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

ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER S.A., a French corporation,	
Plaintiffs,	Civil Action No.
vs.	Judge 00C 5094
NOVOPHARM LIMITED, a corporation of the dominion of Canada,	
Defendant.	Jury Trial Demanded

NOTICE OF CLAIM INVOLVING PATENT

Pursuant to Rule LR3.4 of this Court, Plaintiff, Abbott Laboratories, submits this Notice of Claim Involving Patent for this suit, stating that the parties are:

Abbott Laboratories
100 Abbott Park Road
Abbott Park, Illinois 60064-3500;

Fournier Industrie et Santé
42 Rue de Longvic
21300 Chenôve, France;

Laboratoires Fournier S.A.
42 Rue de Longvic
21300 Chenôve, France;

and

Novopharm Limited
30 Novopharm Court
Toronto, Canada M1B 2K9.

The patent upon which this action is brought is U.S. Patent 4,895,726, for which Bernard Curtet, EricTeillaud and Philippe Reginault are the listed inventors.

Date: August 18, 2000

ABBOTT LABORATORIES

By: _____

Daniel E. Reidy
James A. White
Tina M. Tabacchi
Timothy J. Heverin
JONES, DAY, REAVIS & POGUE
77 West Wacker
Chicago, Illinois 60601-1692
(312) 782-3939

Attorneys for Abbott Laboratories

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

ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER S.A., a French corporation,	
Plaintiffs,	Civil Action No. 00C 5094
vs.	
NOVOPHARM LIMITED, a corporation of the dominion of Canada,	Judge CHIEF JUDGE ASPEN
	Jury Trial Demanded
Defendant.	MAGISTRATE JUDGE LEVIN

COMPLAINT

Plaintiffs, Abbott Laboratories, Fournier Industrie et Santé, and Laboratoires Fournier S.A., for their complaint against Defendant, Novopharm Limited, allege as follows:

THE PARTIES

1. Abbott Laboratories ("Abbott") is a corporation organized under the laws of the State of Illinois, having its headquarters and principal place of business at Abbott Park, Illinois 60064.

2. Fournier Industrie et Santé, formerly known as Fournier Innovation et Synergie, and Laboratoires Fournier S.A. (collectively "Fournier") are French corporations having their principal place of business at 42 Rue de Longvic, 21300 Chenôve, France.

3. Novopharm Limited ("Novopharm") is a corporation organized under the laws of the dominion of Canada, having its principal place of business at 30 Novopharm Court, Toronto, Canada M1B 2K9, doing business in the United States and in this district, and through

its wholly-owned subsidiary Novopharm, Inc., located at 165 Commerce Drive, Schaumburg, Illinois 60173.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this suit pursuant to 28 U.S.C. § 1338(a) as it arises under an Act of Congress relating to patents, Title 35, United States Code, §§ 1 et seq.

5. Venue properly exists in this judicial district pursuant to 28 U.S.C. § 1391 and § 1400(b) in that Novopharm is doing business in this district and therefore resides here.

6. This Court has personal jurisdiction over Defendant under 735 ILCS 5/2-209 because it transacts business within the State of Illinois.

FACTUAL BACKGROUND

7. Abbott is the exclusive licensee of U.S. Patent No. 4,895,726, ("the '726 patent"). A copy of the '726 patent is attached as Exhibit A.

8. The '726 patent, which issued on January 23, 1990, claims, *inter alia*, a novel dosage form of fenofibrate containing fenofibrate and a solid surfactant which have been co-micronized as well as a method for the preparation of this dosage form and its use for improving bioavailability *in vivo*. Fournier is the owner of the '726 patent, which expires on January 19, 2009.

9. Fenofibrate is useful as a lipid and cholesterol lowering agent for treatment of adults with increased triglyceride levels.

10. Abbott has approval from the United States Food and Drug Administration ("FDA") to market fenofibrate capsules under the name TRICOR®.

