IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WYETH LLC, Plaintiff, v. INTELLIPHARMACEUTICS INTERNATIONAL INC., INTELLIPHARMACEUTICS CORPORATION and INTELLIPHARMACEUTICS LTD., Defendants.	)	C.A. No. _____

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Wyeth LLC ("Wyeth"), for its Complaint against Defendants IntelliPharmaCeutics International Inc. ("IPC International"), IntelliPharmaCeutics Corporation ("IPC Corp.") and IntelliPharmaCeutics Ltd. ("IPC Ltd.") (referred to collectively as "IPC") hereby states as follows:

THE PARTIES

1. Plaintiff Wyeth is a Delaware limited liability company with a place of business at Five Giralda Farms, Madison, New Jersey 07940.

2. Plaintiff Wyeth is an indirect wholly owned subsidiary of Pfizer Inc., a Delaware corporation.

3. On information and belief, IPC International is a Canadian corporation having a principal place of business at 30 Worcester Road, Toronto, Ontario, Canada M9W 5X2.

4. On information and belief, IPC International develops generic drug products for sale and use throughout the United States, including within this judicial district.

5. On information and belief, IPC Ltd. is a Delaware corporation having a principal place of business at 30 Worcester Road, Toronto, Ontario, Canada M9W 5X2.

6. On information and belief, IPC Ltd. is a wholly owned subsidiary of IPC International controlled and/or dominated by IPC International.

7. On information and belief, IPC Ltd. develops generic drug products for sale and use throughout the United States, including within this judicial district.

8. On information and belief, IPC Corp. is a Canadian corporation having a principal place of business at 30 Worcester Road, Toronto, Ontario, Canada M9W 5X2.

9. On information and belief, IPC International owns, directly or through its wholly owned subsidiary IPC Ltd., 100.0% of the common shares of IPC Corp.

10. On information and belief, IPC Corp. develops generic drug products for sale and use throughout the United States, including within this judicial district.

11. On information and belief, IPC Corp. is controlled and/or dominated by IPC International.

12. On information and belief, IPC International operates through its wholly owned subsidiary and agent, IPC Ltd.

13. On information and belief, IPC Ltd., IPC Corp. and IPC International have common officers and directors, and IPC Ltd., IPC Corp., and IPC International have represented to the public that they are a unitary entity.

14. On information and belief, the acts of IPC Corp. complained of herein were done at the direction of, with the authorization of, and/or with the cooperation, participation, and assistance of, and at least in part for the benefit of, IPC Ltd and/or IPC International.

15. On information and belief, the acts of IPC Ltd. complained of herein were done at the direction of, with the authorization of, and/or with the cooperation, participation, and assistance of, and at least in part for the benefit of, IPC Corp. and/or IPC International.

16. On information and belief, the acts of IPC International complained of herein were done at the direction of, with the authorization of, and/or with the cooperation, participation, and assistance of, and at least in part for the benefit of, IPC Corp. and/or IPC Ltd.

NATURE OF THE ACTION

17. This is a civil action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 100 et seq., and in particular under 35 U.S.C. § 271(e). This action relates to Abbreviated New Drug Application ("ANDA") No. 201-272 submitted by IPC to the United States Food and Drug Administration ("FDA") for approval to market generic copies of Wyeth's highly successful EFFEXOR® XR pharmaceutical products that are sold in the United States.

JURISDICTION AND VENUE

18. Subject matter jurisdiction is proper under 28 U.S.C. §§ 1331 and 1338(a).

19. On information and belief, IPC International, IPC Corp. and IPC Ltd. are in the business of formulating, manufacturing and commercializing pharmaceutical products. IPC International, IPC Corp. and IPC Ltd. maintain a website at the uniform resource locator (URL) http://www.intellipharmaceutics.com ("the IPC website"), which serves as the website for IPC. According to that website, IPC is "engaged in the research, development, and commercialization of controlled-release and targeted pharmaceutical products."

20. On information and belief, IPC International, either directly or through one or more of its wholly owned subsidiaries and/or agents, develops generic drug products for sale and use throughout the United States, including within this judicial district.

