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11  
12 Attorneys For Plaintiffs  
13 AstraZeneca Pharmaceuticals LP and  
AstraZeneca UK Limited

14 **UNITED STATES DISTRICT COURT**  
15 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
16 **SOUTHERN DIVISION**

17 ASTRAZENECA PHARMACEUTICALS LP  
and  
18 ASTRAZENECA UK LIMITED,

19 Plaintiffs,

20 v.

21 PHARMADAX USA, INC.,  
PHARMADAX INC., and  
22 PHARMADAX (GUANGZHOU) INC.

23 Defendants.

Civil Action No. \_\_\_\_\_

24 **COMPLAINT FOR PATENT INFRINGEMENT**

25 For their complaint which arises at least in part under Title 35 U.S.C.,  
26 Plaintiffs AstraZeneca Pharmaceuticals LP and AstraZeneca UK Limited  
27 (collectively, “AstraZeneca”), hereby allege against Defendants Pharmadax USA,  
28

1 Inc., Pharmadax Inc., and Pharmadax (Guangzhou) Inc. (collectively “Defendants”),  
2 as follows:

3 **THE PARTIES**

4 1. Plaintiff AstraZeneca Pharmaceuticals LP is a limited partnership  
5 organized under the laws of Delaware, having its principal place of business at 1800  
6 Concord Pike, Wilmington, Delaware 19803.

7 2. Plaintiff AstraZeneca UK Limited is a company incorporated  
8 under the Laws of England and Wales, having a registered office at 2 Kingdom Street,  
9 W2 6BD, Paddington, London, England.

10 3. Upon information and belief, Defendant Pharmadax USA, Inc. is a  
11 corporation organized under the laws of California, having its principal place of  
12 business at 15615 Alton Parkway, Suite 450, Pmb 421, Irvine, California 96218.

13 4. Upon information and belief, Defendant Pharmadax Inc. is a  
14 corporation organized under the laws of Taiwan, having its principal place of business  
15 at 2F, No. 186, Fuxing N. Rd., Zhongshan Dist., Taipei City 104, Taiwan (R.O.C.).

16 5. Upon information and belief, Defendant Pharmadax (Guangzhou)  
17 Inc., is a corporation organized under the laws of the People’s Republic of China,  
18 having its principal place of business at Dachong industrial zone, Lishui Town,  
19 Nanhai District, Foshan City, 528244 China.

20 6. Upon information and belief, Pharmadax USA, Inc. and  
21 Pharmadax (Guangzhou) Inc. are wholly owned subsidiaries of Pharmadax Inc., and  
22 the acts of Pharmadax USA, Inc. and Pharmadax (Guangzhou) Inc. complained of  
23 herein were and are aided and abetted by, and done with the cooperation,  
24 participation, and assistance of, Pharmadax Inc. Upon information and belief,  
25 Pharmadax USA, Inc., Pharmadax (Guangzhou) Inc., and Pharmadax Inc. have  
26 officers or directors in common.

27 7. Upon information and belief, Pharmadax USA, Inc., Pharmadax  
28 (Guangzhou) Inc., and Pharmadax Inc. are in the business of, among other things,

1 manufacturing, marketing and selling generic copies of branded pharmaceutical  
2 products throughout the United States.

3  
4 **JURISDICTION AND VENUE**

5 8. Upon information and belief, Pharmadax USA, Inc., Pharmadax  
6 (Guangzhou) Inc., and Pharmadax Inc. intend to do business and/or develop,  
7 manufacture, sell and/or distribute pharmaceutical products throughout the United  
8 States, including in this District.

9 9. This action arises under the Patent Laws of the United States and  
10 the Food and Drug Laws of the United States, Titles 35 and 21, United States Code.  
11 Jurisdiction is based on 28 U.S.C. §§ 1331 and 1338(a). Venue is proper in this Court  
12 under 28 U.S.C. §§ 1391(b), 1391(c), 1391(d), and 1400(b). Pharmadax USA, Inc. is  
13 subject to personal jurisdiction within this judicial district based on information and  
14 belief that Pharmadax USA, Inc.’s principal place of business is within this judicial  
15 district and it has regular and systematic business contacts within this judicial district.

16 10. On October 22, 2014, AstraZeneca filed a complaint against  
17 Defendants for patent infringement in the United States District Court for the District  
18 of New Jersey (“the New Jersey Pharmadax action”). The New Jersey Pharmadax  
19 action is presently pending. That New Jersey complaint alleges the same acts of  
20 infringement by Defendants as the present complaint.