11. TRICOR® (fenofibrate) is included in the FDA's list of "Approved Drug Products With Therapeutic Equivalence Evaluations" also known as the "Orange Book." Approved drugs may be used as the basis of a later applicant's Abbreviated New Drug

Application ("ANDA") to obtain approval of the ANDA applicant's drug product under provisions of 21 U.S.C. § 355(j).

12. The FDA's "Orange Book" also lists patents associated with approved drugs. The '726 patent is listed in the "Orange Book" in association with TRICOR® (fenofibrate).

13. Abbott and Fournier received a letter from Novopharm dated July 6, 2000 stating that Novopharm had amended its ANDA, designated as No. 75-753, requesting FDA approval to market a generic version of Abbott's TRICOR® (fenofibrate) capsules in a 200 mg dosage before the expiration of the '726 patent.

14. 35 U.S.C. § 271(e)(2) provides that the submission of an application under 21 U.S.C. § 355(j) for a drug claimed in a patent or for a drug use claimed in a patent is an act of infringement if the applicant seeks FDA marketing approval effective prior to the expiration of the patent. Novopharm's submission of an ANDA for approval to sell fenofibrate capsules in a 200 mg dosage prior to the expiration of the '726 patent constitutes an act of infringement of one or more claims of the '726 patent under 35 U.S.C. § 271(e)(2). In addition, Novopharm's generic version of TRICOR® (fenofibrate), for which it has amended its ANDA, infringes one or more claims of the '726 patent.

15. Plaintiffs have no adequate remedy at law to redress Novopharm's infringement.

WHEREFORE, Plaintiffs pray for the following relief:

(a) a judgment that the '726 patent remains valid and enforceable, and is infringed under 35 U.S.C. § 271(e)(2) by Novopharm's filing and amendment of its ANDA No. 75-753;

(b) an order that the effective date of the approval of ANDA No. 75-753 be subsequent to the expiration date of the '726 patent;

(c) an injunction prohibiting Novopharm from commercially manufacturing, selling, using, or importing the fenofibrate claimed in the '726 patent or otherwise infringing one or more claims of the '726 patent;

(d) damages and/or other monetary relief for any commercial manufacture, use or sale of the fenofibrate falling within the scope of one or more claims of the '726 patent by Novopharm;

(e) an award of Plaintiffs' costs and attorneys' fees pursuant to 35 U.S.C. § 271(e)(4) and 35 U.S.C. § 285; and,

(f) such other and further relief as this Court may deem just and proper.

A TRIAL BY JURY IS DEMANDED FOR ALL COUNTS.

Date: August 18, 2000

ABBOTT LABORATORIES

By: _____

Daniel E. Reidy
James A. White
Tina M. Tabacchi
Timothy J. Heverin
JONES, DAY, REAVIS & POGUE
77 West Wacker
Chicago, Illinois 60601-1692
(312) 782-3939

Attorneys for Abbott Laboratories

FOURNIER INDUSTRIE et SANTÉ
and LABORATOIRES FOURNIER S.A.

By: Tracey L. Wolfe

Charles D. Ossola
Donald O. Beers
ARNOLD & PORTER
Thurman Arnold Building
555 Twelfth Street, N.W.
Washington, DC 20004-1202
(202) 942-5000

Mark R. Shanks
Simon D. Roberts
SHANKS & HERBERT
TransPotomac Plaza
1033 N. Fairfax St., Suite 306
Alexandria, VA 22314
(703) 683-3600

Luke DeGrand
Tracey L. Wolfe
CLARK & DeGRAND
One S. Wacker Dr., Suite 1495
Chicago, IL 60606-4616
(312) 425-0500

Attorneys for Fournier Industrie et Santé
and Laboratoires Fournier S.A.

EXHIBIT A

United States Patent [19]

Curtet et al.

