

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

BRACCO DIAGNOSTICS INC.)	
)	
Plaintiff,)	Civil Action No.: _____
)	
v.)	
)	
JUBILANT DRAXIMAGE INC., JUBILANT)	DEMAND FOR JURY TRIAL
PHARMA LIMITED, and JUBILANT LIFE)	
SCIENCES)	
)	
Defendants.)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Bracco Diagnostics Inc. (“Bracco” or “Plaintiff”), by and through its undersigned counsel, files this Complaint against Defendants Jubilant DraxImage Inc., Jubilant Pharma Limited, and Jubilant Life Sciences (collectively, “Jubilant” or “Defendants”) and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action for patent infringement arising under the patent laws of the United States, Title 35, United States Code, involving United States Patent Nos. 9,814,826 (“the ’826 patent”), 9,750,869 (“the ’869 patent”), 9,750,870 (“the ’870 patent”), 9,299,467 (“the ’467 patent”) and 9,299,468 (“the ’468 patent”) attached hereto as Exhibits A, B, C, D, and E respectively (collectively, “the patents-in-suit”).

THE PARTIES

2. Bracco Diagnostics Inc. is a company organized and existing under the laws of Delaware, with a principal place of business at 259 Prospect Plains Road, Monroe Township, NJ 08831.

3. Upon information and belief, Jubilant DraxImage Inc. is a corporation organized and existing under the laws of Canada with its principal place of business at 16751 TransCanada Highway Kirkland, Québec, Canada H9H 4J4.

4. Upon information and belief, Jubilant DraxImage Inc. received FDA approval for the Ruby-Fill® rubidium-82 generator and elution system on September 30, 2016.

5. Upon information and belief, Jubilant Pharma Limited is a corporation organized and existing under the laws of Singapore, with its principal place of business at 6 Temasek Boulevard, #20-06 Suntec City Tower Four, Singapore 038986.

6. Upon information and belief, Jubilant Life Sciences is a corporation organized and existing under the laws of India, with its principal place of business at 1A, Sector 16A, Noida – 201301, Uttar Pradesh, India.

7. Upon information and belief, Jubilant DraxImage Inc. is a subsidiary of Jubilant Pharma Limited.

8. Upon information and belief, Jubilant Pharma Limited is a subsidiary of Jubilant Life Sciences.

9. Upon information and belief, Jubilant DraxImage Inc. is the manufacturer of the infringing strontium-rubidium radioisotope infusion system, which it sells under the tradename Ruby-Fill®. Jubilant DraxImage Inc. also filed a 505(b)(2) New Drug Application (NDA or 505(b)(2) NDA) No. 202153 to market and sell the infringing strontium-rubidium radioisotope infusion system (Ruby-Fill®) in the United States.

10. Upon information and belief, at least Jubilant Pharma Limited and Jubilant DraxImage Inc. actively participated in the development and regulatory approval process for the infringing strontium-rubidium radioisotope infusion system (Ruby-Fill®).

11. Upon information and belief, Jubilant Pharma Limited, Jubilant Life Sciences, and Jubilant DraxImage Inc. direct the manufacture and development of the Ruby-Fill® system that is the subject of NDA No. 202153, and directly or indirectly, derive substantial revenue from the sale of the Ruby-Fill® system and its components thereof.

12. Upon information and belief, Jubilant Pharma Limited, Jubilant Life Sciences, and Jubilant DraxImage Inc. are agents of each other and/or work in concert with each other with respect to the development, regulatory approval, marketing, sale, and distribution of the infringing strontium-rubidium radioisotope infusion system (Ruby-Fill®) throughout the United States.

JURISDICTION AND VENUE

13. This action arises under the Patent Act, Title 35 of the United States Code, and is an action for patent infringement under § 271.

