

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS: Adams Laboratories, Inc.

DEFENDANTS: Pharma Fab, Inc., United Research Laboratories, Inc., and Mutual Pharmaceutical Company, Inc.

(b) County of Residence of First Listed Plaintiff Tarrant (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE LOCATION OF THE LAND INVOLVED. SEP 19 2002

(c) Attorney's (Firm Name, Address, and Telephone Number) Bruce S. Sostek, Jane Politz Brandt, Richard L. Wynne, Jr., Thompson & Knight, L.L.P., 1700 Pacific Avenue, Suite 3300, Dallas, Texas 75201, (214) 969-1700

Attorneys (If Known)

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II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal of Business In This State, Incorporated and Principal of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Property Rights, etc.

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from another district (specify), 6 Multidistrict Litigation, 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Plaintiffs assert claims against Defendants for patent infringement and inducement of others to directly infringe one or more claims of the subject patent owned by Plaintiffs.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION DEMAND \$ Unspecified CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

JUDGE

DOCKET NUMBER

DATE 9-18-02

SIGNATURE OF ATTORNEY OF RECORD Bruce Sostek

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Handwritten signature and scribbles

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SEP 19 2002
CLERK, U.S. DISTRICT COURT
By _____
Deputy

ADAMS LABORATORIES, INC.,

Plaintiff,

vs.

PHARMAFAB, INC., UNITED RESEARCH
LABORATORIES, INC., and MUTUAL
PHARMACEUTICAL COMPANY, INC.,

Defendants.

CIVIL ACTION NO.

3 0 2 C V - 2 0 2 4 P

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

For its complaint against Defendants PharmaFab, Inc. ("PharmaFab"), United Research Laboratories, Inc. ("URL"), and Mutual Pharmaceutical Company, Inc. ("Mutual"), (collectively, "Defendants"), Plaintiff Adams Laboratories, Inc. ("Adams") alleges as follows:

PARTIES

1. Adams is a corporation organized according to the laws of Texas with its principal place of business at 14801 Sovereign Road, Fort Worth, Texas 76155.
2. PharmaFab is a corporation organized according to the laws of Texas with its principal place of business at 2940 North Highway 360, Suite 100, Grand Prairie, Texas 75050.
3. URL is a corporation organized according to the laws of Pennsylvania with its principal place of business at 1100 Orthodox Street, Philadelphia, Pennsylvania 19124.
4. Mutual is a corporation organized according to the laws of Pennsylvania with its principal place of business at 1100 Orthodox Street, Philadelphia, Pennsylvania 19124.

JURISDICTION AND VENUE

5. This is an action for patent infringement under 35 U.S.C. § 271. The Court has subject-matter jurisdiction over the action under 28 U.S.C. §§ 1331 and 1338(a).

6. Defendants regularly conduct business in this judicial district. They have offered to sell, have sold, and sell infringing products in this district. In addition, Defendant PharmaFab has also made and continues to make infringing products in this district. All Defendants are subject to personal jurisdiction in the State of Texas and in this judicial district.

7. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to Plaintiff's claims occurred in this judicial district and/or because, under 28 U.S.C. § 1391(c), all Defendants are deemed to reside in the State of Texas.

BACKGROUND

8. Plaintiff Adams owns the exclusive right and license of United States Patent No. 6,270,796 B1 ("the '796 patent"), which issued on August 7, 2001 to J-Med Pharmaceuticals, Inc., ("J-Med"). The '796 patent is directed to antihistamine/decongestant regimens for treating rhinitis. A copy of the '796 patent is attached hereto as Exhibit A.

9. Plaintiff Adams owns the exclusive right to manufacture, package, market, distribute, use, sell, and to otherwise exploit products covered by the '796 patent by virtue of a written agreement with J-Med. Adams makes and sells products covered by the '796 patent in the form of its prescription medication sold under the brand AlleRx™ Dose Pack.

10. Defendants have undertaken to market and sell generic products intended to emulate Adams's successful AlleRx™ Dose Pack products. Defendants' generic products fall within the scope of one or more claims of the '796 patent and are being made, offered for sale, sold, and used without authority, permission, or license from Plaintiff.

CLAIM FOR RELIEF — PATENT INFRINGEMENT

11. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 10 above as if set forth fully herein.

12. On information and belief, during the term of the '796 patent and without authority from Plaintiff, each of the Defendants has made, used, offered to sell, and/or sold within the United States certain products that infringe one or more claims of the '796 patent.

13. On information and belief, during the term of the '796 patent and without authority from Plaintiff, each of the Defendants has actively induced others to directly infringe one or more claims of the '796 patent.

14. Plaintiff has been damaged by Defendants' infringement in an amount to be determined at trial. Because of Defendants' infringement, Plaintiff has been irreparably harmed and has suffered impairment of the value of its patent rights. Moreover, Plaintiff will continue to suffer irreparable harm unless Defendants are restrained from infringing the claims of the '796 patent.

DEMAND FOR JURY TRIAL

Under Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a jury trial in this action.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests that the Court enter judgment, as follows:

A. That all Defendants and their respective officers, agents, affiliates, servants, employees, and attorneys, and all other persons acting in active concert or participation with them, be temporarily, preliminarily, and permanently enjoined from infringing, or inducing infringement of, the '796 patent by importing, making, using, offering to sell, or selling products that embody the inventions claimed in the patent, or colorable imitations thereof;

B. That Plaintiff be awarded under 35 U.S.C. § 284, in an amount to be proven at trial, damages adequate to compensate it for Defendants' infringement of the '796 patent;

C. That Plaintiff be awarded its costs and prejudgment interest on its damages as provided for by 35 U.S.C. § 284;

D. That the Court determine this to be an exceptional case and award Plaintiff its reasonable attorneys' fees, as provided for by 35 U.S.C. § 285;

E. That each and every Defendant be ordered to make a written report within a reasonable period, to be filed with the Court, detailing the manner of their compliance with the requested injunction; and

F. That Plaintiff be granted such other and further relief as the Court determines is just and proper.

Dated: September 18, 2002.

Respectfully submitted,



Bruce S. Sostek
State Bar No. 18855700
Jane Politz Brandt
State Bar No. 02882090
Richard L. Wynne, Jr.
State Bar No. 24003214

THOMPSON & KNIGHT L.L.P.
1700 Pacific Avenue, Suite 3300
Dallas, Texas 75201
214.969.1700
214.969.1751 (facsimile)

ATTORNEYS FOR PLAINTIFF

008234 000019 DALLAS 1476420.2