IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

GENZYME CORPORATION 500 Kendall Street Cambridge, Massachusetts 02142 Plaintiff, v. WATSON LABORATORIES, INC. 360 Mt. Kemble Avenue Morristown, New Jersey 07962 Defendant.	)	Civil Action No.:

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Genzyme Corporation, by and through its attorneys, and for its Complaint herein against Defendant Watson Laboratories, Inc., hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement.

PARTIES

2. Plaintiff Genzyme Corporation ("Genzyme") is a corporation organized and existing under the laws of the Commonwealth of Massachusetts, having a principal place of business at 500 Kendall Street, Cambridge, Massachusetts 02142.

3. On information and belief, Watson Laboratories, Inc. ("Watson") is a corporation organized and existing under the laws of the State of Nevada, having a principal place of business at 360 Mt. Kemble Avenue, Morristown, New Jersey 07962.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States of America. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. On information and belief, Watson manufactures, packages, markets, sells, and distributes generic pharmaceuticals and pharmaceutical products to customers including physicians, pharmacies, and chain retailers in Maryland and throughout the United States.

6. On information and belief, Watson engages and has engaged in continuous and systematic contacts with the State of Maryland, and has purposely availed itself of the benefits and protections of the laws of the State of Maryland. This Court has personal jurisdiction over Watson by virtue of, *inter alia,* the above-mentioned facts.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

CLAIM FOR RELIEF

8. Genzyme holds approved New Drug Application ("NDA") No. 022-127 for Renvela® tablets, 800 mg, which product contains the active ingredient sevelamer carbonate.

9. Renvela® tablets were approved by the Food and Drug Administration (the "FDA") on October 9, 2007, and currently are indicated for the control of serum phosphorus in patients with chronic kidney disease on dialysis.

10. Genzyme owns United States Patent No. 5,667,775 ("'775 patent"), titled "Phosphate-Binding Polymers for Oral Administration." The '775 patent was duly and legally issued on September 16, 1997, and was originally assigned to GelTex Pharmaceuticals, Inc., which was acquired by Genzyme in 2000. A true copy of the '775 patent is attached hereto as Exhibit A.

PATENT INFRINGEMENT BY WATSON

11. Genzyme repeats and realleges the allegations of paragraphs 1-10 as if fully set forth herein.

12. By a letter dated April 7, 2010 purporting to be a notice pursuant to 21

U.S.C. § 355(j)(2)(B)(iv) ("Watson's Notice Letter"), Watson informed Genzyme that it had submitted to the FDA Abbreviated New Drug Application ("ANDA") No. 200827 under 21 U.S.C. § 355(j), seeking approval to engage in the commercial manufacture, use, sale, offer for sale and/or importation into the United States of generic 800 mg sevelamer carbonate tablets ("Watson's Sevelamer Carbonate Tablets") prior to the expiration of the '775 patent.

13. Watson's Notice Letter informed Genzyme that, as part of ANDA No. 200827, Watson had filed a certification pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV) and opined that the '775 patent is invalid, unenforceable, and/or will not be infringed by the manufacture, use, sale, offer for sale and/or importation of Watson's Sevelamer Carbonate Tablets.

14. By submitting ANDA No. 200827 to the FDA for the purpose of obtaining approval to engage in the commercial manufacture, use, sale, offer for sale and/or importation of Watson's Sevelamer Carbonate Tablets prior to the expiration of the '775 patent, Watson has infringed that patent under 35 U.S.C. § 271(e)(2)(A).

15. On information and belief, the offer for sale or sale of Watson's Sevelamer Carbonate Tablets, if approved by the FDA, would induce infringement of, and/or be contributory infringement of the '775 patent under 35 U.S.C. § 271.

16. Genzyme is entitled to the relief provided by 35 U.S.C. § 271(e)(4), including an order of this Court that the effective date of any approval of ANDA No. 200827 be a date which is not earlier than the expiration of the '775 patent, and any other exclusivity to which Genzyme is or becomes entitled.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the following relief:

A. A Judgment declaring that Watson has infringed one or more claims of the '775 patent by filing its ANDA No. 200827;

B. An Order that the effective date of any FDA approval of Watson's ANDA No. 200827 be no earlier than the date on which the '775 patent expires, and any other exclusivity to which Genzyme is or becomes entitled;

C. Preliminary and permanent injunctions enjoining Watson, its officers, agents, attorneys and employees, and those acting in privity or concert with it, from engaging in the commercial manufacture, use, offer to sell, or sale within the United States or importation into the United States of Watson's Sevelamer Carbonate Tablets until after the expiration of the '775 patent, and any other exclusivity to which Genzyme is or becomes entitled;

D. The costs and reasonable attorney fees of Genzyme in this action; and

E. Such further and other relief as this Court may deem just and proper.

/s/ George E. Brown
Geoffrey H. Genth (Bar No.: 08735)
George E. Brown (Bar No.: 14681)
Kramon & Graham, P.A.
One South Street
Suite 2600
Baltimore, Maryland 21202
ggenth@kg-law.com
gbrown@kg-law.com
(410) 752-6030 Telephone
(410) 539-1269 Facsimile

Attorneys for Plaintiff
Genzyme Corporation

OF COUNSEL:

Scott K. Reed, Esquire
Filko Prugo, Esquire
Donald J. Curry, Esquire
Brian O'Reilly, Esquire
Charlotte Jacobsen, Esquire
Fitzpatrick, Cella, Harper & Scinto
1290 Avenue of the Americas
New York, New York 10104-3800
(212) 218-2100 Telephone

FCHS_WS 5015376_2