

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TEVA PHARMACEUTICALS)	
INTERNATIONAL GMBH, CEPHALON,)	
INC., and EAGLE PHARMACEUTICALS,)	
INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. _____
)	
DR. REDDY’S LABORATORIES, LTD.,)	
and DR. REDDY’S LABORATORIES,)	
INC.,)	
)	
Defendants.)	

COMPLAINT

Plaintiffs Teva Pharmaceuticals International GmbH (“Teva Pharmaceuticals”), Cephalon, Inc. (“Cephalon”) (collectively, with Teva Pharmaceuticals, “Teva”), and Eagle Pharmaceuticals, Inc. (“Eagle”) (collectively, “Plaintiffs”), by their attorneys, for their Complaint, allege as follows:

1. This is an action for patent infringement under the patent laws of the United States, 35 U.S.C., and for a declaratory judgment of patent infringement under 28 U.S.C. §§ 2201 and 2202 and the patent laws of the United States, 35 U.S.C., which arises out of Dr. Reddy’s Laboratories Ltd. and Dr. Reddy’s Laboratories, Inc. (collectively, “Dr. Reddy’s”) submission of New Drug Application (“NDA”) No. 215668 to the U.S. Food and Drug Administration (“FDA”) seeking approval to commercially manufacture, use, offer for sale, sell, and/or import a generic version of Bendeka® (bendamustine hydrochloride) Injection, 100 mg/4 mL (25 mg/mL), prior to the expiration of U.S. Patent Nos. 8,609,707 (the “707 patent”); 9,265,831 (the “831 patent”);

9,572,796 (the “796 patent”); 9,572,797 (the “797 patent”); 9,034,908 (the “908 patent”); 9,144,568 (the “568 patent”); 9,572,887 (the “887 patent”); 9,597,397 (the “397 patent”); 9,597,398 (the “398 patent”); 9,597,399 (the “399 patent”); 9,000,021 (the “021 patent”); 9,579,384 (the “384 patent”), 10,010,533 (the “533 patent”); and 10,052,385 (the “385 patent”) (collectively, the “Patents-in-Suit”).

PARTIES

2. Plaintiff Teva Pharmaceuticals is a limited liability company organized and existing under the laws of Switzerland, having its corporate offices and principal place of business at Schlüsselstrasse 12, Jona (SG) 8645, Switzerland.

3. Plaintiff Cephalon is a corporation organized and existing under the laws of Delaware, having its corporate offices and principal place of business at 145 Brandywine Parkway, West Chester, Pennsylvania 19380.

4. Plaintiff Eagle is a corporation organized and existing under the laws of Delaware, having its corporate offices and principal place of business at 50 Tice Boulevard, Suite 315, Woodcliff Lake, New Jersey 07677.

5. On information and belief, Defendant Dr. Reddy’s Laboratories, Ltd. is a company organized and existing under the laws of the Republic of India having its corporate offices and principal place of business at Door No. 8-2-337, Road No. 3, Banjara Hills, Hyderabad 500 034, Telangana, Republic of India. On information and belief, Dr. Reddy’s Laboratories, Ltd. is in the business of, among other things, manufacturing and selling generic versions of branded pharmaceutical drugs through various operating subsidiaries, including Dr. Reddy’s Laboratories, Inc.

6. On information and belief, Defendant Dr. Reddy's Laboratories, Inc. is a company organized and existing under the laws of the State of New Jersey having its corporate offices and principal place of business at 107 College Road East, Princeton, New Jersey 08540. On information and belief, Dr. Reddy's Laboratories, Inc. is in the business of, among other things, manufacturing and selling generic versions of pharmaceutical drug products throughout the United States, including Delaware.

7. On information and belief, Dr. Reddy's Laboratories, Inc. is a wholly owned subsidiary of Dr. Reddy's Laboratories, Ltd. and the U.S. agent for Dr. Reddy's Laboratories, Ltd.

8. On information and belief, Dr. Reddy's Laboratories, Ltd. and Dr. Reddy's Laboratories, Inc. acted in concert to prepare and submit Dr. Reddy's NDA to FDA.

9. On information and belief, Dr. Reddy's Laboratories, Ltd. actively encouraged, recommended, and promoted that Dr. Reddy's Laboratories, Inc. prepare and submit Dr. Reddy's NDA to FDA and knew that the filing of Dr. Reddy's NDA would infringe the Patents-in-Suit, including because Dr. Reddy's Laboratories, Ltd. knew that Dr. Reddy's NDA would include a Paragraph IV Certification pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV) with respect to the Patents-in-Suit.