21. On information and belief, IPC Corp., with the assistance and/or at the direction of IPC Ltd. and/or IPC International, develops generic drug products for sale and use throughout the United States, including within this judicial district.

22. On information and belief, IPC Ltd., with the assistance and/or at the direction of IPC Corp. and/or IPC International, develops generic drug products for sale and use throughout the United States, including within this judicial district.

23. On information and belief, IPC International, IPC Corp. and IPC Ltd. operate as an integrated, unitary business.

24. On information and belief, IPC International, IPC Corp. and IPC Ltd. acted in concert to develop the IPC generic copies of Wyeth's EFFEXOR® XR Capsules, and to seek approval from the FDA to sell IPC's generic copies of Wyeth's EFFEXOR® XR Capsules throughout the United States and in this judicial district.

25. On information and belief, IPC International and/or IPC Ltd., through their authorized agent and subsidiary, IPC Corp, submitted ANDA No. 201-272 to the FDA. On information and belief, IPC International and IPC Ltd. have attributed the acts of IPC Corp. to themselves. On information and belief, IPC International, IPC Ltd. and IPC Corp. thus acted as a single entity in connection with preparing and submission of ANDA No. 201-272. On further information and belief, IPC Corp. acted as an agent of IPC International and/or IPC Ltd.

26. On information and belief, and as previously noted, IPC Ltd. is a corporation organized and existing under the laws of Delaware. By virtue of its incorporation in Delaware, this Court has personal jurisdiction over IPC Ltd.

27. On information and belief, by virtue of, *inter alia,* IPC Ltd.'s relationship with IPC International in connection with the preparation and/or filing of ANDA No. 201-272,

and their systematic and continuous activities in Delaware, including but not limited to the development of generic drug products for sale to residents of Delaware, this Court has personal jurisdiction over IPC International.

28. On information and belief, by virtue of, *inter alia,* IPC Ltd.'s relationship with IPC Corp. in connection with the preparation and/or filing of ANDA No. 201-272, and their systematic and continuous activities in Delaware, including but not limited to the development of generic drug products for sale to residents of Delaware, this Court has personal jurisdiction over IPC Corp.

29. On information and belief, separate and apart from its relationship with IPC Ltd., IPC International has availed itself of the laws of the State of Delaware and engaged in a course of conduct in the State of Delaware, at least by incorporating and/or maintaining the incorporation of its subsidiary and/or agent, IPC Ltd., under Delaware law, and identifying the Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, as the registered agent of IPC Ltd.

30. On information and belief, IPC Corp. and IPC Ltd. have previously been sued in this district and have not challenged personal jurisdiction. *See, e.g., Elan Corp. v. IntelliPharmaCeutics Corp.* (D. Del. C.A. No. 07-603-SLR).

31. On information and belief, by virtue of, *inter alia,* IPC's continuous and systematic contacts with Delaware, including but not limited to the above-described contacts, and the actions on behalf of IPC International and IPC Corp. in connection with ANDA No. 201-272 undertaken by their agent IPC Ltd., a Delaware corporation, this Court has personal jurisdiction over IPC International, IPC Corp. and IPC Ltd. These activities satisfy due process

and confer personal jurisdiction over IPC International, IPC Corp. and IPC Ltd. consistent with the Delaware long arm statute.

32. On information and belief, IPC International and IPC Corp., directly and/or through their Delaware agent, IPC Ltd., caused tortious injury in Delaware to Wyeth, a Delaware company, by submitting ANDA No. 201-272, further supporting jurisdiction over IPC International and IPC Corp.

33. On information and belief, if IPC International and IPC Corp. were not subject to the jurisdiction of the courts of general jurisdiction of the State of Delaware, they likewise would not be subject to the jurisdiction of the courts of general jurisdiction of any state, and accordingly are amenable to personal jurisdiction and service of process based on their aggregate contacts with the United States, including but not limited to the above-described contacts, as authorized by Federal Rule of Civil Procedure 4(k)(2).