[11] Patent Number: 4,895,726

[45] Date of Patent: Jan. 23, 1990

[54] NOVEL DOSAGE FORM OF FENOFIBRATE

[75] Inventors: Bernard Curtet, Marsanny la Cote; Eric Teillaud, Talant; Philippe Reginault, Fontaine les Dijon, all of France

[73] Assignee: Fournier Innovation et Synergie, Paris, France

[21] Appl. No.: 299,075

[22] Filed: Jan. 19, 1989

[30] Foreign Application Priority Data

Feb. 26, 1988 [FR] France 88 02359

[51] Int. Cl.[4] A61K 9/64

[52] U.S. Cl. 424/456; 424/452; 424/458

[58] Field of Search 424/456, 452, 458

[56] References Cited

U.S. PATENT DOCUMENTS

4,436,743 3/1984 Schönafinger et al. 514/364
4,558,058 12/1985 Schönafinger et al. 514/342
4,629,624 12/1986 Grouiller et al. 424/78

FOREIGN PATENT DOCUMENTS

82/01649 5/1982 European Pat. Off. .
0179583 4/1986 European Pat. Off. .
0239541 9/1987 European Pat. Off. .

Primary Examiner—Ellis P. Robinson
Assistant Examiner—Leon R. Horne
Attorney, Agent, or Firm—Fleit, Jacobson, Cohn, Price, Holman & Stern

[57] ABSTRACT

The present invention relates to a novel dosage form of fenofibrate containing fenofibrate and a solid surfactant which have been co-micronized.

It also relates to the method for the preparation of this dosage form and its use for improving the bioavailabity in vivo.

12 Claims, 1 Drawing Sheet

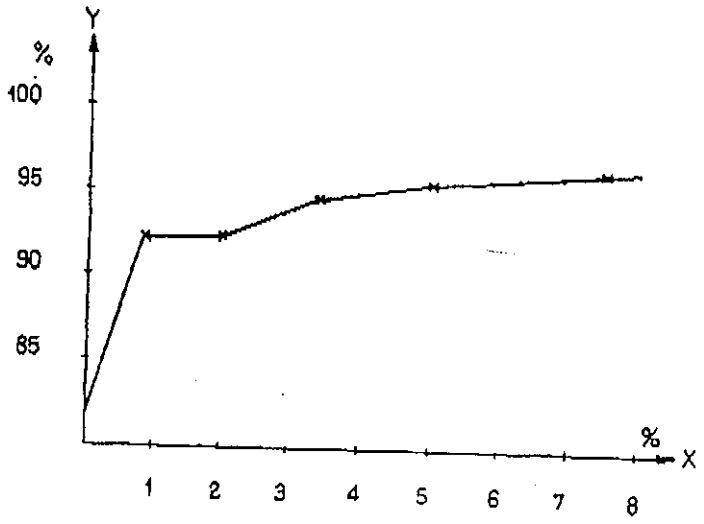
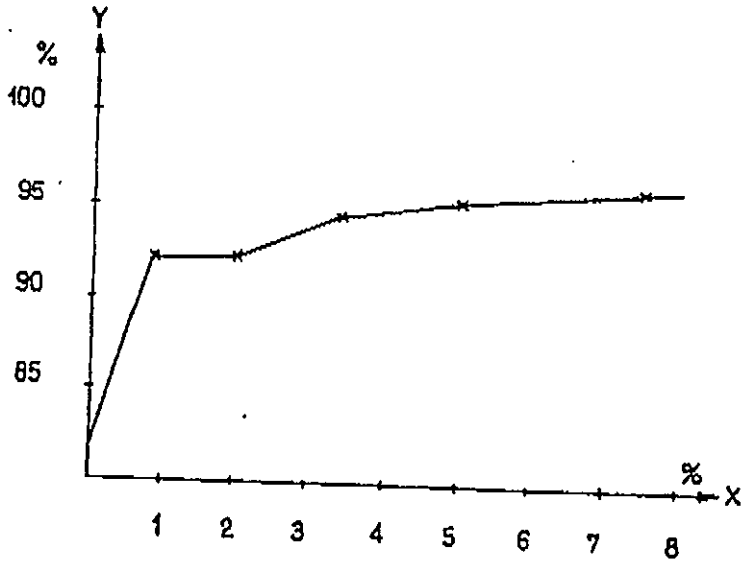


