

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HOSPIRA, INC.)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:15-cv-00697-RGA
)	
AMNEAL PHARMACEUTICALS LLC,)	
)	
Defendant.)	

~~JOINT PROPOSED~~ JUDGMENT

This action came before the Court upon the Complaint of Plaintiff Hospira, Inc. (“Hospira”) against Defendant Amneal Pharmaceuticals LLC (“Amneal”) for alleged infringement of U.S. Patent Nos. 8,242,158 (“the ‘158 patent”); 8,338,470 (“the ‘470 patent”); 8,455,527 (“the ‘527 patent”); and 8,648,106 (“the ‘106 patent”), related to Amneal’s submission of Abbreviated New Drug Application (“ANDA”) No. 207551 seeking approval to market dexmedetomidine hydrochloride products prior to the expiry of the patents-in-suit.

The Court held a bench trial from August 21 – 24, 2017. Following trial, the parties submitted post-trial briefing. D.I. 100, 101, 105, 106, 108, and 109. On January 22, 2018, the Court issued a post-trial memorandum opinion. D.I. 119.

In accordance with the Court’s memorandum opinion, IT IS ORDERED AND ADJUDGED:

That judgment be and is hereby entered in favor of Amneal that claims 3 and 4 of the ‘158 patent, claim 4 of the ‘470 patent, and claim 5 of the ‘527 patent are invalid;

That judgment be and is hereby entered in favor of Hospira that Amneal would infringe claims 3 and 4 of the '158 patent, claim 4 of the '470 patent, and claim 5 of the '527 patent, if those claims were not invalid;

That judgment be and is hereby entered in favor of Hospira that Amneal has failed to prove by clear and convincing evidence that claim 6 of the '106 patent is invalid;

That judgment be and is hereby entered in favor of Hospira that Amneal infringes claim 6 of the '106 patent;

That, pursuant to 35 U.S.C. § 271(e)(4)(A), the effective date of any approval by the U.S. Food and Drug Administration ("FDA") of Amneal's ANDA No. 207551 shall be not earlier than the expiration of the '106 patent on July 4, 2032, as extended by pediatric exclusivity; and

That, pursuant to 35 U.S.C. §§ 271(e)(4)(B), Amneal and each of its officers, agents, or other entities in active concert with Amneal are permanently enjoined until the expiration of the '106 patent, as extended by pediatric exclusivity, on July 4, 2032, from engaging in the commercial manufacture, use, offer to sell, or sale within the United States, or importation into the United States, of the products that are the subject of ANDA No. 207551.

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DATED: February 5, 2018

SO ORDERED this 6 day of Feb, 2018



THE HONORABLE RICHARD G. ANDREWS
UNITED STATES DISTRICT JUDGE