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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TEVA PHARMACEUTICAL INDUSTRIES LTD.,

Plaintiff,

v.

ASTRAZENECA PHARMACEUTICALS LP,
ASTRAZENECA PLC,
ASTRAZENECA UK LIMITED and
IPR PHARMACEUTICALS, INC.,

Defendants.

Civil Action No. 08-_____

08 47 11

COMPLAINT

Plaintiff Teva Pharmaceutical Industries Ltd. ("Teva") brings this Complaint for patent infringement against Defendants AstraZeneca PLC, AstraZeneca Pharmaceuticals LP, AstraZeneca UK Limited (collectively, "AstraZeneca"), and IPR Pharmaceuticals, Inc. (collectively, "Defendants"), seeking damages resulting from Defendants' making, using, selling, or offering for sale in the United States, or importing into the United States, pharmaceutical drug products that infringe one or more claims of Teva's U.S. Patent No. RE39,502, as well as declaratory relief. Teva alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 1 et seq., and seeking damages and other relief under 35 U.S.C. §§ 281 et seq.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over this controversy pursuant to 28 U.S.C. §§ 1331 and 1338(a).

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

THE PARTIES

4. Teva is a corporation organized under the laws of Israel with its principal place of business at 5 Basel Street, Petah Tiqva 49131, Israel.

5. Upon information and belief, Defendant AstraZeneca Pharmaceuticals LP (“AstraZeneca LP”) is a Delaware corporation with its principal place of business at 1800 Concord Pike, Wilmington, Delaware 19803. AstraZeneca LP is licensed to do business in Pennsylvania and continuously, systematically, and purposefully conducts business within this judicial district, including but not limited to the business of developing, manufacturing, offering for sale and selling various pharmaceutical products, many of which are marketed, distributed, offered for sale and sold in Pennsylvania. The acts of infringement complained of are committed by Defendant AstraZeneca LP in this judicial district.

6. Upon information and belief, Defendant AstraZeneca PLC is a corporation operating and existing under the laws of the United Kingdom with its principal place of business at 15 Stanhope Gate, London W1K 1LN, England. AstraZeneca PLC purposefully avails itself of the privileges of selling its drug products in Pennsylvania through its agent AstraZeneca LP. Upon information and belief, AstraZeneca PLC regularly transacts business within this judicial district, including but not limited to directing the operations and management of AstraZeneca LP. Further, upon information and belief, the acts of infringement complained of herein were performed at the direction of, with the authorization of, with the cooperation, participation, or assistance of, and, in part, for the benefit of AstraZeneca PLC.

7. Upon information and belief, Defendant AstraZeneca UK Limited (“AstraZeneca UK”) is a corporation operating and existing under the laws of the United Kingdom with its principal place of business at 15 Stanhope Gate, London W1K 1LN, England. AstraZeneca UK sells its drugs in Pennsylvania through its sister corporation AstraZeneca LP. Upon information and belief, AstraZeneca UK, directly or through its sister corporation, AstraZeneca LP, places goods into the stream of commerce for distribution and sale throughout the United States, including this judicial district.

8. Upon information and belief, Defendant IPR Pharmaceuticals, Inc. (“IPR”) is a Puerto Rico corporation with its principal place of business at Carr 188 Lot 17, San Isidro Industrial Park, Canovanas, Puerto Rico 00729. Upon information and belief, Defendant IPR manufactures drugs, and directly or indirectly through AstraZeneca LP, markets, distributes, and sells its drugs throughout the United States, including Pennsylvania. Upon information and belief, IPR, directly or through its sister corporation, AstraZeneca LP, places goods into the stream of commerce for distribution and sale throughout the United States, including this judicial district.

9. Upon information and belief, Defendants AstraZeneca LP, AstraZeneca UK and IPR are sister corporations, and AstraZeneca PLC is the parent of these corporations.

