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## I. INTRODUCTION

Hikma respectfully moves for entry of a final and appealable judgment under Federal Rule of Civil Procedure 54(b). The Court has already dismissed all claims against Hikma (D.I. 97, 98), and the only reason the Court’s decision is not immediately appealable is that Amarin’s separate claims against another defendant, Health Net, remain pending. Amarin added the claims against Health Net in its first amended complaint (D.I. 17, Counts IV–VI), and those claims are distinct from the now-dismissed claims against Hikma (*id.*, Counts I–III), which Amarin initially brought in its original complaint against Hikma alone (D.I. 1).

Where, as here, “more than one claim” or “multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay.” Fed. R. Civ. P. 54(b). As shown below, there is “no just reason” to delay entry of final judgment on Amarin’s claims against Hikma, which will allow Hikma to achieve patent certainty that would otherwise be delayed for well over a year by the pending litigation against Health Net.

Under the current case schedule, the trial between Amarin and Health Net will not take place until October 30, 2023. D.I. 50 at 14–15, ¶ 20. Even after a verdict, a final judgment on all claims will not be entered until the Court rules on post-trial motions. In the meantime, while Hikma is confident that the decision granting its motion to dismiss is correct, Hikma bears the uncertainty and risk that this decision could one day be reversed—potentially exposing Hikma to damages claims for ongoing sales of its accused generic drug product. That uncertainty frustrates the policy goals of “prompt resolution” and “patent certainty” in pharmaceutical patent disputes, which benefit litigants and consumers alike. *See, e.g., Teva Pharms. USA, Inc. v. Novartis Pharms. Corp.*, 482 F.3d 1330, 1342 (Fed. Cir. 2007) (discussing legislative history of Hatch-Waxman amendments “to obtain patent certainty”).

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