

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MAINE**

JUBILANT GENERICS LIMITED, <div style="text-align: center; margin-left: 300px;">Plaintiff,</div> <div style="text-align: center; margin-left: 180px;">v.</div> DECHRA VETERINARY PRODUCTS, LLC, <div style="text-align: center; margin-left: 300px;">Defendant.</div>	: : : : : : : : : : : :	Case No. 2:23-CV-00237-JDL

**AMENDED COMPLAINT FOR INJUNCTIVE AND
OTHER RELIEF**

Plaintiff Jubilant Generics Limited (“Jubilant”), by and through its undersigned attorneys, alleges as follows for its Amended Complaint (“Complaint”) against Defendant Dechra Veterinary Products, LLC (collectively, “Dechra”):

NATURE OF THE ACTION

1. This action is the result of a company (Dechra) failing to comply with certain promises and obligations it owes a fifteen (15) year business partner (Jubilant) and, instead, choosing to steal its partner’s confidential information and property when the relationship ended.

2. Specifically, Jubilant and Dechra entered into a Licensing and Supply Agreement on December 10, 2007, which was modified with Amendment #1 on March 28, 2018 (collectively, the “Agreement”). (A copy of the Agreement is attached as Exhibit A).¹ On January 18, 2007, Jubilant had Dechra execute a “Confidentiality Agreement” before Jubilant would share any confidential and proprietary information with Dechra. The information identified in paragraphs 38, 39 and 40 is Jubilant Confidential Information (including Jubilant Trade Secrets) and intellectual property (collectively, “Confidential Information”) under the Confidentiality Agreement and the Agreement. (A copy of the Confidentiality Agreement is attached as Exhibit B).

3. Under the Agreement, Jubilant agreed to manufacture, and Dechra agreed to sell, Enrofloxacin, a fluoroquinolone antibiotic chewable tablet (22.7 mg, 68 mg and 136 mg) (the “Product”) used for the treatment of animals, in the United States.

4. As part of the Agreement, Jubilant provided Dechra with its Confidential

¹ The Agreement was originally signed by, and between, Putney, Inc., and Jubilant Organosys, LTD. Dechra is the successor/assignee company of Putney and Jubilant is the successor/assignee company of Jubilant Organosys.

Information (including Jubilant Trade Secrets) and property so that Dechra could sell the Product throughout the United States. In addition, certain information was created and/or developed during the term of the Agreement in order for Dechra to obtain the registration/approval from the United States Food and Drug Administration (“USFDA”) to sell the Product throughout the United States.

5. Any information created and/or developed under the Agreement was identified in the Agreement as “Project IP.” All Project IP, according to the Agreement, was owned by Jubilant.

6. Thus, when bio-equivalence studies (both pilot and pivotal scale) and palatability studies and reports (collectively, “Bio-Equivalence Studies”) were created under the Agreement, the Bio-Equivalence Studies were Project IP and owned by Jubilant. The Bio-Equivalence Studies were also Jubilant Confidential Information.

7. In addition, several items of Jubilant Confidential Information are also Jubilant Trade Secrets. Specifically, and as more fully described below, Jubilant’s product development reports and data, product composition formulas, batch manufacturing formulas, detailed manufacturing process instructions (including the granulation process), manufacturing equipment lists, process validation reports, and batch manufacturing records are Jubilant Trade Secrets.

8. The relationship between Jubilant and Dechra ended on February 28, 2023. Hence, Dechra was required to return all Jubilant Confidential Information, including the Bio-Equivalence Studies and Trade Secrets, to Jubilant no later than February 28, 2023. Dechra was also supposed to stop using Jubilant Confidential Information (including Jubilant Trade Secrets) on or before February 28, 2023.

9. Instead of honoring and complying with the above duties and obligations, Dechra informed Jubilant on February 28, 2023, that it was keeping all Jubilant Confidential Information, including the Bio-Equivalence Studies and Trade Secrets, and transferring the Confidential

Information (including Jubilant Trade Secrets) to at least one third party that is not authorized to receive, access, retain or use Jubilant Confidential Information (including Jubilant Trade Secrets).

10. Dechra retaining, using and transferring Jubilant Confidential Information (including Jubilant Trade Secrets) is a breach of the Agreement. It is also a violation of Maine and Federal law.

11. In order to avoid litigation, Jubilant made several overtures to Dechra after February 28, 2023 asking Dechra to return Jubilant Confidential Information (including Jubilant Trade Secrets). Dechra rejected each overture.

12. Consequently and since Dechra's actions are a clear violation of the Agreement, Confidentiality Agreement and the law, Jubilant now brings suit against Dechra for breach of the Agreements, misappropriation of Trade Secrets, and replevin.

13. In doing so, Jubilant requests that this Court enter an order enjoining Dechra from using, possessing, accessing or transferring Jubilant Confidential Information (including Jubilant Trade Secrets), and award Jubilant compensatory and punitive damages for Dechra's intentional and illegal acts. Jubilant also requests that the Court order Dechra to immediately return all Jubilant Confidential Information, including the Bio-Equivalence Studies and Trade Secrets, to Jubilant and award Jubilant its attorneys' fees.

THE PARTIES AND RELEVANT PERSONS

14. Jubilant Generics Limited ("Jubilant") is a limited corporation established in the country of India with its principal place of business located at 1-A, Sector 16-A, Nodia-201 301 UP, India.

15. Dechra Veterinary Products, LLC ("Dechra") is a Delaware limited liability company with its headquarters and principal place of business located at 7015 College Boulevard

in Overland Park, Kansas.

16. TRiRx Pharmaceutical Services is a Connecticut Corporation with its headquarters and principal place of business at 101 Merritt 7 in Norwalk, Connecticut.

JURISDICTION AND VENUE

17. This Court has subject matter jurisdiction over this dispute, pursuant to 28 U.S.C. § 1331, because Jubilant's claims against Dechra under the Federal Defend Trade Secrets Act, 18 U.S.C. § 1833, *et seq.*, raise a Federal question. Jubilant's remaining claims fall within the Court's supplemental jurisdiction, pursuant to 28 U.S.C. § 1367, because the claims are so related to the Federal question that they form part of the same case or controversy.

18. Alternatively, this Court has diversity jurisdiction, pursuant to 28 U.S.C. § 1332(a), because this action and controversy is between citizens of different countries and exceeds the value of \$75,000, exclusive of interest and costs.

19. This Court has personal jurisdiction over Dechra because it conducts business in this District and some of Dechra's actions identified in this Complaint took place in this District. For example, Dechra negotiated the Agreement in this District, received and used Jubilant's Confidential Information (including Jubilant Trade Secrets) in this District, manufactured and distributed the Product covered by the Agreement in this District, and negotiated for Maine law to apply to the Agreement from this District. Venue is proper in the United States District Court for the District of Maine, pursuant to 28 U.S.C. § 1391(b), because Dechra does business in this District, the property Jubilant seeks to be returned is located in this District, and a substantial part of the events giving rise to Jubilant's claims occurred in this District.

BACKGROUND

Jubilant and Dechra

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