EXHIBIT A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NOVEL DOSAGE FORM OF FENOFIBRATE

The present invention relates to a novel dosage form of fenofibrate. It relates more precisely to a therapeutic composition containing fenofibrate and ensuring an improved bioavailability, and to a method for the preparation of this composition.

Fenofibrate (international common name), which is recommended in the treatment of hyperlipidemia and hypercholesterolemia, corresponds to the nomenclature isopropyl 2-(4-(4-chlorobenzoyl)phenoxy)-2-methylpropionate. The customary adult dosage is three gelatin capsules per day, each containing 100 mg of fenofibrate.

For the patient's comfort, it is advantageous to try and find a dosage form which has to be taken only once a day and whose psychological effect is identical to that obtained when multiple doses are taken. A gelatin capsule containing 300 mg of fenofibrate has therefore been proposed, the dosage recommended in this case being only one administration per day.

However, it is possible to try and improve the dosage form still further. It is known, in fact, that the bioavailability of fenofibrate is not equal to 100%. It is therefore desirable to develop a dosage form in which the bioavailability of the fenofibrate is improved and which can be administered only once a day.

It is known that the micronization of an active principle is capable of improving the dissolution of the said active principle in vivo, and hence its bioavailability. It is also known that the addition of a surfactant excipient to a formulation of an active principle is capable of improving the absorption and consequently the bioavailability of the said active principle.

It has now been discovered that the co-micronization of fenofibrate and a solid surfactant (i.e. the micronization of an intimate mixture of fenofibrate and a solid surfactant) makes it possible to improve the bioavailability of the fenofibrate to a significantly greater extent than that which would be achieved either by adding a surfactant, or by micronizing the fenofibrate on its own, or by intimately mixing the separately micronized fenofibrate and surfactant.

The present invention therefore proposes a novel therapeutic composition, presented in the form of gelatin capsules, which is useful especially in the oral treatment of hyperlipidemia and hypercholesterolemia, the said composition containing fenofibrate and a solid surfactant which have been co-micronized.

The recommended amount of fenofibrate is about 200 mg per therapeutic unit.

The surfactant will be selected from solid surfactants so that it can be co-micronized with the fenofibrate. An alkali metal sulfate of lauryl alcohol, for example sodium lauryl-sulfate (alternative name: sodium dodecyl-sulfate), will be preferred. The recommended amount of sodium lauryl-sulfate will be between 0.5% and 7% by weight, relative to the total weight of the formulation. The weight ratio surfactant/fenofibrate will advantageously be between about 0.75/100 and 10.5/100.

The co-micronization of the fenofibrate and the solid surfactant will advantageously be carried out in an accelerated air-jet mill until the powder obtained is such that the mean particle size is less than 15 μm, preferably less than 10 μm and particularly preferably less than 5 μm.

To obtain a powder which can be formulated into gelatin capsules, conventional filling, dispersing and flow-enhancing excipients, for example lactose, starch, polyvinylpyrrolidone and magnesium stearate, may be added to the co-micronizate of fenofibrate and solid surfactant.

According to the invention, a method for the preparation of a therapeutic composition containing fenofibrate and a solid surfactant is recommended which comprises:

(i) intimately mixing and then co-micronizing the fenofibrate and the solid surfactant,

(ii) adding lactose and starch to the mixture obtained,

(iii) converting the whole to granules in the presence of water,

(iv) drying the granules until they contain no more than 1% of water,

(v) grading the granules,

(vi) adding polyvinylpyrrolidone and magnesium stearate to the graded granules, and

(vii) filling gelatin capsules with the mixture obtained in stage (vi).

