

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Regeneron Pharmaceuticals, Inc.,

Plaintiff/Counterclaim  
Defendant

vs.

Merus B.V.,

Defendant/Counterclaim  
Plaintiff

Civil Action No. 14-CV-1650 (KBF)  
[rel. 14-CV-1651 (KBF)]

ECF CASE

Honorable Katherine B. Forrest

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: NOV 18 2015

~~PROPOSED~~ FINAL JUDGMENT

WHEREAS, Plaintiff/Counterclaim Defendant Regeneron Pharmaceuticals, Inc. (“Regeneron”) and Defendant/Counterclaim Plaintiff Merus B.V. (“Merus”) have previously stipulated to noninfringement and invalidity due to indefiniteness of claims 1-20 of U.S. Patent No. 8,502,018 (“the ’018 Patent”), which was so ordered by the Court (ECF No. 271);

WHEREAS, Merus continued to pursue its Third Amended Counterclaim asserting unenforceability of the ’018 Patent as being procured through inequitable conduct (ECF No. 225);

WHEREAS, the Court issued an August 6, 2015 Memorandum Decision & Order (ECF No. 411) and a November 2, 2015 Opinion & Order (ECF No. 423), finding that Regeneron engaged in inequitable conduct in connection with prosecution of the ’018 Patent;

In light of the foregoing, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. Merus’s Third Amended Counterclaim for a declaration that the ’018 Patent is unenforceable is **GRANTED** and **FINAL JUDGMENT** is hereby **ENTERED** for the reasons set forth in the Court’s Opinion & Order dated November 2, 2015 (ECF No. 423);

2. In accordance with the Joint Stipulation and Order of Invalidity and Non-Infringement dated February 24, 2015 (ECF No. 271), Regeneron's claim for patent infringement (ECF No. 1) is **DENIED** and Merus's counterclaim for declaratory judgment of noninfringement (ECF No. 225) is **GRANTED** and **FINAL JUDGMENT** is hereby **ENTERED**;

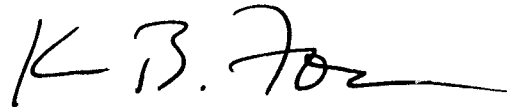
3. In accordance with the Joint Stipulation and Order of Invalidity and Non-Infringement dated February 24, 2015 (ECF No. 271), Merus's counterclaim for declaratory judgment of invalidity (ECF No. 225), due to indefiniteness, is **GRANTED** and **FINAL JUDGMENT** is hereby **ENTERED**; and

4. **IT IS FURTHER ORDERED** that any requests for attorney's fees and/or costs are deferred until after resolution of any appeal of this Final Judgment. To the extent that Regeneron does not appeal this Final Judgment, Merus may make a motion for attorney's fees and/or costs within fourteen (14) days after the expiration of the deadline for Regeneron to file a notice of appeal.

**SO ORDERED**

Dated: New York, New York

November 18, 2015



**KATHERINE B. FORREST**  
United States District Judge