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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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WARNER CHILCOTT COMPANY, LLC and	)	CIVIL ACTION NO.:
WARNER CHILCOTT (US), LLC	)	
	)	Plaintiffs,
	)	
vs.	)	
	)	
MIDLOTHIAN LABORATORIES L.L.C.,	)	
	)	
	)	Defendant.)
-----	x	

**COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR JURY TRIAL**

Plaintiffs Warner Chilcott Company, LLC and Warner Chilcott (US), LLC by its undersigned attorneys, bring this action against Defendant Midlothian Laboratories L.L.C., and hereby allege as follows:

**THE PARTIES**

1. Warner Chilcott Company, LLC ("WCCLLC") is a limited liability company established under the laws of the Commonwealth of Puerto Rico having offices at Union St. Road 195 Km 1.1, Fajardo, Puerto Rico.

2. Warner Chilcott (US), LLC ("WCUS") is a limited liability company established under the laws of the state of Delaware with offices at 100 Enterprise Drive, Suite 280, Rockaway, NJ, 07866. WCCLLC and WCUS are collectively referred to as "Warner Chilcott".

3. Upon information and belief, Defendant Midlothian Laboratories L.L.C., ("Midlothian"), is a limited liability corporation incorporated under the laws of Alabama, and maintains its headquarters and principal place of business at 5323 Perimeter Parkway Ct., Montgomery, AL 36116-5125.

**JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. Jurisdiction is based on 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Midlothian by virtue of the fact that Midlothian conducts business in the State of New Jersey, has availed itself of the rights and benefits of New Jersey law, and has engaged in substantial and continuing contacts with the State.

6. Venue is proper in this Court under 28 U.S.C. §§ 1391 (b) and (c) and 1400(b).

**COUNT I**

7. WCCLLC is the owner as assignee of United States Patent No. 6,521,247 ("the '247 patent"). The '247 patent lawfully issued on February 18, 2003. A copy of the '247 patent is attached as Exhibit A. WCCLLC has the exclusive right to make, use or sell products covered by the '247 patent and WCUS exclusively distributes those products.

8. The '247 patent claims, among other things, a nutritional supplement containing two different iron compounds, a method of alleviating iron deficiency, and a method of making a nutritional supplement.

9. The '247 patent covers Natafort®, which is marketed by Warner Chilcott in the United States.

10. Upon information and belief, Midlothian manufactures, imports, sells, and offers to sell certain prenatal supplements, including, the Foltabs prenatal supplement and the Foltabs DHA prenatal supplement, in this jurisdiction and elsewhere in the United States in competition with Warner Chilcott.

11. Upon information and belief, Midlothian's Foltabs prenatal supplement and Foltabs DHA prenatal supplement are covered by the '247 patent.

12. Upon information and belief, Midlothian has and will continue to directly infringe, and induce others to infringe, the '247 patent by reason of Midlothian's manufacture, sale and/or offer for sale of nutritional supplements, including Foltabs prenatal supplement and Foltabs DHA prenatal supplement.

13. Warner Chilcott has been damaged by Midlothian's infringement of the '247 patent, and its continued sales of Foltabs and Foltabs DHA prenatal supplements has caused

Warner Chilcott monetary damages, including but not limited to lost profits. The injury to Warner Chilcott is continuing and irreparable unless enjoined by this Court.

**COUNT II**

14. Plaintiff repeats and realleges each of the allegations set forth in paragraphs 1-13 of the Complaint herein.

15. Upon information and belief, Defendant was aware of the existence of the '247 patent.

16. Upon information and belief, Defendant has not stopped the commercial manufacture or sale of Foltabs and Foltabs DHA prenatal supplements.

17. Upon information and belief, Defendant has infringed the '247 patent without a reasonable basis for believing in good faith that it has a right to continue its infringing activities.

18. Upon information and belief, Defendant's infringement of the '247 patent was and is willful.

**PRAYER FOR RELIEF**

Plaintiff respectfully requests that the Court enter a Judgment that:

- a. Midlothian has infringed the '247 patent;
- b. Midlothian has induced others to infringe the '247 patent;
- c. Midlothian's infringement of the '247 patent is willful;
- d. Midlothian, their officers, agents, attorneys, licensees, employees, its

successors in interest and assigns, and all others acting in privity or concert with them, are permanently enjoined from engaging in the commercial manufacture, use, offer for sale, or sale

of prenatal supplements as claimed by the '247 patent, and all other acts of infringement of the '247 patent, prior to the expiration of that patent;

e. An accounting be had for the damages resulting from Midlothian's infringement of the '247 patent, including, without limitation, lost profits, caused by the infringing activities of Midlothian, and that the damages so ascertained be trebled and awarded together with interest and costs;

f. Pursuant to 35 U.S.C. § 285, Warner Chilcott be awarded its reasonable attorneys' fees; and

g. Plaintiffs shall be accorded such other and further relief as the Court may deem appropriate under the circumstances.

**JURY DEMAND**

Plaintiffs demand trial by jury.

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Dated: April 30, 2009

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