

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FERRING PHARMACEUTICALS INC.,)
 FERRING INTERNATIONAL CENTER S.A.,)
 FERRING B.V., and)
 POLYPEPTIDE LABORATORIES A/S,)
) C.A. No.)
 Plaintiffs,)
)
 v.)
)
)
 EUGIA PHARMA SPECIALTIES LTD.,)
 AUROBINDO PHARMA LTD., and)
 AUROMEDICS PHARMA LLC.)
)
 Defendants.)
)

COMPLAINT

Plaintiffs Ferring Pharmaceuticals Inc. (“Ferring Pharma”), Ferring International Center S.A. (“FICSA”), Ferring B.V. (collectively, “Ferring”), and Polypeptide Laboratories A/S (“PPL A/S”) (together with Ferring, “Plaintiffs”) bring this action against Defendants Eugia Pharma Specialties Ltd. (“Eugia”), Aurobindo Pharma Ltd. (“APL”), and AuroMedics Pharma LLC (“AuroMedics”) (collectively “Defendants”) and allege as follows:

NATURE OF THE ACTION

1. This is an action for infringement of United States Patent Number 9,579,359 (“the ’359 patent”), United States Patent Number 10,729,739 (“the ’739 patent”), United States Patent Number 10,973,870 (“the ’870 patent”), United States Patent Number 9,415,085 (“the ’085 patent”), United States Patent Number 10,695,398 (“the ’398 patent”), United States Patent Number 8,841,081 (“the ’081 patent”), United States Patent Number 9,877,999 (“the ’999 patent”), and United States Patent Number 8,828,938 (“the ’938 patent”) (collectively, the

“patents in suit”) under the Patent Laws of the United States, Title 35 of the United States Code, § 100 *et seq.* and for a declaratory judgment of infringement under 28 U.S.C. §§ 2201 and 2202.

2. This action arises out of Eugia’s submission of Abbreviated New Drug Application (“ANDA”) No. 215800 (“Eugia’s ANDA”) under Section 505(j) of the Federal Food, Drug, and Cosmetic Act (“the Act”), 21 U.S.C. § 355(j), seeking U.S. Food and Drug Administration (“FDA”) approval to commercially manufacture, use, or sell a generic version of Ferring’s FIRMAGON® (degarelix for injection) (“Eugia’s ANDA Product”) prior to the expiration of the ’359, ’739, ’870, ’085, and ’398 patents.

THE PARTIES

3. Plaintiff Ferring Pharma is a private Delaware corporation having its principal place of business at 100 Interpace Parkway, Parsippany, New Jersey 07054.

4. Plaintiff FICSA is a Swiss private limited liability company having its offices at Ch. de la Vergognausaz 50, 1162 Saint-Prex, Switzerland.

5. Plaintiff Ferring B.V. is a Dutch private limited liability company having its offices at Polaris Avenue 144, Hoofddorp, 2132 JX, Netherlands.

6. Plaintiff PPL A/S is a company organized and existing under the laws of Denmark, having its registered offices at Herredsvejen 2 Hillerod, 3400 Denmark.

7. Upon information and belief, Defendant Eugia is a company organized and existing under the laws of India with a place of business at Maitri Vihar, Plot #2, Ameerpet, Hyderabad 500038, Telangana, India.

8. Upon information and belief, Defendant APL is a company organized and existing under the laws of India with a place of business at Maitri Vihar, Plot #2, Ameerpet, Hyderabad 500038, Telangana, India.

9. Upon information and belief, Defendant AuroMedics is a limited liability company organized and existing under the laws of Delaware, with its principal place of business at 279 Princeton Hightstown Road, East Windsor, NJ 08520.

10. Upon information and belief, Eugia is a wholly owned subsidiary of APL.

11. Upon information and belief, AuroMedics is a wholly-owned subsidiary of APL.

12. AuroMedics is Eugia's United States agent regarding Eugia's ANDA.

13. Upon information and belief, Eugia, APL, and AuroMedics acted in concert to prepare and file ANDA No. 215800.

14. Upon information and belief, Eugia and APL participated in, assisted, and cooperated with AuroMedics in the acts complained of herein.