21 11. AstraZeneca previously filed actions for patent infringement  
22 against other parties in the District of New Jersey. Those actions, which involve the  
23 patent involved in both the New Jersey Pharmadax action and the present action, are  
24 AstraZeneca Pharmaceuticals LP et al. v. Anchen Pharmaceuticals, Inc., Civil Action  
25 No. 10-CV-1835, AstraZeneca Pharmaceuticals LP et al. v. Osmotica Pharmaceutical  
26 Corp., Civil Action Nos. 10-CV-4203 and 11-CV-2484, AstraZeneca  
27 Pharmaceuticals LP et al. v. Torrent Pharmaceuticals, Ltd., Civil Action Nos. 10-CV-  
28 4205, 10-CV-4971 and in AstraZeneca Pharmaceuticals LP et al. v. Mylan

1 Pharmaceuticals, Inc., Civil Action Nos. 10-CV-5519 and 11-CV-2483, (“the related  
2 Quetiapine actions”).

3           12. Upon information and belief, Pharmadax USA, Inc., Pharmadax  
4 (Guangzhou) Inc., and Pharmadax Inc. are amenable to suit in the District of New  
5 Jersey; however, one or more of the Defendants may assert in the New Jersey  
6 Pharmadax action that they are not subject to personal jurisdiction in the District of  
7 New Jersey.

8           13. AstraZeneca is therefore filing the instant complaint, which has  
9 identical infringement claims against Pharmadax USA, Inc., Pharmadax (Guangzhou)  
10 Inc., and Pharmadax Inc. as the New Jersey Pharmadax action, as a so-called Hatch-  
11 Waxman “protective suit” to preserve its rights for a 30-month stay under 21 U.S.C. §  
12 355(j)(5)(B)(iii). If Pharmadax USA, Inc., Pharmadax (Guangzhou) Inc., or  
13 Pharmadax Inc. challenges personal jurisdiction in the New Jersey Pharmadax action,  
14 AstraZeneca intends to move this Court to stay or transfer the instant action pending  
15 resolution of any jurisdictional challenge in the New Jersey Pharmadax action.

16  
17 **INTRADISTRICT ASSIGNMENT**

18           14. Plaintiffs are filing this Complaint in the Southern Division  
19 because Pharmadax USA, Inc.’s principal place of business is located in the County of  
20 Orange.

21  
22 **CLAIM FOR RELIEF**

23 **Count 1: Direct Infringement by Pharmadax USA, Inc.**

24           15. AstraZeneca realleges paragraphs 1-14 above as if set forth  
25 specifically herein.

26           16. Plaintiff AstraZeneca Pharmaceuticals LP is the holder of New  
27 Drug Application (“NDA”) No. 22-047, by which the United States Food and Drug  
28 Administration (“FDA”) first granted approval for 150 mg, 200 mg, 300 mg and 400

1 mg extended release tablets containing the active ingredient quetiapine (11-[4-[2-(2-  
2 hydroxyethoxy)ethyl]-1-piperazinyl] dibenzo [b,f][1,4] thiazepine) fumarate. The  
3 quetiapine fumarate extended release tablets described in NDA No. 22-047 are sold by  
4 AstraZeneca in the United States under the trademark SEROQUEL<sup>®</sup> XR.

5           17. Plaintiff AstraZeneca UK Limited is the owner of United States  
6 Patent No. 5,948,437 (“the ’437 patent,” a copy of which is attached hereto as Exhibit  
7 A), entitled “Pharmaceutical Compositions Using Thiazepine,” which was duly and  
8 legally issued by the United States Patent and Trademark Office on September 7, 1999  
9 upon assignment from the inventors Bhavnish V. Parikh, Robert J. Timko and  
10 William J. Addicks. The ’437 patent claims, *inter alia*, sustained release formulations  
11 of quetiapine fumarate, including SEROQUEL<sup>®</sup> XR extended release tablets, and  
12 processes for preparing and using such formulations.

13           18. The ’437 patent will expire on May 28, 2017.

