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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SUPERNUS PHARMACEUTICALS, INC.,

Plaintiff,

v.

RICONPHARMA LLC and INGENUS
PHARMACEUTICALS, LLC,

Defendants.

Civil Action No. _____

COMPLAINT FOR PATENT
INFRINGEMENT

(Filed Electronically)

Plaintiff Supernus Pharmaceuticals, Inc. (“Supernus” or “Plaintiff”), by its undersigned attorneys, for its Complaint against Defendants RiconPharma LLC (“Ricon”) and Ingenuis Pharmaceuticals, LLC (“Ingenuis”) (collectively, “Defendants”), alleges as follows:

NATURE OF THE ACTION

1. This is a civil action for patent infringement arising under the patent laws of the United States, Title 35, United States Code, involving United States Patent No. 7,722,898 (“the ’898 patent”), United States Patent No. 7,910,131 (“the ’131 patent”), United States Patent No. 8,617,600 (“the ’600 patent”), United States Patent No. 8,821,930 (“the ’930 patent”), United States Patent No. 9,119,791 (“the ’791 patent”), United States Patent No. 9,351,975 (“the ’975

patent”), United States Patent No. 9,370,525 (“the ’525 patent”), United States Patent No. 9,855,278 (“the ’278 patent”), and United States Patent No. 10,220,042 (“the ’042 patent”), attached hereto as Exhibits A–I (collectively, “the patents in suit”).

THE PARTIES

2. Plaintiff Supernus is a corporation organized and existing under the laws of Delaware, having its principal place of business at 9715 Key West Avenue, Rockville, Maryland 20850.

3. Upon information and belief, RiconPharma LLC (“Ricon”) is a New Jersey limited liability company, having its principal place of business at 100 Ford Road, Suite 9, Denville, New Jersey 07834.

4. Upon information and belief, Ricon is in the business of, *inter alia*, developing, manufacturing, marketing, distributing, and directly and/or indirectly selling generic pharmaceutical products throughout the United States (including in the State of New Jersey), and importing generic pharmaceutical products into the United States (including into the State of New Jersey).

5. Upon information and belief, Ricon either directly or through one or more of its affiliates and/or agents, develops, manufactures, distributes, markets, offers to sell, and sells generic pharmaceutical products, including in the State of New Jersey.

6. On information and belief, Defendant Ingenuis Pharmaceuticals, LLC (“Ingenuis”) is a corporation organized and existing under the laws of Delaware, having its principal place of business at 4190 Millenia Road, Orlando, Florida 32839. On information and belief, Ingenuis also has facilities at 140 New Dutch Lane, Fairfield, New Jersey 07004 and, like Ricon, at 100 Ford Road, Suite 9, Denville, New Jersey 07834.

7. Upon information and belief, Ricon and Ingenuis work together for the direct benefit of each other.

8. Upon information and belief, Ingenuis states on its webpage that it entered into a merger agreement with Ricon on August 8, 2014, and that the combined entity has filed multiple ANDAs. Ingenuis website, <https://www.ingenuis.com/riconpharma%C2%ADingenuis-merger-7/> (visited May 24, 2021).

9. Upon information and belief, Ingenuis is in the business of, *inter alia*, developing, manufacturing, marketing, distributing, and/or selling generic pharmaceutical products throughout the United States (including in the State of New Jersey), and importing generic pharmaceutical products into the United States (including into the State of New Jersey).

10. Upon information and belief, Ingenuis is registered as a wholesale drug distributor in the State of New Jersey under Registration No. 5004116. Upon information and belief, Ricon, with the assistance of Ingenuis, prepared, and filed Abbreviated New Drug Application (“ANDA”) No. 215796 (“the Ricon ANDA”) with FDA seeking approval to engage in the commercial manufacture, use, sale, offer for sale, and/or importation into the United States of generic oxcarbazepine extended-release tablets, containing 150 mg, 300 mg, and 600 mg of oxcarbazepine (“the Ricon Product”).

JURISDICTION AND VENUE

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

12. This Court has personal jurisdiction over Defendants under: (i) Fed. R. Civ. P. 4(k)(1); and (ii) N.J. Ct. R. 4:4-4.

13. Upon information and belief, Defendants maintain a regular and established place of business in New Jersey and have purposefully availed themselves of the privilege of doing

business in the State of New Jersey by continuously and systematically placing goods in the stream of commerce for distribution and sale throughout the United States, including the State of New Jersey. For example, upon information and belief, Ingenuis states on its website that “Ingenuis’ New Jersey-based research & development facility specializes in the development of solid orals (IR, MR, SL, and Films), topicals (ointments, creams, lotions, gels, powders, foams, and sprays), transdermal patches (Hydrogel & Matrix), injectables (solutions, lyophilized, and suspensions), and nasal sprays” and that “Ingenuis today is poised to file 25 ANDAs a year.” Ingenuis website, <https://www.ingenus.com/manufacturing/> (visited May 9, 2021).

14. Upon information and belief, Defendants maintain a broad distributorship network within the State of New Jersey and enjoy substantial income from sales of their generic pharmaceutical products in the State of New Jersey.

15. Upon information and belief, Ingenuis is registered as a wholesale drug distributor in the State of New Jersey under the Registration No. 5004116. Ingenuis has, therefore, purposefully availed itself of the rights, benefits, and privileges of New Jersey’s laws.

16. On information and belief, Ricon and Ingenuis have been, and continue to be, joint and primary actors in the drafting, submission, approval, and maintenance of the Ricon ANDA.

17. This Court has personal jurisdiction over Defendants because, *inter alia*:

- (i) Ricon, together with Ingenuis, has committed, induced, or contributed to acts of patent infringement in New Jersey, including, but not limited to, the preparation of materials related to the Ricon ANDA submission; (ii) Defendants are doing business in New Jersey and maintain continuous and systematic contacts with this Judicial District, including by having a regular and established place of business in New Jersey; (iii) Defendants directly or indirectly through agents regularly do or solicit business in New Jersey and/or derive substantial revenue from services or

things used or consumed in New Jersey; (iv) Defendants transact business, perform work, and contract to supply services or products in New Jersey; and (v) Ingenuis is registered as a wholesale drug distributor in the State of New Jersey under Registration No. 5004116. For example, the FDA requires ANDA filers to prepare test batches of the proposed generic product. *See, e.g.*, <https://www.fda.gov/media/107325/download>. Upon information and belief, the only Ingenuis manufacturing facility identified on Ingenuis' website for non-oncology products and treatments—such as those claimed in the patents in suit—is located in New Jersey. Ingenuis website, <https://www.ingenus.com/manufacturing/> (visited May 9, 2021).

18. Ricon's tortious acts of (i) preparing and filing ANDA No. 215796 with a paragraph IV certification to the patents in suit for the purpose of obtaining approval to engage in the commercial manufacture, use, sale, offer for sale, and/or importation into the United States of the Ricon Product before the expiration of the patents in suit; and (ii) directing notice of its ANDA submission to Plaintiff Supernus, are acts with real and injurious consequences giving rise to this infringement action, including the present and/or anticipated commercial manufacture, use, and/or sale of Ricon's ANDA Product before the expiration of the patents in suit throughout the United States, including in this Judicial District. On information and belief, Ingenuis participated with Ricon in the above-mentioned tortious acts. Because defending against an infringement lawsuit such as this one is an inherent and expected part of a generic ANDA filer's business, Ricon and Ingenuis should reasonably anticipate being sued in New Jersey.

19. Upon information and belief, if ANDA No. 215796 is approved, Ricon's ANDA Product will be marketed and distributed by Defendants in the State of New Jersey, prescribed by

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