actavis LLC. On information and belief, Actavis LLC regularly conducts and/or solicits business in the State of New Jersey, engages in other persistent courses of conduct in the State of New Jersey, and/or derives substantial revenue from services or things used or consumed in the State of New Jersey. On information and belief, Actavis LLC, formerly as Actavis Inc., a Delaware corporation, maintains principal places of business at 60 Columbia Road, Building B, Morristown, New Jersey 07960 and Morris Corporate Center III, 400 Interspace Parkway, Parsipanny, New Jersey 07054. On information and belief, Actavis LLC, formerly as Actavis Inc., a Delaware corporation, is registered with the New Jersey Department of Treasury under the business entity

identification number 0101005391. On information and belief, Actavis LLC, formerly as Actavis Inc., a Delaware corporation, maintains a corporate agent for service of process at 80 Main Street, 5th Floor, West Orange, New Jersey 07052.

12. On information and belief, Actavis LLC has affiliations with the State of New Jersey that are pervasive, continuous, and systematic. On information and belief, Actavis LLC engages in direct marketing, distribution, and/or sale of generic pharmaceutical drugs within the State of New Jersey and to the residents of the State of New Jersey. On information and belief, Actavis LLC is in the business of manufacturing, marketing, importing and selling pharmaceutical drug products, including generic drug products. On information and belief, Actavis LLC directly or through its subsidiaries, affiliates and agents develops, formulates, manufactures, markets, imports and sells pharmaceutical products, including generic drug products, which are copies of products invented and developed by innovator pharmaceutical companies, throughout the United States, including in this Judicial District. On information and belief, Actavis, Inc. as the parent company and Actavis LLC as the trade name holds an active wholesale drug license for the State of New Jersey under License No. 5003899.

13. On information and belief, Actavis LLC has previously submitted to the jurisdiction of this Court and have availed themselves of the legal protections of the State of New Jersey, having asserted counterclaims in this jurisdiction, including in the matters of *Novartis Pharmaceuticals Corporation v. Actavis LLC. et al.*, Civil Action No. 2:12-cv-03967 (SDW)(SCM), D.I. 354 at 8, 15-19 (D.N.J. May 16, 2014); and *Novartis Pharmaceuticals Corporation v. Actavis LLC. et al.*, Civil Action No. 2:13-cv-01028 (SDW)(MCA), D.I. 119 at 9, 15-18 (D.N.J. Mar. 13, 2013).

14. Actavis LLC is also subject to personal jurisdiction in the State of New Jersey because, *inter alia*, Actavis LLC has 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 Plaintiff Sanofi U.S., having commercial headquarters in the State of New Jersey. Actavis LLC sent its December 22, 2014 Paragraph IV Notice Letter to Sanofi U.S.'s commercial headquarters at 55 Corporate Drive, Bridgewater, New Jersey 08807. Plaintiffs's cause of action arose from Actavis LLC's contact with Sanofi U.S. in Bridgewater, New Jersey. Actavis LLC states that it intends to engage in the commercial manufacture, use, and/or sale of Actavis's Proposed Generic Product before the expiration of U.S Patent Nos. 5,847,170 ("170 patent") and 7,241,907 ("907 patent") throughout the United States, including in this Judicial District.

15. On information and belief, upon approval of the Actavis 505(b)(2) application, Actavis LLC and/or its subsidiaries, affiliates or agents will market, sell and/or distribute Actavis's Proposed Generic Product throughout the United States, including in this Judicial District, and will derive substantial revenue therefrom.

16. On information and belief, upon approval of the Actavis 505(b)(2) application, Actavis LLC and/or its subsidiaries, affiliates or agents will place Actavis's Proposed Generic Product into the stream of commerce with the reasonable expectation or knowledge and the intent that such product will ultimately be purchased and used by consumers in this judicial district.

17. This Court has personal jurisdiction over Actavis Elizabeth LLC. On information and belief, Actavis Elizabeth LLC regularly conducts and/or solicits business in the State of New Jersey, engages in other persistent courses of conduct in the State of New Jersey,

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