14           19. By a letter dated September 11, 2014 purporting to be a Notice  
15 pursuant to 21 U.S.C. § 355 (j)(2)(B) (the “Notice Letter”), Pharmadax notified  
16 AstraZeneca that it had submitted to the FDA Abbreviated New Drug Application  
17 (“ANDA”) No. 206260 seeking the approval of the FDA to commercially  
18 manufacture, use and sell, prior to the expiration of the ’437 patent, quetiapine  
19 fumarate extended release tablets in 150, 200, 300 and 400 mg strengths as generic  
20 versions of AstraZeneca’s SEROQUEL<sup>®</sup> XR 150, 200, 300 and 400 mg extended  
21 release tablets.

22           20. In the Notice Letter, Pharmadax USA, Inc. notified AstraZeneca  
23 that, as part of ANDA No. 206260, it had filed a certification of the type described in  
24 21 U.S.C. § 355(j)(2)(A)(vii)(IV) (“Paragraph IV”) with respect to the ’437 patent.

25           21. In the Notice Letter, Pharmadax USA, Inc. alleged that claims 1-15  
26 of the ’437 patent will not be infringed by the quetiapine fumarate extended release  
27 tablets that are the subject of ANDA No. 206260.

1           22. Pharmadax USA, Inc. also alleged in the Notice Letter that the  
2 '437 patent is invalid and unenforceable.

3           23. Pharmadax USA, Inc. has infringed the '437 patent under 35  
4 U.S.C. § 271(e)(2)(A) by filing ANDA No. 206260 seeking approval from the FDA to  
5 engage in the commercial manufacture, use or sale of a drug claimed in the '437  
6 patent, the process of preparing the drug that is claimed in the '437 patent, or the use  
7 of which is claimed in the '437 patent, prior to the expiration of the patent.

8           24. Upon information and belief, the quetiapine fumarate extended  
9 release tablets for which Pharmadax USA, Inc. seeks approval under ANDA No.  
10 206260 will infringe one or more claims of the '437 patent under 35 U.S.C. § 271(a).

11           25. Upon information and belief, the commercial manufacture, use,  
12 sale or offer for sale within the United States, or the importation into the United  
13 States, of the quetiapine fumarate extended release tablets that are the subject of  
14 ANDA No. 206260 will infringe one or more claims of the '437 patent under 35  
15 U.S.C. § 271(a).

16           26. AstraZeneca is entitled to full relief provided by 35 U.S.C. §  
17 271(e)(4), including an order of this Court that the effective date of the approval of  
18 ANDA No. 206260 be a date that is not earlier than the later of May 28, 2017, the  
19 expiration date of the '437 patent, or the expiration of any other exclusivity to which  
20 AstraZeneca is or becomes entitled.

21           **Count 2: Direct Infringement by Pharmadax (Guangzhou) Inc.**

22           27. AstraZeneca realleges paragraphs 1-26 as if set forth specifically  
23 herein.

24           28. Upon information and belief, Pharmadax (Guangzhou) Inc. has  
25 developed, and will manufacture, supply and/or distribute, the quetiapine fumarate  
26 extended release tablets that are the subject of ANDA No. 206260 and that will  
27 infringe the '437 patent under 35 U.S.C. § 271.  
28

1           29. Upon information and belief, Pharmadax (Guangzhou) Inc. has  
2 provided technical support to Pharmadax USA, Inc. in its preparation and filing of  
3 ANDA 206260 and has a present and/or future interest in ANDA 206260 or in the  
4 proposed products identified in ANDA 206260.

5           30. Upon information and belief, Pharmadax (Guangzhou) Inc.,  
6 through Pharmadax USA, Inc., provides and continues to provide information and  
7 materials to the FDA in connection with ANDA No. 206260.

8           31. Upon information and belief, Pharmadax (Guangzhou) Inc. has  
9 infringed the '437 patent under 35 U.S.C. § 271(e)(2)(A) by initiating, directing and  
10 controlling the preparation and filing of ANDA No. 206260.

11           32. Upon information and belief, in the event that the FDA approves  
12 ANDA No. 206260, Pharmadax (Guangzhou) Inc. stands to benefit directly from such  
13 approval by being able to commercially manufacture and distribute the quetiapine  
14 fumarate extended release tablets that are the subject of the ANDA.

15           33. Upon information and belief, the quetiapine fumarate extended  
16 release tablets for which Pharmadax (Guangzhou) Inc. through Pharmadax USA Inc.  
17 seeks approval under ANDA No. 206260 will infringe one or more claims of the '437  
18 patent under 35 U.S.C. § 271(a).

