

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ENZO LIFE SCIENCES, INC.,

PLAINTIFF,

V.

GEN-PROBE, INC.,

DEFENDANT.

CIVIL ACTION NO. 12-104-LPS

ENZO LIFE SCIENCES, INC.,

PLAINTIFF,

V.

HOLOGIC, INC.,

DEFENDANT.

CIVIL ACTION NO. 12-276-LPS

~~PROPOSED~~ FINAL JUDGMENT

WHEREAS on June 28, 2017, the Court entered an Order and Opinion: (1) granting the Defendants' motion for summary judgment of invalidity of U.S. Patent No. 6,992,180 (the "'180 Patent") for nonenablement; and (2) denying Defendants' motion for summary judgment of invalidity of the '180 Patent for failure to comply with the written description requirement. (C.A. No. 12-104 D.I. 284, 285; C.A. No. 12-276 D.I. 257, 258.)

WHEREAS other than the summary judgment motions resolved by the Court's June 28, 2017 Order, the following additional motions for summary judgment and *Daubert* motion are pending in the above-captioned cases: (1) Enzo's motion for summary judgment of infringement of claims 25 and 83 of the '180 Patent (C.A. No. 12-104 D.I. 218; C.A. No. 12-276 D.I. 202); (2) Enzo's motions for summary judgment of no patent misuse and equitable estoppel (C.A. No. 12-104 D.I. 218; C.A. No. 12-276 D.I. 202); (3) Hologic's and Gen-Probe's motion to exclude opinions of Enzo's experts related to damages (C.A. No. 12-104 D.I. 230; C.A. No. 12-276 D.I. 211); and (4) Gen-Probe's motion for no willful infringement of the '180 Patent (C.A. No. 12-104 D.I. 225) (collectively, the "Remaining Motions").

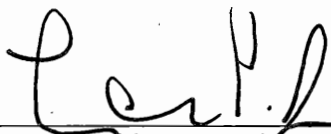
WHEREAS the '180 Patent is the only patent-in-suit.

The Court enters final judgment as follows:

1. Judgment of invalidity of the asserted claims of the '180 Patent on the basis of nonenablement is entered in favor of Defendants and against Plaintiff in light of the Court's June 28, 2017 Order and Opinion (C.A. No. 12-104 D.I. 284, 285; C.A. No. 12-276 D.I. 257, 258);
2. The Remaining Motions are denied without prejudice as moot; and
3. All of the parties' counterclaims and defenses are dismissed without prejudice as moot.

This is a final judgment and may be appealed if a notice of appeal is filed within 30 days of the date on which this judgment was ordered.

SO ORDERED this 19th day of July, 2017.



The Honorable Leonard P. Stark
Chief United States District Judge

Dated: July 18, 2017

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Respectfully submitted,

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