

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ENDO PHARMACEUTICALS INC. and)
MALLINCKRODT LLC,)
)
Plaintiffs,)
)
v.) C.A. No. 14-1389 (RGA)
)
TEVA PHARMACEUTICALS USA, INC.)
and BARR LABORATORIES, INC.,)
)
Defendants.)

FINAL JUDGMENT

Pursuant to Rule 58 of the Federal Rules of Civil Procedure, and for the reasons stated in the Court’s October 7, 2016 Trial Opinion (D.I. 192) and the Stipulation and Order Regarding U.S. Patent 8,871,779 (“the ’779 patent”) (D.I. 118), the Court enters judgment as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Final judgment is entered in favor of Plaintiffs Endo Pharmaceuticals Inc. and Mallinckrodt LLC (“Plaintiffs”) and against Defendants Teva Pharmaceuticals USA, Inc. (“Teva”) and Barr Laboratories, Inc. (collectively, “Defendants”) that claims 1-6 of the ’779 patent are not invalid.

2. Final judgment is entered in favor of Plaintiffs and against Defendants that the filing of Teva’s ANDA No. 20-4324 constitutes infringement of claims 1-6 of the ’779 patent under 35 U.S.C. § 271(e)(2)(A).

3. Defendants’ counterclaims of non-infringement and invalidity of the ’779 patent (Counterclaims III and IV of the Answer (D.I. 14)) are dismissed with prejudice.

4. The partial judgment entered by the Court on February 9, 2016, relating to the ’737 patent (D.I. 109) is hereby rendered final, and final judgment is entered in favor of

Defendants and against Endo that (1) the claims of the '737 patent are invalid under 35 U.S.C. § 101; and (2) Endo's claims against Defendants for infringement of the '737 patent (Counts I and II of the Complaint) are dismissed.

5. Defendants' counterclaim regarding non-infringement of the '737 patent (Counterclaim II of the Answer (D.I. 14)) is dismissed without prejudice as moot.

6. Pursuant to 35 U.S.C. § 271(e)(4)(A), the effective date of any final approval by the United States Food and Drug Administration of Teva's ANDA No. 20-4324 under § 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355(j)) shall be a date not earlier than the date of expiration of the '779 patent, including any applicable periods of regulatory exclusivity.

7. Pursuant to 35 U.S.C. § 271(e)(4)(B), Defendants and their officers, affiliates, subsidiaries, agents, employees, and attorneys, and those acting in privity or concert therewith are hereby enjoined prior to the expiration of the '779 patent from the commercial manufacture, use, marketing, sale, offer for sale within the United States or importation into the United States of Defendants' proposed oxymorphone hydrochloride extended release products that are the subject of ANDA No. 20-4324.

8. For purposes of this case only, the parties have stipulated that the Court need not provide findings pursuant to the injunction factors identified in *eBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 338 (2006).

9. The deadline for filing any motion/petition for attorney fees and costs, together with any bill of costs, including any motion that this case is exceptional under 35 U.S.C. § 285, is hereby stayed until 30 days after: (a) the issuance of any mandate from any appeal

taken in this matter; or (b) the date after which the deadline for filing a notice of appeal in this matter has expired, whichever is later.

Dated this 30 day of November, 2016



Hon. Richard G. Andrews
United States District Judge