19           34. Upon information and belief, the commercial manufacture, use,  
20 sale or offer for sale within the United States, or the importation into the United  
21 States, by Pharmadax (Guangzhou) Inc. of the quetiapine fumarate extended release  
22 tablets that are the subject of ANDA No. 206260 will infringe the '437 patent under  
23 35 U.S.C. § 271(a).

24           35. AstraZeneca is entitled to full relief provided by 35 U.S.C. §  
25 271(e)(4), including an order of this Court that the effective date of the approval of  
26 ANDA No. 206260 be a date that is not earlier than the later of May 28, 2017, the  
27 expiration date of the '437 patent, or the expiration of any other exclusivity to which  
28 AstraZeneca is or becomes entitled.

**Count 3: Direct Infringement by Pharmadax Inc.**

1  
2 36. AstraZeneca realleges paragraphs 1-35 as if set forth specifically  
3 herein.

4 37. Upon information and belief, Pharmadax Inc. has developed, and  
5 will manufacture, supply and/or distribute, the quetiapine fumarate extended release  
6 tablets that are the subject of ANDA No. 206260 and that will infringe the '437 patent  
7 under 35 U.S.C. § 271.

8 38. Upon information and belief, Pharmadax Inc. has provided  
9 financial and/or technical support to Pharmadax USA, Inc. and Pharmadax  
10 (Guangzhou) Inc. in their preparation and filing of ANDA 206260 and has a present  
11 and/or future interest in ANDA 206260 or in the proposed products identified in  
12 ANDA 206260.

13 39. Upon information and belief, Pharmadax Inc. initiates, directs and  
14 controls the activities of Pharmadax USA, Inc. and Pharmadax (Guangzhou) Inc. with  
15 regard to ANDA No. 206260 and the quetiapine fumarate extended release tablets  
16 described therein.

17 40. Upon information and belief, Pharmadax USA, Inc. has acted, and  
18 continues to act, as the agent of Pharmadax Inc. with regard to ANDA No. 206260  
19 and the quetiapine fumarate extended release tablets described therein.

20 41. Upon information and belief, Pharmadax Inc., through Pharmadax  
21 USA, Inc. as its agent, initiated, directed and controlled the preparation and filing of  
22 ANDA No. 206260 with the FDA.

23 42. Upon information and belief, Pharmadax Inc., through Pharmadax  
24 USA, Inc. as its agent, provides and continues to provide information and materials to  
25 the FDA in connection with ANDA No. 206260.

26 43. Upon information and belief, Pharmadax Inc. has infringed the  
27 '437 patent under 35 U.S.C. § 271(e)(2)(A) by initiating, directing and controlling the  
28 preparation and filing of ANDA No. 206260.



1           44. Upon information and belief, in the event that the FDA approves  
2 ANDA No. 206260, Pharmadax Inc. stands to benefit directly from such approval by  
3 being able to commercially manufacture and distribute the quetiapine fumarate  
4 extended release tablets that are the subject of the ANDA.

5           45. Upon information and belief, the quetiapine fumarate extended  
6 release tablets for which Pharmadax Inc. seeks approval under ANDA No. 206260  
7 will infringe one or more claims of the '437 patent under 35 U.S.C. § 271(a).

8           46. Upon information and belief, the commercial manufacture, use,  
9 sale or offer for sale within the United States, or the importation into the United  
10 States, by Pharmadax Inc. of the quetiapine fumarate extended release tablets that are  
11 the subject of ANDA No. 206260 will infringe the '437 patent under 35 U.S.C. §  
12 271(a).

13           47. AstraZeneca is entitled to full relief provided by 35 U.S.C. §  
14 271(e)(4), including an order of this Court that the effective date of the approval of  
15 ANDA No. 206260 be a date that is not earlier than the later of May 28, 2017, the  
16 expiration date of the '437 patent, or the expiration of any other exclusivity to which  
17 AstraZeneca is or becomes entitled.

18           **Count 4: Inducement of Infringement by Pharmadax USA, Inc.**

19           48. AstraZeneca realleges paragraphs 1-47 as if set forth specifically  
20 herein.

21           49. Pharmadax USA, Inc. has directly infringed the '437 patent under  
22 35 U.S.C. § 271(e)(2)(A) by filing ANDA No. 206260 seeking approval from the  
23 FDA to engage in the commercial manufacture, use or sale of a drug claimed in the  
24 '437 patent, the process for preparing the drug that is claimed in the '437 patent, or the  
25 use of which is claimed in the '437 patent, prior to the expiration of the patent.

