

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

PERNIX IRELAND PAIN DAC and
PERNIX THERAPEUTICS,

Plaintiffs,

v.

ALVOGEN MALTA OPERATIONS, LTD.,

Defendant.

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Civil Action No. 16-139-WCB

FINAL JUDGMENT

This action came on for trial before the Court. The issues having been duly tried and a decision having been duly rendered in the form of Findings of Fact and Conclusions of Law entered this day,

It is ORDERED and ADJUDGED

(1) that the nine asserted claims of the patents-in-suit—claims 1–4, 11, 12, 17, and 19 of U.S. Patent No. 9,265,760, and claim 1 of U.S. Patent No. 9,339,499—are declared to be invalid on the ground of obviousness, under 35 U.S.C. § 103;

(2) that the nine asserted claims listed above are declared to be invalid for failure to satisfy the written description requirement of 35 U.S.C. § 112(a);

(3) that the nine asserted claims listed above are declared not to be invalid on the ground of anticipation, under 35 U.S.C. § 102(a);

(4) that the nine asserted claims listed above are declared to be infringed by the defendant under 35 U.S.C. § 271(e)(2);

(5) that although the plaintiffs have proved infringement under 35 U.S.C. § 271(e) as to the defendant with respect to each of the nine asserted claims listed above, the Court's finding that all of the nine asserted claims are invalid requires that the defendant be granted judgment on each of the plaintiffs' claims of patent infringement;

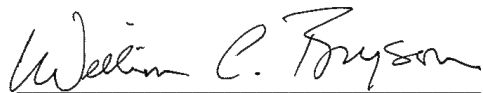
(6) that judgment is granted to the defendant on the defendant's counterclaims for a declaration of invalidity with respect to the nine asserted claims listed above.

Costs are awarded to the defendant and against the plaintiffs in accordance with 28 U.S.C. § 1920.

Any other relief sought by the plaintiffs is denied. Any other relief sought by the defendant is denied.

IT IS SO ORDERED.

SIGNED this 24th day of August, 2018.

A handwritten signature in black ink that reads "William C. Bryson". The signature is written in a cursive style with a horizontal line underneath the name.

WILLIAM C. BRYSON
UNITED STATES CIRCUIT JUDGE