The invention will be understood more clearly from the description of the Preparative Examples which follow and from the description of the results obtained in comparative tests, which show that the invention is non-obvious.

PREPARATION I

For 100,000 gelatin capsules, each weighing 350 mg and containing 200 mg of fenofibrate, the amounts of products used are as follows:

fenofibrate	20.0 kg
sodium lauryl-sulfate	0.7 kg
α-lactose monohydrate	10.1 kg
pregelatinized starch	3.0 kg
crosslinked polyvinyl-pyrrolidone	0.7 kg
magnesium stearate	0.5 kg

The fenofibrate/sodium lauryl-sulfate mixture is co-micronized in an air-jet micronizer to give a powder with a median particle size of 3 μm. The lactose and the starch are then added to this powder and the whole is converted to granules in the presence of 8.9% of distilled water, relative to the total weight of the mixture. The granules obtained in this way are dried for one day at 50° C. and then graded so as to retain only the particles with sizes less than or equal to 1000 μm. The polyvinylpyrrolidone and the magnesium stearate are then added and the whole is mixed until homogeneous. The powder obtained is used to fill size 1 gelatin capsules on an automatic machine with the compression set to a maximum of 150N.

PREPARATION II

The procedure indicated in Preparation I is followed using a fenofibrate/sodium lauryl-sulfate mixture with a median particle size of 6–7 μm.

PREPARATION III

For 100,000 size 1 gelatin capsules, each weighing 297 mg and containing 200 mg of active principle, the amounts of products are as follows:

fenofibrate	20.0 kg
sodium lauryl-sulfate	0.3 kg
α-lactose monohydrate	6.8 kg
pregelatinized starch	1.5 kg

-continued

crosslinked polyvinyl-pyrrolidone	0.6 kg
magnesium stearate	0.5 kg

The procedure is analogous to that used for Preparation I, the co-micronization of the fenofibrate/sodium lauryl-sulfate mixture being such that the median particle size is 6–7 μm and the granulation being carried out in the presence of 10% of distilled water, relative to the weight of the fenofibrate/sodium lauryl-sulfate/lactose/starch mixture.

PREPARATION IV

Following a procedure analogous to that described in Preparation I, using a co-micronized mixture of fenofibrate and sodium lauryl-sulfate with a median particle size of 6–7 μm, the formulations collated in Table I below were prepared:

TABLE I

COMPOSITION (in mg) PER GELATIN CAPSULE

INGREDIENT	FORMULATION A	B	C	D	E	F
Fenofibrate	200	200	200	200	200	200
Na lauryl-sulfate	0	3	7	12	17.5	26.5
Lactose	108	105	101	95	90.5	83.5
Starch	30	30	30	30	30	30
Polyvinylpyrrolidone	7	7	7	7	7	7
Mg stearate	5	5	5	5	5	5
Percentage of Na lauryl-sulfate	0	0.86	2	3.4	5	7.53

Taking these formulations, the dissolution curve shown in FIG. 1 was plotted, the percentage of dissolved fenofibrate (Y) being given as a function of the percentage of sodium lauryl-sulfate contained in the formulation (X). The dissolution kinetics are determined, as specified in the European Pharmacopoeia, using a rotating-vane apparatus, the eluent consisting of water and 0.1M sodium lauryl-sulfate. The fenofibrate is determined by UV spectrophotometry at 282 nm. The curve in FIG. 1 is given by the values obtained after 20 minutes.

These results show that 82% of fenofibrate is dissolved at a sodium lauryl-sulfate concentration of 0%, 87% of fenofibrate is dissolved at a concentration of 0.5%, 92% of fenofibrate is dissolved at a concentration of 1% and a maximum dissolution of 95 to 96% of fenofibrate is obtained as from a sodium lauryl-sulfate concentration of 4%.

