

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ABBVIE INC. and ABBVIE BIOTECHNOLOGY LTD,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 1:21-cv-1530
)	
ALVOTECH HF.,)	JURY TRIAL DEMANDED
)	
Defendant.)	

COMPLAINT

Plaintiffs AbbVie Inc. and AbbVie Biotechnology Ltd (collectively, “AbbVie” or “Plaintiffs”) allege as follows against Defendant Alvotech hf. (“Alvotech” or “Defendant”).

INTRODUCTION

1. AbbVie Inc. is an American company headquartered in this District in North Chicago, Illinois. AbbVie has expended vast resources over decades developing HUMIRA[®] (adalimumab), a complex biologic drug that is approved to treat eleven diseases and has helped more than one million patients. In 2020, AbbVie invested more than \$5 billion in R&D. AbbVie’s hard work, ingenuity, research, and persistent development of HUMIRA[®], including work under the supervision of AbbVie’s leadership in North Chicago, Illinois, by AbbVie scientists in a first manufacturing facility in Worcester, Massachusetts and a second facility in Puerto Rico, ultimately created a market worth billions of dollars.

2. Biologic drug manufacturing is a complex and sensitive process that requires significant investments in time and expertise to develop and fine-tune on a commercial scale.

AbbVie, having spent the resources to develop such high volume, continual processes, carefully guards this information, sharing it with its employees only on a need-to-know basis, including in order to train them on how to perform the commercial, large scale, high quality-manufacturing processes. As discussed further below, this detailed confidential and proprietary information is distinct and of a different nature from AbbVie's inventions related to adalimumab formulations, improved manufacturing processes, and methods of treatment of debilitating diseases that have been published in AbbVie's patents related to adalimumab.

3. Alvotech, like other biosimilar drug companies, seeks to enter the U.S. market with a copycat version of AbbVie's HUMIRA[®]. But Alvotech took a shortcut. Instead of investing the necessary time and resources to independently develop the manufacturing process for its biosimilar, Alvotech embarked on an unlawful plot to surreptitiously take AbbVie's confidential and proprietary trade secrets related to the confidential large scale manufacturing process for HUMIRA[®] in order to develop and manufacture its copycat product.

4. Alvotech's plan to steal AbbVie's technologies started with a plot to target AbbVie from the inside, through its personnel. While he was still employed by AbbVie, Alvotech recruited and hired Rongzan Ho, a team leader of upstream manufacturing for HUMIRA[®] who had substantial access to AbbVie's proprietary technologies. Alvotech tasked the former HUMIRA[®] team leader with developing and overseeing manufacturing for its copycat version of HUMIRA[®].

5. Just before leaving AbbVie, and for the benefit of and at the direction of Alvotech, Mr. Ho transmitted confidential and proprietary AbbVie trade secret information to his personal email account for use by Alvotech in violation of his obligations to AbbVie. Mr. Ho attempted to email this confidential and proprietary trade secret information to himself *three* times and, after AbbVie's security systems blocked his email titled "Useful Information" the first two times, Mr.

Ho deceptively renamed it “Keep in touch (AbbVie)” and overrode the security warning notice to finally succeed in emailing AbbVie’s trade secrets to his personal email account on the third try. Alvotech’s recruit, and by extension Alvotech, unlawfully took AbbVie’s confidential trade secret materials to Alvotech for use in his work there, including by using information taken from AbbVie to develop and implement the manufacturing of a knockoff version of the exact same drug that he was responsible for at AbbVie.

6. AbbVie did not know nor could it have reasonably discovered Alvotech’s plan to steal AbbVie’s confidential and proprietary trade secrets related to the commercial manufacturing process for HUMIRA® at that time. Alvotech, including through its employee, concealed its unlawful acquisition and use of AbbVie’s confidential and proprietary trade secrets. First, in connection with and within the scope of his imminent employment at Alvotech, Mr. Ho transmitted confidential and proprietary AbbVie trade secret information to his personal email account. Second, to cover his tracks and dissuade AbbVie from looking closely at his departure, Mr. Ho affirmatively misrepresented that he had “expunged all AbbVie information from any computer, word processor, external storage device, in email or cloud storage or other device belonging to me or under my control.” He also declared that he had “returned all information . . . in [his] possession . . . relating or belonging to AbbVie and/or its affiliates . . . including but not limited to confidential, sensitive and/or proprietary information such as . . . development know-how, trade secrets, techniques, processes, [and] procedures . . . information and documentation . . .” March 2, 2018 Rongzan Ho Decl.. Third, Mr. Ho concealed that he was going to work at Alvotech to help it develop and oversee the manufacture of a copycat of the drug he was responsible for at AbbVie and made misleading statements that he was leaving AbbVie for career development

reasons, “mainly to learn single-use bio reactors and other new technologies.” February 14, 2018 Rongzan Ho Exit Interview Form.