34. Venue is proper in this judicial district under 28 U.S.C. § 1391(b), (c), and (d) and/or 28 U.S.C. § 1400(b).

BACKGROUND

35. Wyeth Pharmaceuticals Inc. is the holder of approved New Drug Application ("NDA") No. 20-699 for EFFEXOR® XR Capsules, an extended-release dosage form containing venlafaxine hydrochloride. Wyeth Pharmaceuticals Inc. is a wholly owned indirect subsidiary of Pfizer Inc.

36. On information and belief, IPC submitted to the FDA ANDA No. 201-272 under 21 U.S.C. § 355(j), seeking approval to market Venlafaxine Hydrochloride 37.5, 75, and 150 mg Extended-Release Capsules ("IPC's Venlafaxine Hydrochloride ER Capsules"), which are generic copies of Wyeth's EFFEXOR® XR Capsules, in 37.5, 75, and 150 mg dosage strengths, respectively.

37. By letter dated May 21, 2010, IPC notified Wyeth that ITC Corp. had submitted ANDA No. 201-272, seeking approval to market IPC's Venlafaxine Hydrochloride ER Capsules, and that it was providing information to Wyeth pursuant to 21 U.S.C. § 355(j)(2)(B)(ii), § 505(j)(2)(B)(ii) of the Food, Drug and Cosmetic Act, and § 314.95 of Title 21 of the Code of Federal Regulations. Wyeth received that letter on or about May 24, 2010.

FIRST COUNT FOR INFRINGEMENT
OF UNITED STATES PATENT NO. 6,274,171 B1

38. United States Patent No. 6,274,171 B1 ("the '171 Patent"), entitled "Extended Release Formulation of Venlafaxine Hydrochloride," was duly and legally issued by the United States Patent and Trademark Office on August 14, 2001. Wyeth (formerly known as American Home Products Corporation) is the owner by assignment of the '171 Patent and has the right to sue for infringement thereof. A true and correct copy of the '171 Patent is attached as Exhibit A.

39. On information and belief, IPC submitted ANDA No. 201-272 in order to obtain approval to market IPC's Venlafaxine Hydrochloride ER Capsules in the United States before the expiration of the '171 Patent. On information and belief, IPC also filed with the FDA, pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV) (Section 505(j)(2)(A)(vii)(IV) of the Federal Food, Drug and Cosmetics Act), a certification alleging that the claims of the '171 Patent are invalid and/or not infringed.

40. Under 35 U.S.C. § 271(e)(2)(A), IPC's submission to the FDA of ANDA No. 201-272 to obtain approval for the commercial manufacture, use, or sale of IPC's Venlafaxine Hydrochloride ER Capsules before the expiration date of the '171 Patent constitutes infringement of one or more claims of the '171 Patent, either literally or under the doctrine of equivalents.

41. Upon FDA approval of IPC's ANDA No. 201-272, IPC will infringe the '171 Patent, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing IPC's Venlafaxine Hydrochloride ER Capsules in the United States, and by actively inducing and contributing to infringement by others under 35 U.S.C. §§ 271(b) and (c), unless this Court orders that the effective date of any FDA approval of IPC's ANDA shall be no earlier than the expiration date of the '171 Patent and any additional periods of exclusivity.

42. On information and belief, IPC's Venlafaxine Hydrochloride ER Capsules, when offered for sale, sold, and/or imported, and when used as directed, would be used in a manner that would directly infringe at least one of the claims of the '171 Patent, either literally or under the doctrine of equivalents.

43. On information and belief, the use of IPC's Venlafaxine Hydrochloride ER Capsules constitutes a material part of at least one of the claims of the '171 Patent; IPC knows that its Venlafaxine Hydrochloride ER Capsules are especially made or adapted for use in infringing at least one of the claims of the '171 Patent, either literally or under the doctrine of equivalents; and IPC's Venlafaxine Hydrochloride ER Capsules are not staple articles of commerce or commodities of commerce suitable for substantial noninfringing use.

44. On information and belief, the offering to sell, sale, and/or importation of IPC's Venlafaxine Hydrochloride ER Capsules would contributorily infringe at least one of the claims of the '171 Patent, either literally or under the doctrine of equivalents.