The dissolution curves were also plotted, in a continuous-flow cell with a flow rate of 20 ml/min of 0.1M sodium lauryl-sulfate, for formulations containing co-micronized fenofibrate and sodium lauryl-sulfate (NaLS), by comparison with micronized fenofibrate and with formulations obtained by intimately mixing separately micronized fenofibrate and lauryl-sulfate. The comparison is made by means of T 50%, i.e. the time required for 50% of the fenofibrate to dissolve. The results obtained are collated in Table II below:

TABLE II

INGREDIENTS	VALUE OF THE T 50% TIMES (in minutes) A	B	C
Micronized pure fenofibrate	37.165	37.165	0
Fenofibrate + 1% of NaLS	18.01	8.62	−52.14
Fenofibrate + 3% of NaLS	23.75	12.68	−46.61
Fenofibrate + 5% of NaLS	20.35	11.425	−43.86
Fenofibrate + 7% of NaLS	14.5	10.76	−25.79

Notes
A mixture of micronizates
B co-micronization of the mixture of ingredients
C variation $\frac{B-A}{A} \times 100$ (in %)

These results show that the T 50% of the fenofibrate is very significantly reduced (hence the dissolution rate of the fenofibrate is very significantly increased) when the fenofibrate and the sodium lauryl-sulfate are co-micronized, compared with the mixture of separately micronized fenofibrate and sodium lauryl-sulfate and compared with fenofibrate alone.

The dissolution rate of fenofibrate is correlated with the bioavailability of fenofibrate, which increases with the dissolution rate. The above results shown that it was not within the understanding of those skilled in the art to prepare a therapeutic composition characterized by the co-micronization of fenofibrate and a solid surfactant.

These results have been confirmed in clinical trials. Fenofibrate was administered to groups of healthy subjects, (a) in the form of a single administration (1 gelatin capsule) of 300 mg of non-micronized fenofibrate (marketed under the tradename "LIPANTHYL 300") and (b) in the form of a single administration of 200 mg of co-micronized fenofibrate obtained according to Preparation III described above. Blood samples are taken from the subjects at regular intervals and one of the active metabolites—2-[4-(4-chlorobenzoyl)phenoxy]-2-methylpropionic acid—is determined. The curve showing the concentration of this metabolite as a function of time is plotted and the area under the curve [AUC(0-∞)], expressed in mg/l.h, is calculated.

The results obtained are shown in Table III below:

TABLE III

BIOAVAILABILITY PARAMETER	FENOFIBRATE 200 mg (1)	FENOFIBRATE 300 mg (2)
AUC(0-∞)(mg/l.h)	174.15 ± 48.67	168.85 ± 57.68
C max (m/l)	10.16 ± 2.13	10.39 ± 2.89
t max (h)	5.97 ± 2.50	5.52 ± 1.70
t ½ (h)	15.13 ± 4.27	17.79 ± 8.77

Notes
(1) co-micronized fenofibrate (200 mg)
(2) non-micronized fenofibrate (300 mg)

The results in Table III show that there is not a statistically significant difference between the in vivo bioavailability of 200 mg of co-micronized fenofibrate according to the invention and 300 mg of non-micronized fenofibrate (which is currently the preferred dosage form for a single daily administration). In other words, co-micronized fenofibrate at a 200 mg dose is bioequivalent to non-micronized fenofibrate at a 300 mg dose.

According to another aspect of the invention, a method for improving the bioavailability of fenofibrate in vivo is recommended, the said method comprising co-micronization of the fenofibrate and a solid surfactant, the said co-micronization being carried out by

micronization of a fenofibrate/solid surfactant mixture until the particle size of the powder obtained is less than 15 μm and preferably less than or equal to 5 μm.

What is claimed is:

1. A therapeutic composition, which is presented in the form of gelatin capsules and which is useful especially in the oral treatment of hyperlipidemia and hypercholesterolemia, said composition containing a co-micronized mixture of particles of fenofibrate and a solid surfactant, wherein the mean particle size of said co-micronized mixture is less than 15 μm.

