

Exhibit 5

PATENT

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:22-cv-00299-CFC**

Novo Nordisk Inc. et al v. Alvogen, Inc.
Assigned to: Judge Colm F. Connolly
Related Cases: [1:21-cv-01782-CFC](#)
[1:22-cv-00294-CFC](#)
[1:22-cv-00295-CFC](#)
[1:22-cv-00296-CFC](#)
[1:22-cv-00298-CFC](#)
[1:22-cv-00297-CFC](#)

Date Filed: 03/04/2022
Jury Demand: None
Nature of Suit: 835 Patent – Abbreviated
New Drug Application (ANDA)
Jurisdiction: Federal Question

Cause: 35:271 Patent Infringement

Plaintiff

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Plaintiff

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V.

Defendant

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03/04/2022	<u>1</u>	COMPLAINT filed against Alvogen, Inc. – Magistrate Consent Notice to Pltf. (Filing fee \$ 402, receipt number ADEDC-3817732.) – filed by Novo Nordisk Inc., Novo Nordisk A/S. (Attachments: # <u>1</u> Exhibit A–J, # <u>2</u> Civil Cover Sheet)(mal) (Entered: 03/04/2022)
03/04/2022	<u>2</u>	Notice, Consent and Referral forms re: U.S. Magistrate Judge jurisdiction. (mal) (Entered: 03/04/2022)
03/04/2022	<u>3</u>	Supplemental information for patent cases involving an Abbreviated New Drug Application (ANDA) – Date Patentee(s) Received Notice: 02/08/22. Date of Expiration of Patent: see attached.Thirty Month Stay Deadline: 6/5/2025. (mal) (Entered: 03/04/2022)
03/04/2022	<u>4</u>	Report to the Commissioner of Patents and Trademarks for Patent/Trademark Number(s) 8,129,343 B2 ;9,132,239 B2 ;9,457,154 B2 ;9,687,611 B2 ;10,335,462 B2. (mal) (Entered: 03/04/2022)
03/04/2022	<u>5</u>	Disclosure Statement pursuant to Rule 7.1: identifying Corporate Parent Novo Nordisk US Holdings, Inc. for Novo Nordisk Inc.; Corporate Parent Novo A/S for Novo Nordisk A/S filed by Novo Nordisk A/S, Novo Nordisk Inc.. (mal) (Entered: 03/04/2022)
03/04/2022	<u>6</u>	Summons Issued as to Alvogen, Inc. on 3/4/2022. (mal) (Entered: 03/04/2022)
03/07/2022	<u>7</u>	SUMMONS Returned Executed by Novo Nordisk Inc., Novo Nordisk A/S. Alvogen, Inc. served on 3/7/2022, answer due 3/28/2022. (Egan, Brian) (Entered: 03/07/2022)
03/09/2022		Case Assigned to Judge Colm F. Connolly. Please include the initials of the Judge (CFC) after the case number on all documents filed. Associated Cases: 1:22-cv-00294-CFC through 1:22-cv-00299-CFC (rjb) (Entered: 03/09/2022)
03/25/2022	<u>8</u>	STIPULATION TO EXTEND TIME to answer, move, or otherwise respond to the complaint to May 9, 2022 – filed by Alvogen, Inc.. (DiBenedetto, Emily) (Entered: 03/25/2022)
03/25/2022		SO ORDERED, re <u>8</u> STIPULATION TO EXTEND TIME to answer, move, or otherwise respond to the complaint to May 9, 2022 filed by Alvogen, Inc., Set/Reset Answer Deadlines: Alvogen, Inc. answer due 5/9/2022. Signed by Judge Colm F. Connolly on 3/25/2022. (nmf) (Entered: 03/25/2022)
05/06/2022	<u>9</u>	MOTION for Pro Hac Vice Appearance of Attorney Jeffrey J. Oelke, Ryan P. Johnson, Robert E. Counihan, Laura T. Moran, Erica R. Sutter, Kara Czekai, and Olivia Wheeling – filed by Novo Nordisk A/S, Novo Nordisk Inc.. (Egan, Brian) (Entered: 05/06/2022)
05/06/2022		SO ORDERED, re (15 in 1:22-cv-00298-CFC, 10 in 1:22-cv-00294-CFC, 13 in 1:22-cv-00297-CFC, 10 in 1:22-cv-00296-CFC, 9 in 1:22-cv-00299-CFC) MOTION for Pro Hac Vice Appearance of Attorney Jeffrey J. Oelke, Ryan P. Johnson, Robert E. Counihan, Laura T. Moran, Erica R. Sutter, Kara Czekai, and Olivia Wheeling, filed by Novo Nordisk A/S, Novo Nordisk Inc. Ordered by Judge Colm F. Connolly on 5/6/2022. Associated Cases: 1:22-cv-00294-CFC, 1:22-cv-00296-CFC, 1:22-cv-00297-CFC, 1:22-cv-00298-CFC, 1:22-cv-00299-CFC. (kmd) (Entered: 05/06/2022)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NOVO NORDISK INC. and)	
NOVO NORDISK A/S,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. _____
)	
ALVOGEN, INC.,)	
)	
Defendant.)	

