**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF FLORIDA**

APOTEX, INC., *et al.*,

Plaintiffs,

vs. Case No. 12-60704–CIV–SEITZ/SIMONTON

MYLAN PHARMACEUTICALS, INC.,

Defendant.
_____/

APOTEX, INC., *et al.*,

Plaintiffs,

vs. Case No. 12-60705–CIV–SEITZ/SIMONTON

PFIZER, INC., et al.,

Defendants.
_____/

APOTEX, INC., *et al.*,

Plaintiffs,

vs. Case No. 12-60708–CIV–SEITZ/SIMONTON

LUPIN PHARMACEUTICALS, INC., et al.,

Defendants.
_____/

**PLAINTIFFS' ANSWER TO COUNTERCLAIMS OF**
**DEFENDANTS LUPIN PHARMACEUTICALS, INC. AND LUPIN LTD.**

Plaintiffs, Apotex Inc. and Apotex Corp. (collectively, "Apotex"), by and through their counsel, answer the Counterclaims of Defendants Lupin Pharmaceuticals, Inc. and Lupin Ltd. (collectively "Lupin") as follows, using the paragraph numbers of Lupin's counterclaims:

24. Paragraph 24 contains a general averment of Lupin's counterclaim, to which no response is required. To the extent a response is required, Apotex denies the allegations in Paragraph 24.

**THE PARTIES**

25. Upon information and belief, Apotex admits that Lupin Pharmaceuticals, Inc. has a place of business in Baltimore, Maryland. Apotex is without knowledge and information sufficient to form a belief as to the truth of the rest of the allegations in Paragraph 25 and therefore deny the same.

26. Apotex admits the allegations in Paragraph 26.

27. Apotex admits the allegations in Paragraph 27.

**JURISDICTION AND VENUE**

28. Paragraph 28 contains legal conclusions to which no response is required. To the extent a response is required, Apotex admits they brought an action against Lupin Pharmaceuticals Inc. and Lupin Ltd. for infringing the method claims of the '486 patent as set forth in its Complaint. Apotex denies the remaining allegations in Paragraph 28.

29. Paragraph 29 contains legal conclusions to which no response is required. To the extent a response is required, Apotex admits that this Court has jurisdiction over the subject matter of the counterclaims against Apotex pursuant to 28 U.S.C. §§ 1331 and 1338(a). Apotex denies the remaining allegations in Paragraph 29.

30. Paragraph 30 contains legal conclusions to which no response is required. To the extent a response is required, Apotex admits that they filed a Complaint (D.E. 1) in this Court. Apotex consents to personal jurisdiction over Apotex Inc. and Apotex Corp. for the limited purposes of this action only. Apotex denies the remaining allegations of Paragraph 30.

31. Paragraph 31 contains legal conclusions to which no response is required. To the extent a response is required, Apotex admits that they filed the present action against Lupin Pharmaceuticals, Inc. in this judicial district and that Lupin asserts that venue is proper in this

District by Apotex's choice of forum and pursuant to 28 U.S.C. § 1391(b) and (c). Apotex admits that venue is proper for the limited purposes of this action only.

**COUNT I**
**(Declaration of Invalidity of the '486 Patent)**

32. Apotex repeats and realleges their answers to paragraphs 24-31 of Lupin's Counterclaims as if fully set forth herein.

33. Paragraph 33 contains legal conclusions to which no response is needed. To the extent a response is required, Apotex denies the allegations in Paragraph 33.

34. Paragraph 34 contains legal conclusions to which no response is needed.

**COUNT II**
**(Declaration of Noninfringement of the '486 Patent)**

35. Apotex repeats and realleges their answers to paragraphs 24-31 of Lupin's Counterclaims as if fully set forth herein.

36. Paragraph 36 contains legal conclusions to which no response is needed. To the extent a response is required, Apotex denies the allegations in Paragraph 36.

37. Paragraph 37 contains legal conclusions to which no response is needed.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against each Defendant and grant the following relief:

a. Denying all relief requested by Lupin;

b. A judgment and decree that each Defendant has infringed one or more of the method claims of the '486 patent in violation of 35 U.S.C. § 271;

c. A preliminary and permanent injunction, pursuant to 35 U.S.C. § 283, enjoining each Defendant and their officers, agents, employees and all others in concert or participation with them from acts of infringement of the '486 Patent;

d. An Order, pursuant to 35 U.S.C. § 284, awarding Plaintiffs damages adequate to compensate for Defendants' infringement of the '486 Patent, in an amount to be determined at trial, but in no event less than a reasonable royalty; and

e. Awarding any such costs and further relief that the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Apotex demands a trial by jury.

Dated: July 23, 2012

Respectfully submitted,

/s/ Matthew S. Nelles

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23rd day of July 2012, I electronically filed the foregoing Answer to Lupin's Counterclaims with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record on the following service list below via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Matthew S. Nelles
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