45. On information and belief, IPC had knowledge of the '171 Patent and, by its promotional activities and package insert for IPC's Venlafaxine Hydrochloride ER Capsules,

knows or should know that it will aid and abet another's direct infringement of at least one of the claims of the '171 Patent, either literally or under the doctrine of equivalents.

46. On information and belief, the offering to sell, sale, and/or importation of IPC's Venlafaxine Hydrochloride ER Capsules would actively induce infringement of at least one of the claims of the '171 Patent, either literally or under the doctrine of equivalents.

47. Wyeth will be substantially and irreparably harmed by IPC's infringing activities unless those activities are enjoined by this Court. Wyeth has no adequate remedy at law.

SECOND COUNT FOR INFRINGEMENT
OF UNITED STATES PATENT NO. 6,403,120 B1

48. United States Patent No. 6,403,120 B1 ("the '120 Patent"), entitled "Extended Release Formulation of Venlafaxine Hydrochloride," was duly and legally issued by the United States Patent and Trademark Office on June 11, 2002. Wyeth is the owner by assignment of the '120 Patent and has the right to sue for infringement thereof. A true and correct copy of the '120 Patent is attached as Exhibit B.

49. On information and belief, IPC submitted ANDA No. 201-272 in order to obtain approval to market IPC's Venlafaxine Hydrochloride ER Capsules in the United States before the expiration of the '120 Patent. On information and belief, IPC also filed with the FDA, pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV), a certification alleging that the claims of the '120 Patent are invalid and/or not infringed.

50. Under 35 U.S.C. § 271(e)(2)(A), IPC's submission to the FDA of ANDA No. 201-272 to obtain approval for the commercial manufacture, use, or sale of IPC's Venlafaxine Hydrochloride ER Capsules before the expiration date of the '120 Patent constitutes

infringement of one or more claims of the '120 Patent, either literally or under the doctrine of equivalents.

51. Upon FDA approval of IPC's ANDA No. 201-272, IPC will infringe the '120 Patent, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing IPC's Venlafaxine Hydrochloride ER Capsules in the United States, and by actively inducing and contributing to infringement by others under 35 U.S.C. §§ 271(b) and (c), unless this Court orders that the effective date of any FDA approval of IPC's ANDA shall be no earlier than the expiration of the '120 Patent and any additional periods of exclusivity.

52. On information and belief, IPC's Venlafaxine Hydrochloride ER Capsules, when offered for sale, sold, and/or imported, and when used as directed, would be used in a manner that would directly infringe at least one of the claims of the '120 Patent, either literally or under the doctrine of equivalents.

53. On information and belief, the use of IPC's Venlafaxine Hydrochloride ER Capsules constitutes a material part of at least one of the claims of the '120 Patent; IPC knows that IPC's Venlafaxine Hydrochloride ER Capsules are especially made or adapted for use in infringing at least one of the claims of the '120 Patent, either literally or under the doctrine of equivalents; and IPC's Venlafaxine Hydrochloride ER Capsules are not staple articles of commerce or commodities of commerce suitable for substantial noninfringing use.

54. On information and belief, the offering to sell, sale, and/or importation of IPC's Venlafaxine Hydrochloride ER Capsules would contributorily infringe at least one of the claims of the '120 Patent, either literally or under the doctrine of equivalents.

55. On information and belief, IPC had knowledge of the '120 Patent and, by its promotional activities and package insert for IPC's Venlafaxine Hydrochloride ER Capsules, knows or should know that it will aid and abet another's direct infringement of at least one of the claims of the '120 Patent, either literally or under the doctrine of equivalents.

56. On information and belief, the offering to sell, sale, and/or importation of IPC's Venlafaxine Hydrochloride ER Capsules would actively induce infringement of at least one of the claims of the '120 Patent, either literally or under the doctrine of equivalents.

57. Wyeth will be substantially and irreparably harmed by IPC's infringing activities unless those activities are enjoined by this Court. Wyeth has no adequate remedy at law.