10. Upon information and belief, AstraZeneca has developed a complete infrastructure in terms of marketing, sales, administration, finance and distribution in the United States and Pennsylvania. That infrastructure includes a business center at 690 Lee Road, Suite 100, Wayne, Pennsylvania 19087. That infrastructure further includes Defendant IPR, which manufactures drugs that AstraZeneca sells and offers to sell, in the United States and specifically in this judicial district.

FACTUAL BACKGROUND

11. Teva is the lawful owner of all right, title and interest in and to United States Patent No. RE39,502 (“the ‘502 patent”), entitled “Stable Pharmaceutical Compositions Containing 7-Substituted-3,5-Dihydroxyheptanoic Acids or 7-Substituted-3,5-Dihydroxyheptenoic Acids,” which was duly and legally reissued by the United States Patent and Trademark Office on March 6, 2007. Teva holds all substantial rights in the ‘502 patent and has the right to sue for infringement thereof. A true and correct copy of the ‘502 patent is attached hereto as Exhibit A.

12. The ‘502 patent claims stabilized pharmaceutical compositions comprising statins for the treatment of dyslipidemia. That patent further discloses stabilized pharmaceutical compositions comprising statins formulated with certain excipients that prevent degradation of the statins over time.

13. Upon information and belief, Defendant IPR is the holder of approved New Drug Application (“NDA”) No. 21-366 for CRESTOR[®] Tablets, in 5 mg, 10 mg, 20 mg, and 40 mg dosage forms. Upon information and belief, Defendant AstraZeneca LP is IPR’s authorized agent for matters related to NDA No. 21-366.

14. CRESTOR[®] is a prescription medication belonging to a group of drugs called statins that are used to treat dyslipidemia.

15. Upon information and belief, Defendant IPR manufactures CRESTOR[®]. Upon information and belief, Defendant AstraZeneca LP is the agent, affiliate, representative, and/or acts in concert with IPR, for the purposes of marketing, distributing, offering for sale and selling CRESTOR[®] within the United States, including Pennsylvania.

16. The Defendants' CRESTOR[®] products as currently formulated infringe, either literally or by equivalents, one or more claims of the '502 patent, or will contribute to or induce such infringement, in violation of 35 U.S.C. § 271.

COUNT I

Infringement of U.S. Patent No. RE39,502

17. Teva repeats and realleges Paragraphs 1 through 16 of the Complaint as if fully set forth herein.

18. The manufacture, use, sale, and/or offer for sale in the United States, or importation into the United States, by Defendants of its CRESTOR[®] products pursuant to NDA No. 21-366 infringes, either literally or by equivalents, one or more claims of the '502 patent, or will contribute to or induce such infringement, in violation of 35 U.S.C. § 271.

19. Defendants' infringement has been willful and deliberate and in disregard of Teva's lawful rights under the '502 patent, thus rendering this case exceptional, as that term is set forth in 35 U.S.C. § 285.

20. Teva is entitled to recover damages against the Defendants in an amount to be determined at trial, but in no event less than a reasonable royalty.

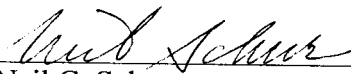
PRAYER FOR RELIEF

WHEREFORE, Teva respectfully requests a judgment from the Court:

- A. Declaring that the claims of the '502 patent are valid and enforceable;
- B. Declaring that Defendants infringe, either literally or by equivalents, one or more claims of the '502 patent, or contribute to or induce such infringement, in violation of 35 U.S.C. § 271;

- C. Declaring that Defendants' infringement is willful and deliberate and that this is an exceptional case under 35 U.S.C. §§ 271(e)(4) and 285 and awarding Teva treble damages and attorneys' fees;
- D. Awarding Teva damages adequate to compensate for Defendants' infringement, but in no event less than a reasonable royalty;
- E. Awarding Teva its attorneys' fees, costs, and expenses; and
- F. Awarding Teva such other relief that the Court deems proper, just and equitable.

Respectfully submitted,



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