



**First Count**

6. Plaintiffs repeat and incorporate by reference their responses to Paragraphs 1 through 5 as if fully set forth herein.

7. Upon information and belief, Plaintiffs admit that Mylan filed ANDA No. 200477 with the FDA and amended that ANDA on February 24, 2011. Plaintiffs deny the remaining allegations in Paragraph 7 and aver that Mylan's ANDA No. 200477 filing and February 24, 2011 amendment speak for themselves and are the best evidence of their contents.

8. Plaintiffs admit that the Court has subject matter jurisdiction over Plaintiffs' claims and that there is a substantial and continuing controversy between Plaintiffs and Mylan as to Plaintiffs' assertion of infringement of the '634 patent. Plaintiffs deny any remaining allegations in Paragraph 8.

9. Denied.

10. Denied.

**Second Count**

11. Plaintiffs repeat and incorporate by reference their responses to Paragraphs 1 through 5 as if fully set forth herein.

12. Upon information and belief, Plaintiffs admit that Mylan filed ANDA No. 200477 with the FDA and amended that ANDA on February 24, 2011. Plaintiffs deny the remaining allegations in Paragraph 12 and aver that Mylan's ANDA No. 200477 filing and February 24, 2011 amendment speak for themselves and are the best evidence of their contents.

13. Plaintiffs admit that the Court has subject matter jurisdiction over Plaintiffs' claims and that there is a substantial and continuing controversy between Plaintiffs and Mylan as to the '634 patent's validity. Plaintiffs deny any remaining allegations in Paragraph 13.

14. Denied.

**Prayer for Relief**

Plaintiffs deny that Mylan is entitled to any of the relief requested in its Answer, Separate Defenses and Counterclaims.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against Mylan as follows:

- (a) Dismiss Mylan's counterclaims with prejudice;
- (b) Deny Mylan's request for a declaration that the manufacture, use, sale, offer for sale, marketing, or importation of Mylan's risedronate sodium tablets, 150 mg, would not infringe the '634 patent;
- (c) Deny Mylan's request for a declaration that the '634 patent and all its claims are invalid;
- (d) Deny Mylan's request for an injunction preventing Plaintiffs from asserting or attempting to enforce the '634 patent against Mylan, its customers, suppliers, or anyone in privity with Mylan;
- (e) Deny Mylan's request for an award of attorneys' fees or costs to Mylan;
- (f) Grant Plaintiffs the relief requested in their Complaint;
- (g) Award Plaintiffs their reasonable attorneys' fees, costs, and expenses incurred in defending against Mylan's Counterclaims; and
- (h) Award Plaintiffs such other relief as the Court deems just and proper.

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Dated: May 19, 2011

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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I hereby certify that on May 19, 2011, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing(s) and have sent by Electronic Mail to the following:

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