THIRD COUNT FOR INFRINGEMENT
OF UNITED STATES PATENT NO. 6,419,958 B2

58. United States Patent No. 6,419,958 B2 ("the '958 Patent"), entitled "Extended Release Formulation of Venlafaxine Hydrochloride," was duly and legally issued by the United States Patent and Trademark Office on July 16, 2002. Wyeth is the owner by assignment of the '958 Patent and has the right to sue for infringement thereof. A true and correct copy of the '958 Patent is attached as Exhibit C.

59. On information and belief, IPC submitted ANDA No. 201-272 in order to obtain approval to market IPC's Venlafaxine Hydrochloride ER Capsules in the United States before the expiration of the '958 Patent. On information and belief, IPC also filed with the FDA, pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV), a certification alleging that the claims of the '958 Patent are invalid and/or not infringed.

60. Under 35 U.S.C. § 271(e)(2)(A), IPC's submission to the FDA of ANDA No. 201-272 to obtain approval for the commercial manufacture, use, or sale of IPC's

Venlafaxine Hydrochloride ER Capsules before the expiration date of the '958 Patent constitutes infringement of one or more claims of the '958 Patent, either literally or under the doctrine of equivalents.

61. Upon FDA approval of IPC's ANDA No. 201-272, IPC will infringe the '958 Patent, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing IPC's Venlafaxine Hydrochloride ER Capsules in the United States, and by actively inducing and contributing to infringement by others under 35 U.S.C. §§ 271(b) and (c), unless this Court orders that the effective date of any FDA approval of IPC's ANDA shall be no earlier than the expiration date of the '958 Patent and any additional periods of exclusivity.

62. On information and belief, IPC's Venlafaxine Hydrochloride ER Capsules, when offered for sale, sold, and/or imported, and when used as directed, would be used in a manner that would directly infringe at least one of the claims of the '958 Patent, either literally or under the doctrine of equivalents.

63. On information and belief, the use of IPC's Venlafaxine Hydrochloride ER Capsules constitutes a material part of at least one of the claims of the '958 Patent; IPC knows that its Venlafaxine Hydrochloride ER Capsules are especially made or adapted for use in infringing at least one of the claims of the '958 Patent, either literally or under the doctrine of equivalents; and IPC's Venlafaxine Hydrochloride ER Capsules are not staple articles of commerce or commodities of commerce suitable for substantial noninfringing use.

64. On information and belief, the offering to sell, sale, and/or importation of IPC's Venlafaxine Hydrochloride ER Capsules would contributorily infringe at least one of the claims of the '958 Patent, either literally or under the doctrine of equivalents.

65. On information and belief, IPC had knowledge of the '958 Patent and, by its promotional activities and package insert for IPC's Venlafaxine Hydrochloride ER Capsules, will know or should know that it will aid and abet another's direct infringement of at least one of the claims of the '958 Patent, either literally or under the doctrine of equivalents.

66. On information and belief, the offering to sell, sale, and/or importation of IPC's Venlafaxine Hydrochloride ER Capsules would actively induce infringement of at least one of the claims of the '958 Patent, either literally or under the doctrine of equivalents.

67. Wyeth will be substantially and irreparably harmed by IPC's infringing activities unless those activities are enjoined by this Court. Wyeth has no adequate remedy at law.

FOURTH COUNT FOR INFRINGEMENT OF
UNITED STATES PATENT NOS. 6,274,171 B1, 6,403,120 B1, AND 6,419,958 B2

(By IPC International)

68. Wyeth incorporates by reference paragraphs 1 through 67 and 72-79 of this Complaint as if fully set forth herein.

69. On information and belief, IPC International actively and knowingly caused to be submitted, assisted with, participated in, contributed to, and/or directed the submission of ANDA No. 201-272 to the FDA. On information and belief, IPC International was aware of the '171 Patent, the '120 Patent, and the '958 Patent when it engaged in these knowing and purposeful activities referred to above.