2. The therapeutic composition according to claim 1 wherein the weight ratio surfactant/fenofibrate is between about 0.75/100 and 10.5/100.

3. The therapeutic composition according to claim 1 wherein the amount of fenofibrate is equal to 200 mg per therapeutic unit.

4. The therapeutic composition according to claim 1, wherein the solid surfactant is sodium lauryl-sulfate.

5. The therapeutic composition according to claim 4, wherein the amount of sodium lauryl-sulfate is between 0.5 and 7% by weight, relative to the total weight of the formulation.

6. The therapeutic composition according to claim 1, wherein said mean particle size is less than or equal to 10 μm and said solid surfactant is sodium lauryl-sulfate.

7. The therapeutic composition according to claim 1, which also contains excipients such as dispersants, fillers and flow enhancers.

8. A method for the manufacture of a therapeutic composition according to claim 1, which comprises:

(i) intimately mixing and then co-micronizing the fenofibrate and a solid surfactant,

(ii) adding lactose and starch to the mixture obtained,

(iii) converting the whole to granules in the presence of water,

(iv) drying the granules until they contain no more than 1% of water,

(v) grading the granules,

(vi) adding polyvinylpyrrolidone and magnesium stearate, and

(vii) filling gelatin capsules.

9. The method according to claim 8, wherein the mean particle size of the co-micronized fenofibrate and sodium lauryl-sulfate is less than 15 μm.

10. A method for improving the bioavailability of fenofibrate in vivo, which comprises co-micronization of the fenofibrate and a solid surfactant, the said co-micronization being carried out by micronization of a fenofibrate/solid surfactant mixture until the particle size of the powder obtained is less than 15 μm.

11. A method for treatment of hyperlipidemia or hypercholesterolemia comprising orally administering the therapeutic composition of claim 6 to a patient.

12. The method of treatment of claim 11, wherein said particle size is less than or equal to 5 μm.

* * * * *

JS 44
(Rev. 12/96)

CIVIL COVER SHEET

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

Abbott Laboratories, Fournier Industrie et Sante, and Laboratoires Fournier S.A.

DEFENDANTS

Novopharm Limited

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Lake
(EXCEPT IN U.S. PLAINTIFF CASES)

cat. I

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Daniel E. Reidy, Esq.
Jones, Day, Reavis & Pogue
77 West Wacker Drive
Chicago, Illinois 60601-1692

ATTORNEYS (IF KNOWN)
Bruce M. Gagala
Leydig, Voit & Mayer, Ltd.
180 N. Stetson Ave., #4900
Chicago, Illinois 60601-6780

CHIEF JUDGE ASPEN

00C 5094

MAGISTRATE JUDGE LEVIN

DOCKETED
AUG 2 3 2000

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 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)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. 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

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury – Med. Malpractice
- ☐ 365 Personal Injury – Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence

HABEAS CORPUS:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt. Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☒ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS – Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce/ICC Rates/etc.
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900 Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes
- ☐ 890 Other Statutory Actions

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.)

Patent infringement pursuant to 35 U.S.C Section 271 (e)

VII. REQUESTED IN COMPLAINT

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER F.R.C.P. 23

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ YES ☐ NO

VIII. This case ☒ is not a refiling of a previously dismissed action.
☐ is a refiling of case number _____, previously dismissed by Judge _____

DATE
August 18, 2000

SIGNATURE OF ATTORNEY OF RECORD
Daniel E. Reidy

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UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

In the Matter of

Abbott Laboratories, Fournier Industrie et Santé and Laboratoires Fournier S.A. v. Novopharm Limited

