IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

OREXIGEN THERAPEUTICS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 15-451 (RGA)
	)	
ACTAVIS LABORATORIES FL, INC.,	)	
	)	
Defendant.	)	

[PROPOSED] FINAL JUDGMENT

For the reasons stated in the Court's October 13, 2017 Trial Opinion (D.I. 184), the Court enters judgment as follows:

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that:

1. Final judgment is entered in favor of Plaintiff Orexigen Therapeutics, Inc. ("Orexigen") and against Defendant Actavis Laboratories FL, Inc. ("Actavis") that claim 1 of U.S. Patent No. 7,375,111 (the "'111 patent") is not invalid.

2. Final judgment is entered in favor of Orexigen and against Actavis that the filing of ANDA No. 208043 constitutes infringement of claim 1 of the '111 patent under 35 U.S.C. § 271(e)(2)(A).

3. Final judgment is entered in favor of Orexigen and against Actavis that the commercial manufacture, sale, and offer for sale of the Naltrexone Hydrochloride and Bupropion Hydrochloride Extended-release Tablets that are the subject of ANDA No. 208043 would constitute infringement of claim 1 of the '111 patent under 35 U.S.C. § 271(a).

4. Final judgment is entered in favor of Orexigen and against Actavis that claims 26 and 31 of U.S. Patent No. 7,462,626 (the "'626 patent") are not invalid.

5. Final judgment is entered in favor of Orexigen and against Actavis that the filing of ANDA No. 208043 constitutes infringement of claims 26 and 31 of the '626 patent under 35 U.S.C. § 271(e)(2)(A).

6. Final judgment is entered in favor of Orexigen and against Actavis that the use of the Naltrexone Hydrochloride and Bupropion Hydrochloride Extended-release Tablets that are the subject of ANDA No. 208043 would constitute infringement of claims 26 and 31 of the '626 patent under 35 U.S.C. § 271(b).

7. Final judgment is entered in favor of Orexigen and against Actavis that claim 11 of U.S. Patent No. 8,916,195 (the "'195 patent") is not invalid.

8. Final judgment is entered in favor of Orexigen and against Actavis that the filing of ANDA No. 208043 constitutes infringement of claim 11 of the '195 patent under 35 U.S.C. § 271(e)(2)(A).

9. Final judgment is entered in favor of Orexigen and against Actavis that the use of the Naltrexone Hydrochloride and Bupropion Hydrochloride Extended-release Tablets that are the subject of ANDA No. 208043 would constitute infringement of claim 11 of the '195 patent under 35 U.S.C. § 271(b).

10. 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 ANDA No. 208043 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 latest of the dates of expiration of the '111, '626, and '195 patents, including any applicable periods of regulatory exclusivity.

11. Pursuant to 35 U.S.C. § 271(e)(4)(B) and 283, Actavis and its officers, agents, servants, employees, affiliates, and attorneys and those in active concert or participation

therewith, are hereby enjoined prior to the date of expiration of the '111 patent, including any applicable periods of regulatory exclusivity, from the commercial manufacture, use, sale, offer for sale within the United States or importation into the United States of the Naltrexone Hydrochloride and Bupropion Hydrochloride Extended-release Tablets that are the subject of ANDA No. 208043. This permanent injunction is effective as of the date of the Court's October 13, 2017 Trial Opinion (D.I. 184).

12. Pursuant to 35 U.S.C. § 271(e)(4)(B) and 283, Actavis and its officers, agents, servants, employees, affiliates, and attorneys and those in active concert or participation therewith, are hereby enjoined prior to the latest of the dates of expiration of the '626 and '195 patents, including any applicable periods of regulatory exclusivity, from selling or offering for sale within the United States the Naltrexone Hydrochloride and Bupropion Hydrochloride Extended-release Tablets that are the subject of ANDA No. 208043. This permanent injunction is effective as of the date of the Court's October 13, 2017 Trial Opinion (D.I. 184).

13. The deadline for filing any motion or petition for attorney fees and costs, or 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.

SO ORDERED this 16 day of October, 2017.

Richard G. Andrews
United States District Judge

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