70. Under 35 U.S.C. §§ 271(b) and 271(e)(2)(A), IPC International induced the infringement of the '171 Patent, the '120 Patent, and the '958 Patent by actively and knowingly aiding and abetting the submission to the FDA of ANDA No. 201-272. The filing of the ANDA by IPC International, IPC Corp., and/or IPC Ltd. constitutes direct infringement

under 35 U.S.C. § 271(e). IPC International's active and knowing aiding and abetting IPC Corp. and/or IPC Ltd. in the filing of ANDA No. 201-272 constitute induced infringement.

71. Wyeth will be substantially and irreparably harmed by IPC International's infringing activities unless those activities are enjoined by this Court. Wyeth has no adequate remedy at law.

FIFTH COUNT FOR INFRINGEMENT OF
UNITED STATES PATENT NOS. 6,274,171 B1, 6,403,120 B1, AND 6,419,958 B2

(By IPC Corp.)

72. Wyeth incorporates by reference paragraphs 1 through 71 and 76-79 of this Complaint as if fully set forth herein.

73. On information and belief, IPC Corp. actively and knowingly caused to be submitted, assisted with, participated in, contributed to, and/or directed the submission of ANDA No. 201-272 to the FDA. On information and belief, IPC Corp. was aware of the '171 Patent, the '120 Patent, and the '958 Patent when it engaged in these knowing and purposeful activities referred to above.

74. Under 35 U.S.C. §§ 271(b) and 271(e)(2)(A), IPC Corp. induced the infringement of the '171 Patent, the '120 Patent, and the '958 Patent by actively and knowingly aiding and abetting the submission to the FDA of ANDA No. 201-272. The filing of the ANDA by IPC International, IPC Corp., and/or IPC Ltd. constitutes direct infringement under 35 U.S.C. § 271(e). IPC Corp.'s active and knowing aiding and abetting IPC International and/or IPC Ltd. in the filing of ANDA No. 201-272 constitute induced infringement.

75. Wyeth will be substantially and irreparably harmed by IPC Corp.'s infringing activities unless those activities are enjoined by this Court. Wyeth has no adequate remedy at law.

SIXTH COUNT FOR INFRINGEMENT OF
UNITED STATES PATENT NOS. 6,274,171 B1, 6,403,120 B1, AND 6,419,958 B2

(By IPC Ltd.)

76. Wyeth incorporates by reference paragraphs 1 through 75 of this Complaint as if fully set forth herein.

77. On information and belief, IPC Ltd. actively and knowingly caused to be submitted, assisted with, participated in, contributed to, and/or directed the submission of ANDA No. 201-272 to the FDA. On information and belief, IPC Ltd. was aware of the '171 Patent, the '120 Patent, and the '958 Patent when it engaged in these knowing and purposeful activities referred to above.

78. Under 35 U.S.C. §§ 271(b) and 271(e)(2)(A), IPC Ltd. induced the infringement of the '171 Patent, the '120 Patent, and the '958 Patent by actively and knowingly aiding and abetting the submission to the FDA of ANDA No. 201-272. The filing of the ANDA by IPC International, IPC Corp., and/or IPC Ltd. constitutes direct infringement under 35 U.S.C. § 271(e). IPC Ltd.'s active and knowing aiding and abetting IPC International and/or IPC Corp. in the filing of ANDA No. 201-272 constitute induced infringement.

79. Wyeth will be substantially and irreparably harmed by IPC Ltd.'s infringing activities unless those activities are enjoined by this Court. Wyeth has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Wyeth respectfully requests that this Court enter judgment in its favor as follows:

(1) declaring that, under 35 U.S.C. § 271(e)(2)(A), IPC's submission to the FDA of ANDA No. 201-272 to obtain approval for the commercial manufacture, use, offer for

sale, or sale in, or importation into the United States of IPC's Venlafaxine Hydrochloride ER Capsules before the expiration of the '171 Patent was an act of infringement of the '171 Patent;