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

15. Upon information and belief, Jubilant DraxImage Inc. is engaged in the manufacturing, marketing, and sale of pharmaceutical products for the U.S. prescription drug market with products for sale in the United States, including in the state of New Jersey. According to Jubilant DraxImage Inc.'s website, it currently manufactures, markets, and/or sells pharmaceutical products in the United States, including, for example, DraxImage MAA, DraxImage DTPA, DraxImage I-131, Hicon, DraxImage MDP-25, DraxImage Sestamibi, Smart-Fill, and Ruby-Fill®.

16. This Court has personal jurisdiction over Jubilant DraxImage Inc. by virtue of the fact that, *inter alia*, Jubilant DraxImage Inc. 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 that has led and/or will lead to foreseeable harm and injury to Plaintiff, including in the State of New Jersey.

17. Upon information and belief, Jubilant DraxImage Inc. is in the business of, *inter alia*, manufacturing and selling a strontium-rubidium radioisotope infusion system, which it sells under the tradename Ruby-Fill®, that are distributed throughout the United States, including in the State of New Jersey, through its own actions, and through the actions of its agents and affiliates, including.

18. Upon information and belief, Jubilant DraxImage Inc. participated and collaborated in the preparation, filing and seeking FDA approval of NDA No. 202153 for the Ruby-Fill® system, and participate and collaborate in the commercial manufacture, marketing offer for sale, and sale of the Ruby-Fill® system throughout the United States, including the State of New Jersey.

19. This Court also has personal jurisdiction over Jubilant DraxImage Inc. by virtue of the fact that, upon information and belief, *inter alia*, Jubilant DraxImage Inc. has availed itself of the rights and benefits of New Jersey law, and has engaged in systematic and continuous contacts with the State of New Jersey.

20. Therefore, this Court has personal jurisdiction over Jubilant DraxImage Inc. and because, *inter alia*: (a) Jubilant DraxImage Inc. is in the business of manufacturing drug products which it distributes, sells, and offers to sell, throughout the United States, including in New Jersey, and through the filing of 505(b)(2) NDA No. 202153, Jubilant DraxImage Inc. has sought approval to sell a product that infringes the patents-in-suit throughout the United States, including in New Jersey; (b) with knowledge of Bracco's CardioGen-82 system, Jubilant

DraxImage Inc. deliberately challenged intellectual property developed and held by Bracco, a Delaware company, in New Jersey; (c) upon information and belief, Jubilant DraxImage Inc. utilizes Jubilant Life Sciences (USA), Inc., a New Jersey based company, to assist in the sale and distribution of pharmaceutical products; (d) Jubilant DraxImage Inc. has offered to sell and sells, directly or indirectly, the Ruby-Fill® system throughout the United States and within New Jersey; (e) Jubilant DraxImage Inc.'s sales and offer for sales of the Ruby-Fill® system in the United States, has caused substantial injury to Bracco, a company headquartered within the District of New Jersey, and Jubilant DraxImage Inc. knows that Bracco has been injured by these action in New Jersey; (f) Jubilant DraxImage Inc. derives substantial revenue from products it ships to New Jersey as well as from products sold, used, or consumed within New Jersey; (g) Jubilant DraxImage Inc. regularly does and solicits business in New Jersey, and is engaged in a persistent, continuous, and systematic course of conduct in New Jersey.

21. Upon information and belief, Jubilant Pharma Limited, Jubilant Life Sciences, and Jubilant DraxImage Inc. are agents of each other and/or work in concert with each other with respect to the development, regulatory approval, marketing, sale, and distribution of Ruby-Fill® systems throughout the United States, including into the State of New Jersey.

22. This Court has personal jurisdiction over Jubilant Pharma Limited and Jubilant Life Sciences because, *inter alia*, upon information and belief, Jubilant Pharma Limited and Jubilant Life Sciences, itself or in concert with and/or through its various subsidiaries, regularly does or solicits business in New Jersey, engages in other persistent courses of conduct in New Jersey, and/or derives substantial revenue from services or things used or consumed in New Jersey, demonstrating that Jubilant Pharma Limited and Jubilant Life Sciences has continuous and systematic contacts with the State of New Jersey.

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