

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

C.A. NO. _____

PALMETTO PHARMACEUTICALS LLC)	
)	
Plaintiff,)	
)	
v.)	COMPLAINT AND DEMAND
)	FOR JURY TRIAL
ASTRAZENECA PHARMACEUTICALS LP)	
)	
Defendant.)	
)	

Plaintiff Palmetto Pharmaceuticals LLC (“Palmetto”) for its complaint against defendant AstraZeneca Pharmaceuticals LP (“AstraZeneca”) hereby alleges as follows:

Parties

1. Palmetto is a limited liability corporation organized under the laws of Delaware, having a principal place of business at 211 King Street, Charleston, South Carolina 29401.
2. AstraZeneca is a limited partnership organized under the laws of Delaware, which does business throughout the United States to include South Carolina. AstraZeneca has a principal place of business at 1800 Concord Pike, Wilmington, Delaware 19850. AstraZeneca maintains a registered agent in South Carolina, being CT Corporation System, 2 Office Park Court, Suite 103, Columbia, South Carolina 29223.

Jurisdiction and Venue

3. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1338 because this action arises under the patent laws of the United States.

4. AstraZeneca does extensive business in South Carolina and has committed acts of infringement within the state, as herein alleged. As noted, AstraZeneca also maintains a registered agent in the state. By virtue of these contacts, this Court has personal jurisdiction over AstraZeneca.

5. Venue in this district is proper under 28 U.S.C. §§ 1391(c) and 1400 because the defendant has committed acts of infringement in this district and is subject to personal jurisdiction in the state.

The Patent-in-Suit

6. Palmetto is the assignee and lawful owner of United States Patent No. 6,465,516 (the '516 patent), entitled "Method of Stimulating Nitric Oxide Synthase," which issued on October 15, 2002, and Reexamination Certificate No. 6,465,516C1, which issued on April 5, 2011. A copy of the '516 patent is attached as Exhibit A. A copy of the '516 reexamination certificate is attached as Exhibit B.

7. The '516 patent claims a number of methods for treating nonhyperlipidemic subjects who would benefit from increased Nitric Oxide production with Hmg-CoA reductase inhibitors.

Infringing Acts

8. AstraZeneca makes, offers to sell and sells a Hmg-CoA reductase inhibitor called Crestor (rosuvastatin calcium).

9. In the package insert accompanying Crestor and elsewhere, AstraZeneca promotes and encourages the use of Crestor,

In individuals without clinically evident coronary heart disease but with an increased risk of cardiovascular disease based on age ≥ 50 years old in men and ≥ 60 years old in women, hsCRP ≥ 2 mg/L, and the presence of at least one additional cardiovascular disease risk factor such as

hypertension, low HDL-C, smoking, or a family history of premature coronary heart disease, CRESTOR is indicated to:

- reduce the risk of stroke
- reduce the risk of myocardial infarction
- reduce the risk of arterial revascularization procedures

10. AstraZeneca has actual knowledge of the '516 patent, and is aware that the use of Crestor as described in Paragraph 9 infringes at least reexamined claims 1, 4 and 7 of the '516 patent. The use of Crestor as described in paragraph 9 also infringes reexamined claims 15-20 of the '516 patent.

Causes of Action

11. AstraZeneca's acts constitute infringement of the '516 patent under 35 U.S.C. § 271(a).

12. AstraZeneca's acts constitute active inducement of infringement of the '516 patent, and it is liable as an infringer under 35 U.S.C. § 271(b).

13. Astra Zeneca's acts make it liable as a contributing infringer under 35 U.S.C. § 271(c).

Prayer for Relief

WHEREFORE, Palmetto seeks judgment against AstraZeneca as follows:

1. For monetary damages sufficient to compensate Palmetto for AstraZeneca's infringement of the reexamined claims of the '516 patent;
2. For enhanced damages due to the willful nature of AstraZeneca's conduct;
3. For a permanent injunction prohibiting AstraZeneca from infringing the reexamined claims of the '516 patent in the future;
4. For its attorneys fees and costs; and

5. For such further relief as to which Palmetto may be entitled.

Jury Demand

Palmetto hereby demands a trial by jury.

Dated this 5th day of April, 2011.

S/ A. Camden Lewis

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