26           50. Upon information and belief, upon FDA approval of ANDA No.  
27 206260, Pharmadax USA, Inc. will, under 35 U.S.C. § 271(b), induce direct  
28

1 infringement of the '437 patent by knowingly and intentionally inducing others to  
2 practice and perform the claims of the '437 patent.

3 **Count 5: Inducement of Infringement by Pharmadax (Guangzhou) Inc.**

4 51. AstraZeneca realleges paragraphs 1-50 as if set forth specifically  
5 herein.

6 52. Upon information and belief, Pharmadax USA, Inc., Pharmadax  
7 (Guangzhou) Inc., and Pharmadax Inc. are engaged in a strategic partnership through  
8 which Pharmadax (Guangzhou) Inc. has knowingly and intentionally collaborated  
9 with Pharmadax USA, Inc., and Pharmadax Inc. in order to prepare and file ANDA  
10 No. 206260, and to develop, manufacture and distribute the quetiapine fumarate  
11 extended release tablets described therein.

12 53. Pharmadax USA, Inc. has directly infringed the '437 patent under  
13 35 U.S.C. § 271(e)(2)(A) by filing ANDA No. 206260 seeking approval from the  
14 FDA to engage in the commercial manufacture, use or sale of a drug claimed in the  
15 '437 patent, the process for preparing the drug that is claimed in the '437 patent, or the  
16 use of which is claimed in the '437 patent, prior to the expiration of the patent.

17 54. Upon information and belief, Pharmadax (Guangzhou) Inc.  
18 knowingly and intentionally induced and/or aided and abetted Pharmadax USA, Inc.  
19 and Pharmadax Inc. in the preparation and filing of ANDA No. 206260.

20 55. Upon information and belief, Pharmadax (Guangzhou) Inc.  
21 knowingly and intentionally induced and/or aided and abetted Pharmadax USA, Inc.  
22 and Pharmadax Inc. in providing information and materials to the FDA in connection  
23 with ANDA No. 206260.

24 56. Upon information and belief, Pharmadax(Guangzhou) Inc.  
25 knowingly and intentionally induced and/or aided and abetted Pharmadax USA, Inc.  
26 and Pharmadax Inc. in the development of the quetiapine fumarate extended release  
27 tablets that are the subject of ANDA No. 206260, and that will infringe the '437  
28 patent under 35 U.S.C. § 271(a).

1           57. Upon information and belief, Pharmadax(Guangzhou) Inc. has,  
2 under 35 U.S.C. § 271(b), induced Pharmadax USA, Inc.’s and Pharmadax Inc.’s  
3 direct infringement of the ’437 patent by knowingly and intentionally inducing and/or  
4 aiding and abetting the preparation and filing of ANDA No. 206260.

5                           **Count 6: Inducement of Infringement by Pharmadax Inc.**

6           58. AstraZeneca realleges paragraphs 1-57 as if set forth specifically  
7 herein.

8           59. Upon information and belief, Pharmadax Inc., Pharmadax  
9 (Guangzhou) Inc., and Pharmadax USA, Inc. are engaged in a strategic partnership  
10 through which Pharmadax Inc. has knowingly and intentionally collaborated with  
11 Pharmadax (Guangzhou) Inc. and Pharmadax USA, Inc. in order to prepare and file  
12 ANDA No. 206260, and to develop, manufacture and distribute the quetiapine  
13 fumarate extended release tablets described therein.

14           60. Pharmadax USA, Inc. has directly infringed the ’437 patent under  
15 35 U.S.C. § 271(e)(2)(A) by filing ANDA No. 206260 seeking approval from the  
16 FDA to engage in the commercial manufacture, use or sale of a drug claimed in the  
17 ’437 patent, the process for preparing the drug that is claimed in the ’437 patent, or the  
18 use of which is claimed in the ’437 patent, prior to the expiration of those patents.

19           61. Upon information and belief, Pharmadax Inc. knowingly and  
20 intentionally induced and/or aided and abetted Pharmadax (Guangzhou) Inc. and  
21 Pharmadax USA, Inc. in the preparation and filing of ANDA No. 206260.

22           62. Upon information and belief, Pharmadax Inc. knowingly and  
23 intentionally induced and/or aided and abetted Pharmadax (Guangzhou) Inc. and  
24 Pharmadax USA, Inc. in providing information and materials to the FDA in  
25 connection with ANDA No. 206260.

