

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IMMUNEX CORP., *et al.*,

v.

SANDOZ INC., *et al.*

Civil Action No.: 16-1118 (CCC)

ORDER

CECCHI, District Judge.

This matter comes before the Court on a patent action brought by Plaintiffs Immunex Corporation (“Immunex”), Amgen Manufacturing, Limited (“Amgen”), and Hoffman-La Roche, Inc. (“Roche”) (collectively, “Plaintiffs”) against Defendants Sandoz Inc., Sandoz International GmbH and Sandoz GmbH (collectively, “Defendants”). It appearing that:

1. Defendants have asserted invalidity of claims in two patents: U.S. Patent No. 8,063,182 (the “’182 Patent”) and U.S. Patent No. 8,163,522 (the “’522 Patent”). Specifically, this action relates to the validity of claims 11-12 and 35-36 of the ’182 Patent, and claims 3, 8, and 10 of the ’522 Patent.
2. Defendants do not contest infringement of claims 11-12 and 35-36 of the ’182 Patent, and claims 3, 8, and 10 of the ’522 Patent in accordance with the September 10, 2018 Stipulation of Infringement based on Defendants’ submission of abbreviated Biologics License Application (“aBLA”) No. 761042 for Defendants’ etanercept biosimilar. ECF No. 619.
3. The Court held a two-week bench trial in this matter that began on September 11, 2018 and concluded on September 25, 2018. The parties submitted post-trial briefing and proposed findings of fact and conclusions of law through November 2018. Closing arguments were held on November 19, 2018.

Accordingly, for the reasons set forth in this Court's accompanying Opinion,

IT IS on this 9th day of August, 2019

ORDERED that no finding of invalidity shall issue as to the '182 patent; and it is further

ORDERED that no finding of invalidity shall issue as to the '522 patent; and it is further

ORDERED that pursuant to the September 10, 2018 Stipulation of Infringement, Defendants infringe claims 11-12 and 35-36 of the '182 Patent, and claims 3, 8, and 10 of the '522 Patent; and it is further

ORDERED that Defendants and Plaintiffs remain bound by the terms of the Amended Consent Preliminary Injunction (ECF No. 509), pending further order of the Court; and it is further

ORDERED that the parties are directed to submit a joint proposed form of judgment consistent with this Order and the accompanying Opinion by August 23rd 2019.

SO ORDERED.



CLAIRE C. CECCHI, U.S.D.J.