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

HORIZON PHARMA, INC., and POZEN  
INC.,

Plaintiffs/Counterclaim Defendants,

v.

MYLAN PHARMACEUTICALS INC.,  
MYLAN LABORATORIES LIMITED, and  
MYLAN INC.,

Defendants/Counterclaim Plaintiffs.

Civil Action No. 3:15-cv-03327-MLC-DEA

**PLAINTIFFS' ANSWER TO  
DEFENDANTS' COUNTERCLAIMS  
TO SECOND AMENDED COMPLAINT**

Plaintiffs/Counterclaim-Defendants Horizon Pharma, Inc., and Pozen Inc. (collectively, "Plaintiffs"), by their attorneys, hereby answer the counterclaims asserted on February 19, 2016 by Defendants/Counterclaim-Plaintiffs Mylan Pharmaceuticals Inc., Mylan Laboratories Limited, and Mylan, Inc. (collectively, "Mylan" or "Defendants") as set forth below. To the extent not specifically admitted herein, the allegations of the Counterclaims are denied.

**ANSWER TO DEFENDANTS' COUNTER CLAIMS**

**PARTIES**

1. On information and belief, Plaintiffs admit the allegations of Paragraph 1.
2. On information and belief, Plaintiffs admit the allegations of Paragraph 2.
3. Plaintiffs admit the allegations contained in Paragraph 3.
4. Plaintiffs admit the allegations contained in Paragraph 4.
5. Plaintiffs admit the allegations contained in Paragraph 5.

**JURISDICTION AND VENUE**

6. The allegations contained in Paragraph 6 are legal conclusions as to which no response is required. To the extent a response is required, Plaintiffs admit that venue is proper in this District for this action only, that they are subject to personal jurisdiction in this district for this action only, and that they commenced and continue to prosecute this action.

**FIRST COUNTERCLAIM**

**(Declaratory Judgment of Noninfringement of U.S. Patent No. 8,852,636)**

7. Plaintiffs repeat and incorporate herein by reference Paragraphs 1 through 6 of this Answer as though fully set forth herein.
8. Plaintiffs deny the allegations contained in Paragraph 8.
9. Horizon and Pozen allege that Mylan's proposed naproxen/esomeprazole products infringe the claims of the '636 patent. Plaintiffs deny the remaining allegations in Paragraph 9.
10. The allegations contained in Paragraph 10 are legal conclusions as to which no response is required. To the extent a response is required, Plaintiffs deny the allegations in Paragraph 10.
11. The allegations contained in Paragraph 11 are legal conclusions as to which no response is required. To the extent a response is required, Plaintiffs do not contest that there is a

case or controversy between Plaintiffs and Mylan as to Mylan's infringement of the patents-in- suit and deny the remaining allegation in Paragraph 11.

12. The allegations contained in Paragraph 12 are legal conclusions as to which no response is required. To the extent a response is required, Plaintiffs deny the allegations in Paragraph 12.

**SECOND COUNTERCLAIM**  
**(Declaratory Judgment of Noninfringement of U.S. Patent No. 8,858,996)**

13. Plaintiffs repeat and incorporate herein by reference Paragraphs 1 through 12 of this Answer as though fully set forth herein.

14. Plaintiffs deny the allegations contained in Paragraph 14.

15. Horizon and Pozen allege that Mylan's proposed naproxen/esomeprazole products infringe the claims of the '996 patent. Plaintiffs deny the remaining allegations in Paragraph 15.

16. The allegations contained in Paragraph 16 are legal conclusions as to which no response is required. To the extent a response is required, Plaintiffs deny the allegations in Paragraph 16.

17. The allegations contained in Paragraph 17 are legal conclusions as to which no response is required. To the extent a response is required, Plaintiffs do not contest that there is a case or controversy between Plaintiffs and Mylan as to Mylan's infringement of the patents-in- suit and deny the remaining allegation in Paragraph 17.

18. The allegations contained in Paragraph 18 are legal conclusions as to which no response is required. To the extent a response is required, Plaintiffs deny the allegations in Paragraph 18.

**THIRD COUNTERCLAIM**  
**(Declaratory Judgment of Noninfringement of U.S. Patent No. 8,865,190)**

19. Plaintiffs repeat and incorporate herein by reference Paragraphs 1 through 18 of this Answer as though fully set forth herein.

20. Plaintiffs deny the allegations contained in Paragraph 20.

21. Horizon and Pozen allege that Mylan's proposed naproxen/esomeprazole products infringe the claims of the '190 patent. Plaintiffs deny the remaining allegations in Paragraph 21.

22. The allegations contained in Paragraph 22 are legal conclusions as to which no response is required. To the extent a response is required, Plaintiffs deny the allegations in Paragraph 22.

23. The allegations contained in Paragraph 23 are legal conclusions as to which no response is required. To the extent a response is required, Plaintiffs do not contest that there is a case or controversy between Plaintiffs and Mylan as to Mylan's infringement of the patents-in- suit and deny the remaining allegation in Paragraph 23.

24. The allegations contained in Paragraph 24 are legal conclusions as to which no response is required. To the extent a response is required, Plaintiffs deny the allegations in Paragraph 24.

**FOURTH COUNTERCLAIM**  
**(Declaratory Judgment of Noninfringement of U.S. Patent No. 9,161,920)**

25. Plaintiffs repeat and incorporate herein by reference Paragraphs 1 through 24 of this Answer as though fully set forth herein.

26. Plaintiffs deny the allegations contained in Paragraph 26.

27. Horizon and Pozen allege that Mylan's proposed naproxen/esomeprazole products infringe the claims of the '920 patent. Plaintiffs deny the remaining allegations in Paragraph 27.

28. The allegations contained in Paragraph 28 are legal conclusions as to which no response is required. To the extent a response is required, Plaintiffs deny the allegations in Paragraph 28.

29. The allegations contained in Paragraph 29 are legal conclusions as to which no response is required. To the extent a response is required, Plaintiffs do not contest that there is a case or controversy between Plaintiffs and Mylan as to Mylan's infringement of the patents-in- suit and deny the remaining allegation in Paragraph 29.

30. The allegations contained in Paragraph 30 are legal conclusions as to which no response is required. To the extent a response is required, Plaintiffs deny the allegations in Paragraph 30.

**FIFTH COUNTERCLAIM**  
**(Declaratory Judgment of Noninfringement of U.S. Patent No. 9,198,888)**

31. Plaintiffs repeat and incorporate herein by reference Paragraphs 1 through 30 of this Answer as though fully set forth herein.

32. Plaintiffs deny the allegations contained in Paragraph 32.

33. Horizon and Pozen allege that Mylan's proposed naproxen/esomeprazole products infringe the claims of the '888 patent. Plaintiffs deny the remaining allegations in Paragraph 33.

34. The allegations contained in Paragraph 34 are legal conclusions as to which no response is required. To the extent a response is required, Plaintiffs deny the allegations in Paragraph 34.

35. The allegations contained in Paragraph 35 are legal conclusions as to which no response is required. To the extent a response is required, Plaintiffs do not contest that there is a case or controversy between Plaintiffs and Mylan as to Mylan's infringement of the patents-in- suit and deny the remaining allegation in Paragraph 35.

36. The allegations contained in Paragraph 36 are legal conclusions as to which no response is required. To the extent a response is required, Plaintiffs deny the allegations in Paragraph 36.

**SIXTH COUNTERCLAIM**  
**(Declaratory Judgment of Noninfringement of U.S. Patent No. 9,220,698)**

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