UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-60704–CIV-SEITZ/SIMONTON
(consolidated with 12-CIV-60705 and 12-CIV-60708)

APOTEX, INC., *et al.*,

Plaintiffs,

vs.

MYLAN PHARMACEUTICALS, INC.,

Defendant.
_____/

PLAINTIFFS' ANSWER TO
MYLAN PHARMACEUTICAL INC.'S COUNTERCLAIMS

Plaintiffs, Apotex Inc. and Apotex Corp. (collectively, "Apotex"), answer the Counterclaims of Defendant Mylan Pharmaceuticals Inc. ("MPI") (D.E. 48) filed in response to Apotex's Amended Complaint (D.E. 38),[1] as follows, using the paragraph numbers of MPI's Counterclaims:

THE PARTIES

1. Upon information and belief, Apotex admits the allegations of Paragraph 1.

2. Apotex admits the allegations in Paragraph 2.

3. Apotex admits the allegations in Paragraph 3.

JURISDICTION AND VENUE

4. Paragraph 4 contains legal conclusions to which no response is required. To the extent a response is required, Apotex admits that it sued Defendants/Counterclaim-Plaintiffs in this district and charged MPI with infringement of United States Patent No. 6,531,486 as set

[1] The docket entry citations ("D.E. ___") refer to Case No. 12-60704.

forth in its original and Amended Complaints. Apotex denies the remaining allegations in Paragraph 4.

5. Paragraph 5 contains legal conclusions to which no response is required. To the extent a response is required, Apotex admits that MPI alleges that it brings counterclaims pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202 and that their counterclaims arise under 35 U.S.C. §§ 1, et seq. 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 5.

6. Paragraph 6 contains legal conclusions to which no response is required. To the extent a response is required, Apotex admits that it sued Defendants/Counterclaim-Plaintiffs in this district and charged MPI with infringement of United States Patent No. 6,531,486 as set forth in its original and Amended Complaints. 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 6.

7. Paragraph 7 contains legal conclusions to which no response is required. To the extent a response is required, Apotex admits that MPI asserts that venue is proper in this District under 28 U.S.C. § 1391 and 1400(b). Apotex admits that venue is proper for the limited purposes of this action only.

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

8. Apotex repeats and realleges their Answers to paragraphs 1-7 of MPI's Counterclaims as if fully set forth herein.

9. Paragraph 9 contains legal conclusions to which no response is required. To the extent a response is required, Apotex denies the allegations in Paragraph 9.

10. Paragraph 10 contains legal conclusions to which no response is required. To the extent a response is required, Apotex denies the allegations in Paragraph 10.

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

11. Apotex repeats and realleges their Answers to paragraphs 1-10 of MPI's Counterclaims as if fully set forth herein.

12. Paragraph 12 contains legal conclusions to which no response is required. To the extent a response is required, Apotex denies the allegations in Paragraph 12.

13. Paragraph 13 contains legal conclusions to which no response is required. To the extent a response is required, Apotex denies the allegations in Paragraph 13.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, Apotex Inc. and Apotex Corp., respectfully request that this Court enter judgment in their favor and against Defendant MPI and grant the following relief:

a. Denying all relief requested by MPI;

b. A judgment and decree that MPI 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 MPI 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 MPI's 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: November 6, 2012

Respectfully submitted,

/s/ Matthew S. Nelles
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of November 2012 I electronically filed the foregoing Answer to 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 identified on the 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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