

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BAYER HEALTHCARE LLC, )  
 )  
 Plaintiff, )  
 )  
 v. ) C.A. No. 16-1122 (RGA)  
 )  
 BAXALTA INCORPORATED, BAXALTA )  
 US INC., and NEKTAR THERAPEUTICS, )  
 )  
 Defendants. )

**PROPOSED FINAL JUDGMENT**

IT IS ORDERED AND ADJUDGED, that Final Judgment is entered on Count 1 of the Complaint (D.I. 1) for infringement of U.S. Patent No. 9,364,520 (“’520 patent”) for Plaintiff Bayer HealthCare LLC (“Bayer”), and against Defendants Baxalta Inc. and Baxalta US Inc. (“Baxalta”).

IT IS ORDERED AND ADJUDGED, that Final Judgment is entered for Bayer and against Baxalta that claims 1, 2, 3, and 8 of the ’520 Patent are not invalid under 35 U.S.C. § 103 or for lack of enablement under 35 U.S.C. § 112.

IT IS ORDERED AND ADJUDGED that Final Judgment is entered on Counts 2, 3, and 4 of the Complaint concerning induced infringement, contributory infringement, and willful infringement for Defendant Nektar Therapeutics, and against Bayer.

IT IS ORDERED AND ADJUDGED that Final Judgment is entered on Count 4 of the Complaint concerning willful infringement for Baxalta, and against Bayer.

IT IS ORDERED AND ADJUDGED, that Final Judgment is entered for Bayer and against Baxalta as follows:

- (a) Damages in the amount of \$155,190,264.00 for the damages period of June 14, 2016 - November 30, 2018 at a royalty rate of 17.78%;

- (b) Supplemental damages in the amount of \$18,324,562.00 for the damages period of December 1, 2018 through February 8, 2019 at a royalty rate of 17.78%;
- (c) Pre-judgment interest in the amount of \$8,345,466.00 at the prime rate compounded quarterly; and
- (d) Post-judgment interest calculated at the Treasury bill rate of 2.58% compounded annually, for the post-judgment period from February 8, 2019 through the date Baxalta pays Bayer the total sum of \$181,860,292.00 (damages, supplemental damages, and pre-judgment interest for June 14, 2016 - February 8, 2019) owed.

As per D.I. 454, any execution or enforcement of this Final Judgment is hereby STAYED pending completion of all appellate proceedings.

Dated this 10 day of September 2019.

  
UNITED STATES DISTRICT JUDGE