(2) declaring that, under 35 U.S.C. §§ 271(e)(2)(A) and 271(b), IPC International's active and knowing aiding and abetting of the submission to the FDA of ANDA No. 201-272 to obtain approval for the commercial manufacture, use, offer for sale, or sale in, or importation into the United States of IPC's Venlafaxine Hydrochloride ER Capsules before the expiration of the '171 Patent was an act of induced infringement of the '171 Patent;

(3) declaring that, under 35 U.S.C. §§ 271(e)(2)(A) and 271(b), IPC Corp.'s active and knowing aiding and abetting of the submission to the FDA of ANDA No. 201-272 to obtain approval for the commercial manufacture, use, offer for sale, or sale in, or importation into the United States of IPC's Venlafaxine Hydrochloride ER Capsules before the expiration of the '171 Patent was an act of induced infringement of the '171 Patent;

(4) declaring that, under 35 U.S.C. §§ 271(e)(2)(A) and 271(b), IPC Ltd.'s active and knowing aiding and abetting of the submission to the FDA of ANDA No. 201-272 to obtain approval for the commercial manufacture, use, offer for sale, or sale in, or importation into the United States of IPC's Venlafaxine Hydrochloride ER Capsules before the expiration of the '171 Patent was an act of induced infringement of the '171 Patent;

(5) declaring that IPC's commercial manufacture, use, offer for sale, or sale in, or importation into the United States by IPC of IPC's Venlafaxine Hydrochloride ER Capsules would constitute infringement of the '171 Patent;

(6) declaring that, under 35 U.S.C. § 271(e)(2)(A), IPC's submission to the FDA of ANDA No. 201-272 to obtain approval for the commercial manufacture, use, offer for

sale, or sale in, or importation into the United States of IPC's Venlafaxine Hydrochloride ER Capsules before the expiration of the '120 Patent was an act of infringement of the '120 Patent;

(7) declaring that, under 35 U.S.C. §§ 271(e)(2)(A) and 271(b), IPC International's active and knowing aiding and abetting of the submission to the FDA of ANDA No. 201-272 to obtain approval for the commercial manufacture, use, offer for sale, or sale in, or importation into the United States of IPC's Venlafaxine Hydrochloride ER Capsules before the expiration of the '120 Patent was an act of induced infringement of the '120 Patent;

(8) declaring that, under 35 U.S.C. §§ 271(e)(2)(A) and 271(b), IPC Corp.'s active and knowing aiding and abetting of the submission to the FDA of ANDA No. 201-272 to obtain approval for the commercial manufacture, use, offer for sale, or sale in, or importation into the United States of IPC's Venlafaxine Hydrochloride ER Capsules before the expiration of the '120 Patent was an act of induced infringement of the '120 Patent;

(9) declaring that, under 35 U.S.C. §§ 271(e)(2)(A) and 271(b), IPC Ltd.'s active and knowing aiding and abetting of the submission to the FDA of ANDA No. 201-272 to obtain approval for the commercial manufacture, use, offer for sale, or sale in, or importation into the United States of IPC's Venlafaxine Hydrochloride ER Capsules before the expiration of the '120 Patent was an act of induced infringement of the '120 Patent;

(10) declaring that IPC's commercial manufacture, use, offer for sale or sale in, or importation into the United States by IPC of IPC's Venlafaxine Hydrochloride ER Capsules would constitute infringement of the '120 Patent;

(11) declaring that, under 35 U.S.C. § 271(e)(2)(A), IPC's submission to the FDA of ANDA No. 201-272 to obtain approval for the commercial manufacture, use, offer for

sale, or sale in, or importation into the United States of IPC's Venlafaxine Hydrochloride ER Capsules before the expiration of the '958 Patent was an act of infringement of the '958 Patent;

(12) declaring that, under 35 U.S.C. §§ 271(e)(2)(A) and 271(b), IPC International's active and knowing aiding and abetting of the submission to the FDA of ANDA No. 201-272 to obtain approval for the commercial manufacture, use, offer for sale, or sale in, or importation into the United States of IPC's Venlafaxine Hydrochloride ER Capsules before the expiration of the '958 Patent was an act of induced infringement of the '958 Patent;