Case Number: 00C 5094

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

Abbott Laboratories

CHIEF JUDGE ASPEN

MAGISTRATE JUDGE LEVIN

(A)	(B)
SIGNATURE	SIGNATURE
NAME James A. White	NAME Daniel E. Reidy
FIRM Jones, Day, Reavis & Pogue	FIRM Jones, Day, Reavis & Pogue
STREET ADDRESS 77 West Wacker Drive, Suite 3500	STREET ADDRESS 77 West Wacker Drive, Suite 3500
CITY/STATE/ZIP Chicago, Illinois 60601-1692	CITY/STATE/ZIP Chicago, Illinois 60601-1692
TELEPHONE NUMBER (312) 782-3939	TELEPHONE NUMBER (312) 782-3939
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6190225	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 02306948
MEMBER OF TRIAL BAR? YES ☒ NO ☐	MEMBER OF TRIAL BAR? YES ☒ NO ☐
TRIAL ATTORNEY? YES ☒ NO ☐	TRIAL ATTORNEY? YES ☒ NO ☐
	DESIGNATED AS LOCAL COUNSEL? YES ☐ NO ☒

(C)	(D)
SIGNATURE	SIGNATURE
NAME Tina M. Tabacchi	NAME Timothy J. Heverin
FIRM Jones, Day, Reavis & Pogue	FIRM Jones, Day, Reavis & Pogue
STREET ADDRESS 77 West Wacker Drive, Suite 3500	STREET ADDRESS 77 West Wacker Drive, Suite 3500
CITY/STATE/ZIP Chicago, Illinois 60601-1692	CITY/STATE/ZIP Chicago, Illinois 60601-1692
TELEPHONE NUMBER (312) 782-3939	TELEPHONE NUMBER (312) 782-3939
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6210961	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6253107
MEMBER OF TRIAL BAR? YES ☐ NO ☒	MEMBER OF TRIAL BAR? YES ☐ NO ☒
TRIAL ATTORNEY? YES ☒ NO ☐	TRIAL ATTORNEY? YES ☒ NO ☐
DESIGNATED AS LOCAL COUNSEL? YES ☐ NO ☒	DESIGNATED AS LOCAL COUNSEL? YES ☐ NO ☒

1-3

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

In the Matter of
ABBOTT LABORATORIES, et al.
Plaintiffs,
v.
NOVOPHARM LIMITED,
Defendant

Case Number: 00C 5094

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

Plaintiffs Fournier Industrie et Sante and Laboratoires Fournier S.A.

CHIEF JUDGE ASPEN
MAGISTRATE JUDGE LEVIN

(A)	(B)
SIGNATURE: Tracey L. Wolfe	SIGNATURE
NAME: Tracey L. Wolfe	NAME
FIRM: Clark & DeGrand	FIRM
STREET ADDRESS: One South Wacker Dr., Suite 1495	STREET ADDRESS
CITY/STATE/ZIP: Chicago, Illinois 60606	CITY/STATE/ZIP
TELEPHONE NUMBER: (312) 425-0500	TELEPHONE NUMBER
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE): 6256877	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)
MEMBER OF TRIAL BAR? YES ☐ NO ☒	MEMBER OF TRIAL BAR? YES ☐ NO ☐
TRIAL ATTORNEY? YES ☐ NO ☒	TRIAL ATTORNEY? YES ☐ NO ☐
	DESIGNATED AS LOCAL COUNSEL? YES ☐ NO ☐
(C)	**(D)**
SIGNATURE	SIGNATURE
NAME	NAME
FIRM	FIRM
STREET ADDRESS	STREET ADDRESS
CITY/STATE/ZIP	CITY/STATE/ZIP
TELEPHONE NUMBER	TELEPHONE NUMBER
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)
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TRIAL ATTORNEY? YES ☐ NO ☐	TRIAL ATTORNEY? YES ☐ NO ☐
DESIGNATED AS LOCAL COUNSEL? YES ☐ NO ☐	DESIGNATED AS LOCAL COUNSEL? YES ☐ NO ☐

PLEASE COMPLETE IN ACCORDANCE WITH INSTRUCTIONS ON REVERSE.

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