7. On February 24, 2021, AbbVie wrote to Alvotech’s CEO, Mark Levick, regarding its belief that Alvotech had embarked on an unlawful plot to surreptitiously take AbbVie’s confidential and proprietary trade secrets related to the manufacturing process for HUMIRA[®] to develop and manufacture its competing biosimilar product. AbbVie asked Alvotech to address this belief, particularly given the timing of Alvotech’s hiring of Mr. Ho, the timing of his tenure with Alvotech, and the timing of Alvotech’s announcements regarding its biosimilar to AbbVie’s HUMIRA[®]. In its March 3, 2021 response, Alvotech did not deny that Mr. Ho worked on a biosimilar to HUMIRA[®] while employed at Alvotech. Alvotech also did not deny that it deployed Mr. Ho in the exact same role he performed at AbbVie and tasked him with developing and overseeing manufacturing for a biosimilar of the exact same drug that he was responsible for at AbbVie, AVT02, a high-concentration HUMIRA[®] biosimilar, again in violation of his obligations to AbbVie.¹ And while Alvotech stated it would investigate AbbVie’s claims, it never presented the results of any investigation, let alone any exculpatory evidence or even a denial that a theft had occurred. Nor has Alvotech taken any steps to remediate its willful and malicious conduct.

8. Further, Alvotech not only recruited AbbVie’s employee, Mr. Ho, but has continued to recruit AbbVie employees with intimate knowledge of the HUMIRA[®] manufacturing process. At least two additional AbbVie employees have been recruited by Alvotech and hired in May 2020. Alvotech also attempted to recruit, without success, one or more additional AbbVie employees through at least one recruiter, specifically inquiring about a position to work on Alvotech’s biosimilar to AbbVie’s HUMIRA[®] as part of the job description.

¹ March 3, 2021 Correspondence from Alvotech counsel to AbbVie counsel (copy on file).

9. Alvotech's willful and malicious misappropriation of AbbVie's trade secrets leaves AbbVie no choice but to file this lawsuit seeking injunctive relief and recovery of damages for the harm that has been caused by Alvotech's illegal conduct. Alvotech's conduct threatens uncontrolled and irreparable dissemination of AbbVie's trade secrets around the world, as Alvotech already built a biologics manufacturing facility in Iceland and recently announced a joint venture to build a new biologics manufacturing facility in China. Unless enjoined, Alvotech's illegal actions will serve as a roadmap to use AbbVie's trade secrets for both Alvotech and other companies that have not adequately invested in their own independent research and development.

THE PARTIES

10. Plaintiff AbbVie Inc. is a corporation organized and existing under the laws of Delaware with its corporate headquarters at 1 North Waukegan Road, North Chicago, Illinois 60064. AbbVie Inc. is engaged in the development, sale, and distribution of a broad range of pharmaceutical and biologic drugs, including HUMIRA®.

11. Plaintiff AbbVie Biotechnology Ltd ("ABL") is a corporation organized and existing under the laws of Bermuda, with a place of business at Clarendon House, 2 Church Street, Hamilton HM11, Bermuda and a manufacturing facility in Barceloneta, Puerto Rico. Through intermediate organizations, Plaintiff AbbVie Inc. owns Plaintiff ABL.

12. Defendant Alvotech hf. is a company organized and existing under the laws of Iceland, with its principal place of business at Saemundargata 15-19, 101 Reykjavik, Iceland.

JURISDICTION AND VENUE

13. This action arises under the Defend Trade Secrets Act of 2019 ("DTSA"), 18 U.S.C. §§ 1836(b)-(c). This action also arises under the Illinois Trade Secrets Act ("ITSA"), 765 ILCS 1065/1 *et seq.*

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