COMPLAINT

Novo Nordisk Inc. and Novo Nordisk A/S (collectively, “Novo Nordisk”), by their undersigned attorneys, for their Complaint against Defendant Alvogen, Inc. (“Alvogen”), allege:

NATURE OF THE ACTION

1. This is an action for patent infringement under the patent laws of the United States, Title 35 of the United States Code, arising from Alvogen’s submission of an Abbreviated New Drug Application (“ANDA”) to the United States Food and Drug Administration (“FDA”), by which Alvogen seeks approval to market a generic version of Novo Nordisk’s pharmaceutical product Ozempic® prior to the expiration of United States Patent Nos. 8,129,343 (the “’343 patent”), 8,920,383 (the “’383 patent”), 9,132,239 (the “’239 patent”), 9,457,154 (the “’154 patent”), 9,687,611 (the “’611 patent”), 9,775,953 (the “’953 patent”), 10,220,155 (the “’155 patent”), 10,335,462 (the “’462 patent”), 11,097,063 (the “’063 patent”), and RE46,363 (the “’363 patent”) which cover *inter alia*, Ozempic® and/or its use.

THE PARTIES

2. Plaintiff Novo Nordisk Inc. (“NNI”) is a corporation organized and existing under the laws of the State of Delaware, and has its principal place of business at 800 Scudders Mill Road, Plainsboro, New Jersey 08536.

3. Plaintiff Novo Nordisk A/S (“NNAS”) is an entity organized and existing under the laws of the Kingdom of Denmark, and has its principal place of business at Novo Allé, 2880 Bagsværd, Denmark. NNI is an indirect, wholly-owned subsidiary of NNAS.

4. On information and belief, Defendant Alvogen, Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 10 Bloomfield Avenue, Building B, Pine Brook, New Jersey 07058. On information and belief, Alvogen, Inc. is in the business of making and selling generic pharmaceutical products, which it distributes in the State of Delaware and throughout the United States.

JURISDICTION AND VENUE

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

6. This Court has personal jurisdiction over Alvogen by virtue of, *inter alia*, its presence in Delaware, being a Delaware corporation; and having engaged in systematic and continuous contacts with the State of Delaware; previously consenting to personal jurisdiction in this Court (*see e.g., BioDelivery Sciences Int’l, Inc. v. Alvogen PB Research & Development LLC*, C.A. No. 18-cv-01395 (D. Del. Sept. 7, 2018)); and having taken advantage of the rights and protections provided by this Court, including having asserted counterclaims in this jurisdiction (*see e.g., Noven Pharms., Inc. v. Alvogen Pine Brook LLC*, C.A. No. 17-01429 (D. Del. Oct. 11, 2017)).

7. On information and belief, Alvogen intends to sell, offer to sell, use, and/or engage in the commercial manufacture of Alvogen’s Product, directly or indirectly, throughout the United States and in this District. Alvogen’s filing of Alvogen’s ANDA confirms this intention and further subjects Alvogen to the specific personal jurisdiction of this Court.

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