

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

HORIZON PHARMA, INC. and POZEN
INC.,

Plaintiffs,

vs.

LUPIN LTD. and LUPIN
PHARMACEUTICALS INC.,

Defendants.

Civil Action No. 3:11-cv-04275-MLC-DEA

FINAL JUDGMENT

This matter having been tried before this Court on January 12, 13 and 17-20, 2017, with closing arguments on May 17, 2017, the Court having heard testimony on behalf of Plaintiffs Horizon Pharma, Inc. and Pozen Inc. (“Plaintiffs”), and Defendants Dr. Reddy’s Laboratories Inc. and Dr. Reddy’s Laboratories Ltd. (“DRL”), and Defendants Mylan Pharmaceuticals Inc., Mylan Laboratories Limited, and Mylan Inc. (“Mylan”), the Court having considered the written post-trial submissions of the parties, and the Court having issued its Memorandum Opinion on June 26, 2017 (ECF No. 493 in No. 11-cv-02317) and Amended Memorandum Opinion on July 10, 2017 (“Amended Opinion”) (ECF No. 497 in No. 11-cv-02317) finding that claims 5, 15, 52 and 53 of the U.S. Patent No. 6,926,907 (“the ’907 patent”) and claims 1-4 of the U.S. Patent No. 8,557,285 (“the ’285 patent”) are not invalid under 35 U.S.C. §§ 103 and 112;

The Court having received a Stipulation To Stay Of Action Pending Judgment In Related Consolidated Actions for Plaintiffs' cases against Lupin Ltd. and Lupin Pharmaceuticals Inc. ("Lupin," and collectively with DRL and Mylan for the purposes of this Judgment, "Defendants") on January 11, 2017 (ECF No. 455 in No. 11-cv-02317, ECF No. 86 in No. 3:11-cv-04275);

The Court having received a proposed Order to Lift the Stay of Action (filed July 17, 2017 in No. 3:11-cv-04275);

IT IS ORDERED AND ADJUDGED, for the reasons set forth in the Court's Amended Opinion, that final judgment is entered in favor of Plaintiffs and against Defendants on all claims and counterclaims regarding the validity of claims 5, 15, 52, and 53 of the '907 Patent;

IT IS ORDERED AND ADJUDGED, for the reasons set forth in the Court's Amended Opinion, that final judgment is entered in favor of Plaintiffs and against Defendants on all claims and counterclaims regarding the validity of claims 1-4 of the '285 Patent;

IT IS ORDERED AND ADJUDGED, pursuant to the Final Pretrial Order regarding Infringement (ECF No. 421 in No. 11-cv-02317, at 8; *see also* ECF No. 67 in No. 3:11-cv-04275), that the commercial manufacture, use, offer for sale, sale, or importation of Lupin's ANDA Product (*i.e.*, the generic version of VIMOVO that is the subject of Lupin's ANDA No. 202654 submitted under 35 U.S.C. §271(e)(2)(A)) within the United States or administration of Lupin's ANDA Product for the treatment of pain

and inflammation according to its prescribing information within the United States would infringe claims 5, 15, 52, and 53 of the '907 Patent and claims 1-4 of the '285 Patent;

IT IS ORDERED that, pursuant to 35 U.S.C. § 271(e)(4)(A), the effective date of any final approval by the FDA of Lupin's ANDA No. 202654 shall be a date which is not earlier than the expiration of the '907 Patent, including any patent term extensions and/or adjustments;

IT IS 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 Lupin's ANDA No. 202654 shall be a date which is not earlier than the expiration of the '285 Patent, including any patent term extensions and/or adjustments;

IT IS ORDERED that in the event that Defendants appeal from this Final Judgment, any motion for attorney fees or costs under Fed. R. Civ. P. 54(d) and L. Civ. R. 54.1-54.2, including any motion that this case is exceptional under 35 U.S.C. § 285, shall be considered timely if filed and served within fourteen days after final disposition of any such appeal;

IT IS ORDERED that in the event that Defendants do not appeal from this Final Judgment, any motion for attorney fees or costs under Fed. R. Civ. P. 54(d) and L. Civ. R. 54.1-54.2, including any motion that this case is exceptional under 35 U.S.C. § 285, shall be considered timely if filed and served within fourteen days after the expiration of the time for filing a notice of appeal under Fed. R. App. P. 3 and 4;

IT IS ORDERED that all pending motions and other outstanding requests for relief not specifically addressed herein are **DENIED**; and

IT IS ORDERED that the Clerk of the Court designate Civil Action No. 3:11-cv-04275-MLC-DEA as **CLOSED**.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

Dated: July 21, 2017