15. Upon information and belief, following any FDA approval of Eugia's ANDA, Eugia, APL, and AuroMedics will act in concert to manufacture, distribute, and/or sell Eugia's ANDA Product throughout the United States, including in Delaware.

JURISDICTION

16. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202.

17. Upon information and belief, this Court has personal jurisdiction over Eugia because it has purposefully availed itself of the benefits and protections of Delaware's laws such that it should reasonably anticipate being sued in this State. Upon information and belief, Eugia, itself and through its agents, develops, manufactures, imports, offers to sell, markets, and/or sells generic drug products throughout the United States, including in Delaware, and therefore transacts business within Delaware related to Plaintiffs' claims. Alternatively, to the extent this Court does not have personal jurisdiction over Eugia under Federal Rule of Civil Procedure 4(k)(1), upon information and belief, this Court has personal jurisdiction over Eugia under

Federal Rule of Civil Procedure 4(k)(2) because exercising jurisdiction over Eugia is consistent with the United States Constitution and laws.

18. Upon information and belief, Eugia (1) has substantial, continuous, and systematic contacts with Delaware; (2) intends to market, sell, and/or distribute Eugia's ANDA Product to the residents of Delaware; (3) has corporate affiliates that are organized under the laws of Delaware; (4) maintains a distribution network within Delaware; and/or (5) enjoys substantial income from sales of its generic pharmaceutical products in Delaware.

19. Upon information and belief, this Court has personal jurisdiction over APL because it has purposefully availed itself of the benefits and protections of Delaware's laws such that it should reasonably anticipate being sued in this State. Upon information and belief, APL, itself and through its subsidiaries, develops, manufactures, imports, offers to sell, markets, and/or sells generic drug products throughout the United States, including in Delaware, and therefore transacts business within Delaware related to Plaintiffs' claims. Alternatively, to the extent this Court does not have personal jurisdiction over APL under Federal Rule of Civil Procedure 4(k)(1), upon information and belief, this Court has personal jurisdiction over APL under Federal Rule of Civil Procedure 4(k)(2) because exercising jurisdiction over APL is consistent with the United States Constitution and laws.

20. Upon information and belief, APL (1) has substantial, continuous, and systematic contacts with Delaware; (2) intends to market, sell, and/or distribute Eugia's ANDA Product to the residents of Delaware; (3) has corporate affiliates that are organized under the laws of Delaware; (4) maintains a distribution network within Delaware; and/or (5) enjoys substantial income from sales of its generic pharmaceutical products in Delaware.

21. Upon information and belief, this Court has personal jurisdiction over AuroMedics because it is organized under the laws of the State of Delaware and therefore has consented to general jurisdiction in this State. Upon information and belief, AuroMedics is registered to conduct business within the State of Delaware and maintains as a registered agent for service of process the Corporation Trust Company with an address at Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801. Upon information and belief, AuroMedics develops, manufactures, imports, offers to sell, markets, and/or sells generic drug products throughout the United States, including in Delaware, and therefore transacts business within Delaware related to Plaintiffs' claims.

22. Upon information and belief, Eugia and APL have purposefully availed themselves of this forum by making, using, importing, selling, or offering to sell pharmaceutical products within this State, including planning to distribute Eugia's ANDA Product in this State, and can therefore reasonably expect to be subject to jurisdiction in Delaware's courts.

23. Upon information and belief, Eugia and APL have substantial, continuous, and systematic contacts with Delaware including through its engagement in the direct marketing, distribution, and/or sales of generic pharmaceuticals within Delaware.

24. Upon information and belief, Eugia and APL, and/or their subsidiaries, affiliates, or agents, intend to place Eugia's ANDA Product into the stream of commerce with the reasonable expectation or knowledge, and the intent, that such product will be purchased and used by consumers in this District.

25. Upon information and belief, APL controls Eugia, and AuroMedics, and therefore Eugia and AuroMedics's activities in Delaware are attributable to APL under either an alter ego or agency theory.

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