

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

HORIZON PHARMA IRELAND LIMITED,
HZNP LIMITED and HORIZON PHARMA USA,
INC.,

Plaintiffs,

v.

ACTAVIS LABORATORIES UT, INC.,

Defendant.

Civil Action No. 1:14-cv-07992; 1:15-
cv-07742; 1:16-cv-00645-NLH-AMD

FINAL JUDGMENT

This matter having been tried before this Court from March 21, 2017 through March 30, 2017, the Court having heard testimony on behalf of Plaintiffs Horizon Pharma Ireland Limited, HZNP Limited and Horizon Pharma USA, Inc. (“Plaintiffs”), and Defendant Actavis Laboratories UT, Inc. (“Defendant”), the Court having considered the written post-trial submissions of the parties, and the Court having issued its Opinion on May 12, 2017 (Dkt. 371);

The Court having held *Markman* hearings on March 3, 2016 and June 7, 2016, the Court having considered the written submissions of the parties, and the Court having issued Opinions and Orders on August 17, 2016 (Dkts. 188, 189) and January 6, 2017 (Dkt. 234);

The Court having received Defendant’s Motion for Summary Judgment of Non-Infringement of U.S. Patent Nos. 8,217,078, 8,546,450, and 9,132,110 (Dkt. 245), the Court having considered the written submissions of the parties, and the Court having issued an Opinion granting Defendant’s Motion for Summary Judgment on March 16, 2017 (Dkt. 300);

IT IS ORDERED AND ADJUDGED, for the reasons set forth in the Court's Opinion dated May 12, 2017, that Judgment is entered in favor of Plaintiffs and against Defendant on all claims and counterclaims regarding the validity of claim 12 of U.S. Patent No. 9,066,913;

IT IS ORDERED AND ADJUDGED, pursuant to the Stipulation And Order Regarding Infringement (Dkt. 233), that the use, offer for sale, or sale of Actavis' ANDA Product (*i.e.*, the generic version of PENNSAID® 2% that is the subject of Actavis' ANDA No. 207238, submitted under 35 U.S.C. § 271(e)(2)(A)) within the United States or administration of Actavis' ANDA Product for the treatment of the pain of osteoarthritis of the knee(s) according to its prescribing information within the United States would infringe claim 12 of U.S. Patent No. 9,066,913;

IT IS ORDERED AND ADJUDGED, for the reasons set forth in the Court's Opinions dated August 17, 2016 and January 6, 2017 (Dkts. 188, 189, 234), that Judgment is entered in favor of Defendant and against Plaintiffs on all claims and counterclaims regarding the invalidity of claims 49-52 and 55-61 of U.S. Patent No. 8,252,838, claims 1-5, 9-19, and 22-24 of U.S. Patent No. 8,563,613, claim 4 of U.S. Patent No. 9,066,913, claims 10-15, 17, 19, 24, and 25 of U.S. Patent No. 9,101,591, claims 2-5 and 8-11 of U.S. Patent No. 9,168,304, claims 2-5 and 9-12 of U.S. Patent No. 9,168,305, and claims 2-5 and 9-12 of U.S. Patent No. 9,220,784;

IT IS ORDERED AND ADJUDGED, for the reasons set forth in the Court's Opinion dated March 16, 2017 (Dkt. 300), that Judgment is entered in favor of Defendant and against Plaintiffs on all claims and counterclaims regarding the noninfringement of claims 10, 11, 15, and 17 of U.S. Patent No. 8,546,450, claim 14 of U.S. Patent No. 8,217,078, and claims 3, 11, and 13 of U.S. Patent No. 9,132,110; and

IT IS ORDERED AND ADJUDGED, that all claims for infringement of any claim of the following patents that is not expressly enumerated above are dismissed with prejudice: U.S. Patent Nos. 8,217,078; 8,252,838; 8,546,450; 8,563,613; 8,618,164; 8,871,809; 9,066,913; 9,101,591; 9,132,110; 9,168,304; 9,168,305; and 9,220,784;

IT IS ORDERED AND ADJUDGED, that all counterclaims for any claim of the following patents that is not expressly enumerated above are dismissed without prejudice: U.S. Patent Nos. 8,217,078; 8,252,838; 8,546,450; 8,563,613; 8,618,164; 8,871,809; 9,066,913; 9,101,591; 9,132,110; 9,168,304; 9,168,305; and 9,220,784;

ORDERED that, 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 (“FDA”) of Defendant’s ANDA No. 207238 shall be a date which is not earlier than the expiration of U.S. Patent No. 9,066,913, or any later expiration or exclusivity to which Plaintiffs are or become entitled; and it is further,

ORDERED that, pursuant to 35 U.S.C. § 271(e)(4)(B), Defendant and its officers, agents and employees, and those acting in privity or in concert with any of them, and their successors and assigns, are enjoined from engaging in the commercial use, offer for sale or sale within the United States, of products that are the subject of Actavis’ ANDA No. 207238 until the expiration of U.S. Patent No. 9,066,913.

Dated this 22nd day of May, 2017



Honorable Noel L. Hillman
United States District Court Judge