26           63. Upon information and belief, Pharmadax Inc. knowingly and  
27 intentionally induced and/or aided and abetted Pharmadax (Guangzhou) Inc. and  
28 Pharmadax USA, Inc. in the development of the quetiapine fumarate extended release

1 tablets that are the subject of ANDA No. 206260, and that will infringe the '437  
2 patent under 35 U.S.C. § 271(a).

3 64. Upon information and belief, Pharmadax Inc. has, under 35 U.S.C.  
4 § 271(b), induced Pharmadax (Guangzhou) Inc.'s and Pharmadax USA, Inc.'s direct  
5 infringement of the '437 patent by knowingly and intentionally inducing and/or aiding  
6 and abetting the preparation and filing of ANDA No. 206260.

7 **Count 7: Declaratory Judgment of Future Infringement**

8 65. AstraZeneca realleges paragraphs 1-64 as if set forth specifically  
9 herein.

10 66. Upon information and belief, the commercial manufacture, use,  
11 sale or offer for sale within the United States, or the importation into the United  
12 States, by Defendants of the quetiapine fumarate extended release tablets that are the  
13 subject of ANDA No. 206260 will infringe one or more claims of the '437 patent  
14 under 35 U.S.C. § 271(a).

15 67. AstraZeneca is entitled to a declaration of infringement against  
16 Defendants, and an order of this Court enjoining Defendants from engaging in the  
17 commercial manufacture, use, sale or offer for sale within the United States or the  
18 importation into the United States, of the quetiapine fumarate extended release tablets  
19 that are the subject of ANDA No. 206260 prior to the expiration dates of the '437  
20 patent.

21 **Count 8: Exceptional Case**

22 68. AstraZeneca realleges paragraphs 1-67 as if set forth specifically  
23 herein.

24 69. Prior to filing ANDA No. 206260, Defendants were aware of the  
25 existence of the '437 patent, and, upon information and belief, were aware that the  
26 filing of ANDA No. 206260, including a Paragraph IV certification with respect to the  
27 '437 patent, infringed the patent.

1           70.    Upon information and belief, prior to sending the Notice Letter,  
2 Defendants were aware that the '437 patent was challenged in the related Quetiapine  
3 actions. The defendants in these actions failed in their allegations that the '437 patent  
4 was invalid.

5           71.    On information and belief, prior to sending the Notice Letter,  
6 Defendants were aware of the invalidity arguments of the '437 patent asserted by the  
7 defendants in the related Quetiapine actions.

8           72.    The opinions set forth in the Notice Letter, to the effect that the  
9 '437 patent is invalid, unenforceable and/or not infringed, cause this case to stand out  
10 from others in that those opinions lack merit in either the facts or the law.

11           73.    This case is an exceptional one, and AstraZeneca is entitled to an  
12 award of its reasonable attorney fees under 35 U.S.C. § 285.

13   **PRAYER FOR RELIEF**

14           WHEREFORE, Plaintiffs respectfully request the following relief:

15           (a)    A judgment declaring that the '437 patent remains valid and  
16 enforceable, and that the patent has been infringed by Defendants;

17           (b)    A judgment declaring that the effective date of any approval of  
18 ANDA No. 206260 under Section 505(j) of the Federal Food, Drug, and Cosmetic Act  
19 (21 U.S.C. § 355(j)) be a date which is not earlier than the later of May 28, 2017, the  
20 expiration date of the '437 patent, or the expiration of any other exclusivity to which  
21 AstraZeneca is or becomes entitled;

22           (c)    A permanent injunction against any infringement of the '437  
23 patent by Defendants, their officers, agents, attorneys, and employees, and those  
24 acting in privity or concert with them;

25           (d)    A judgment that this is an exceptional case, and that Plaintiffs are  
26 entitled to an award of reasonable attorney fees pursuant to 35 U.S.C. § 285;

27           (e)    To the extent that Defendants have committed any acts with  
28 respect to the subject matter claimed in the '437 patent, other than those acts expressly

1 exempted by 35 U.S.C. § 271(e)(1), an award of damages for such acts, which this  
2 Court should treble pursuant to 35 U.S.C. § 284;

3 (f) Costs and expenses in this action; and

4 (g) Such other relief as this Court may deem proper.

5  
6 Respectfully submitted,

7 Dated: October 23, 2014

8 By: /s/ Michael K. O'Neill  
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