

(3) that the 13 asserted claims listed above are not invalid on the ground of improper inventorship, under 35 U.S.C. § 102(f) (2006);

(4) that the 13 asserted claims listed above are not invalid on the ground of lack of enablement, under 35 U.S.C. § 112, ¶ 1 (2006);

(5) that although the plaintiffs have proved infringement under 35 U.S.C. § 271(e) as to each of the defendants on each of the 13 asserted claims listed above, the Court's finding that all of the asserted claims are invalid requires that the defendants be granted judgment on each of the plaintiffs' claims of patent infringement and entitlement to a declaratory judgment of patent infringement under 35 U.S.C. §§ 271(a), 271(b), 271(c), and 271(e)(2), with respect to the asserted claims; and

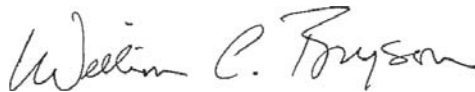
(6) that each of defendant Akorn, Inc.'s counterclaims seeking an award of attorney fees and Teva Pharmaceuticals USA, Inc.'s request for attorney fees under 35 U.S.C. § 285 are denied on the ground that this is not an exceptional case.

Costs are awarded to the defendants and against the plaintiffs in accordance with 28 U.S.C. § 1920.

Any other relief sought by the plaintiffs is denied. Any other relief sought by the defendants is denied.

IT IS SO ORDERED.

SIGNED this 16th day of October, 2017.



WILLIAM C. BRYSON
UNITED STATES CIRCUIT JUDGE