(13) declaring that, under 35 U.S.C. §§ 271(e)(2)(A) and 271(b), IPC Corp.'s active and knowing aiding and abetting of the submission to the FDA of ANDA No. 201-272 to obtain approval for the commercial manufacture, use, offer for sale, or sale in, or importation into the United States of IPC's Venlafaxine Hydrochloride ER Capsules before the expiration of the '958 Patent was an act of induced infringement of the '958 Patent;

(14) declaring that, under 35 U.S.C. §§ 271(e)(2)(A) and 271(b), IPC Ltd.'s active and knowing aiding and abetting of the submission to the FDA of ANDA No. 201-272 to obtain approval for the commercial manufacture, use, offer for sale, or sale in, or importation into the United States of IPC's Venlafaxine Hydrochloride ER Capsules before the expiration of the '958 patent was an act of induced infringement of the '958 Patent;

(15) declaring that IPC's commercial manufacture, use, offer for sale, or sale in, or importation into the United States by IPC of IPC's Venlafaxine Hydrochloride ER Capsules would constitute infringement of the '958 Patent;

(16) ordering that the effective date of any FDA approval of IPC's Venlafaxine Hydrochloride ER Capsules shall be no earlier than the expiration date of the '171 Patent and any additional dates of exclusivity, in accordance with 35 U.S.C. § 271(e)(4)(A);

(17) ordering that the effective date of any FDA approval of IPC's Venlafaxine Hydrochloride ER Capsules shall be no earlier than the expiration date of the '120 Patent and any additional dates of exclusivity, in accordance with 35 U.S.C. § 271(e)(4)(A);

(18) ordering that the effective date of any FDA approval of IPC's Venlafaxine Hydrochloride ER Capsules shall be no earlier than the expiration date of the '958 Patent and any additional dates of exclusivity, in accordance with 35 U.S.C. § 271(e)(4)(A);

(19) enjoining IPC and all persons acting in concert with IPC, from commercially manufacturing, using, offering for sale, or selling IPC's Venlafaxine Hydrochloride ER Capsules within the United States or importing into the United States IPC's Venlafaxine Hydrochloride ER Capsules, until the expiration of the '171 Patent, in accordance with 35 U.S.C. § 271(e)(4)(B);

(20) enjoining IPC and all persons acting in concert with IPC from commercially manufacturing, using, offering for sale or selling IPC's Venlafaxine Hydrochloride ER Capsules within the United States or importing into the United States IPC's Venlafaxine Hydrochloride ER Capsules until the expiration of the '120 Patent, in accordance with 35 U.S.C. § 271(e)(4)(B);

(21) enjoining IPC and all persons acting in concert with IPC from commercially manufacturing, using, offering for sale, or selling IPC's Venlafaxine Hydrochloride ER Capsules within the United States or importing into the United States IPC's Venlafaxine Hydrochloride ER Capsules, until the expiration of the '958 Patent, in accordance with 35 U.S.C. § 271(e)(4)(B);

(22) enjoining IPC and all persons acting in concert with IPC from seeking, obtaining, or maintaining approval of IPC's ANDA No. 201-272 until the expiration of the '171 Patent;

(23) enjoining IPC and all persons acting in concert with IPC from seeking, obtaining, or maintaining approval of IPC's ANDA No. 201-272 until the expiration of the '120 Patent;

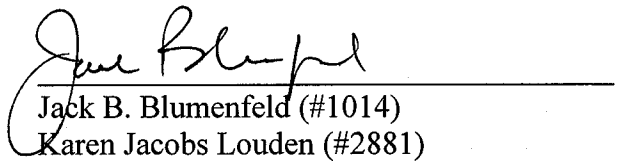
(24) enjoining IPC and all persons acting in concert with IPC from seeking, obtaining, or maintaining approval of IPC's ANDA No. 201-272 until the expiration of the '958 Patent;

(25) declaring this to be an exceptional case and awarding Wyeth its attorney fees under 35 U.S.C. § 285;

(26) awarding Wyeth its costs and expenses in this action; and

(27) awarding Wyeth any further and additional relief as this Court deems just and proper.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP



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