10. On information and belief, Dr. Reddy's Laboratories, Ltd. and Dr. Reddy's Laboratories, Inc. know and intend that upon approval of Dr. Reddy's NDA, Dr. Reddy's Laboratories, Ltd. will manufacture Dr. Reddy's NDA Product; and Dr. Reddy's Laboratories, Ltd. and Dr. Reddy's Laboratories, Inc. will directly or indirectly market, sell, and distribute Dr. Reddy's NDA Product throughout the United States, including in Delaware. On information and belief, Dr. Reddy's Laboratories, Ltd. and Dr. Reddy's Laboratories, Inc. are agents of each other and/or operate in concert as integrated parts of the same business group, including with respect to

Dr. Reddy's NDA Product, and enter into agreements that are nearer than arm's length. On information and belief, Dr. Reddy's Laboratories, Ltd. and Dr. Reddy's Laboratories, Inc. participated, assisted, and cooperated in carrying out the acts complained about herein.

11. On information and belief, following any FDA approval of Dr. Reddy's NDA, Dr. Reddy's Laboratories, Ltd. and Dr. Reddy's Laboratories, Inc. will act in concert to distribute and sell Dr. Reddy's NDA Product throughout the United States, including within Delaware.

JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202.

13. Based on the facts and causes alleged herein, and for additional reasons to be further developed through discovery if necessary, this Court has personal jurisdiction over Dr. Reddy's Laboratories, Ltd. and Dr. Reddy's Laboratories, Inc.

14. This Court has personal jurisdiction over Dr. Reddy's Laboratories, Ltd. because, among other things, Dr. Reddy's Laboratories, Ltd., itself and through its subsidiary Dr. Reddy's Laboratories, Inc., has purposefully availed itself of the benefits and protections of Delaware's laws such that it should reasonably anticipate being haled into court here. On information and belief, Dr. Reddy's Laboratories, Ltd., itself and through its subsidiary Dr. Reddy's Laboratories, Inc., develops, manufactures, imports, markets, offers to sell, sells, and/or imports generic drugs throughout the United States, including in Delaware, and therefore transacts business within Delaware, and/or has engaged in systematic and continuous business contacts within Delaware.

15. In addition, this Court has personal jurisdiction over Dr. Reddy's Laboratories, Ltd. because, on information and belief, Dr. Reddy's Laboratories, Ltd. directs and controls Dr. Reddy's Laboratories, Inc., and Dr. Reddy's Laboratories, Ltd. and Dr. Reddy's Laboratories, Inc. are alter egos of each other. Therefore, Dr. Reddy's Laboratories, Inc.'s activities in Delaware are attributable to Dr. Reddy's Laboratories, Ltd.

16. This Court has personal jurisdiction over Dr. Reddy's Laboratories, Inc. because, among other things, it has purposely availed itself of the benefits and protections of Delaware's laws such that it should reasonably anticipate being haled into court here. On information and belief, Dr. Reddy's Laboratories, Inc. is registered as a pharmacy wholesaler under license No. A-4-0002524 and as a controlled substances distributor/manufacturer under license No. DM-0013148 with the Delaware Division of Professional Regulation. In addition, on information and belief, Dr. Reddy's Laboratories, Inc. develops, manufactures, imports, markets, offers to sell, sells, and/or imports generic drugs throughout the United States, including in Delaware, and therefore transacts business within Delaware relating to Plaintiffs' claims, and/or has engaged in systematic and continuous business contacts within Delaware.

17. In addition, this Court has personal jurisdiction over Dr. Reddy's Laboratories, Inc. because, on information and belief, Dr. Reddy's Laboratories, Ltd. and Dr. Reddy's Laboratories, Inc. are alter egos of each other. Therefore, Dr. Reddy's Laboratories, Ltd.'s activities in Delaware are attributable to Dr. Reddy's Laboratories, Inc.

18. In addition, this Court also has personal jurisdiction over Dr. Reddy's Laboratories, Ltd. and Dr. Reddy's Laboratories, Inc. because, among other things, on information and belief: (1) Dr. Reddy's Laboratories, Ltd. and Dr. Reddy's Laboratories, Inc. filed Dr. Reddy's NDA for the purpose of seeking approval to engage in the commercial manufacture, use, offer for

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