

POZEN INC.,
Plaintiffs,

v.
DR. REDDY'S LABORATORIES,
INC. and DR. REDDY'S LABORA-
TORIES,
Defendants.

16-cv-04918 (MLC) (DEA)
16-cv-09035 (MLC) (DEA)

HORIZON PHARMA, INC., HORI-
ZON PHARMA USA, INC., and
POZEN INC.,

Civil Action Nos. 15-cv-03327 (MLC) (DEA)
16-cv-04921 (MLC) (DEA)

Plaintiffs,

v.
MYLAN PHARMACEUTICALS
INC., MYLAN LABORATORIES
LIMITED, and MYLAN, INC.,
Defendants.

HORIZON PHARMA, INC., HORI-
ZON PHARMA USA, INC., and
POZEN INC.,

Civil Action Nos. 15-cv-03326 (MLC) (DEA)
16-cv-04920 (MLC) (DEA)

Plaintiffs,

v.
LUPIN LTD. and LUPIN PHARMA-
CEUTICALS INC.,
Defendants.

[PROPOSED] FINAL JUDGMENT UNDER RULE 54(b)

LEGAL142315517.2

P. 12(b)(6) and 12(b)(7), to dismiss Counts I and II of Plaintiffs' first amended complaint in Case No. 16-cv-04921, which alleged that Mylan infringed U.S. Patent No. 8,945,621 ("the '621 patent") (ECF No. 25 in No. 16-cv-04921-SRC-CLW), and on August 18, 2017, the Court issued its Opinion ("First Opinion") and Order ("First Order") granting, with prejudice, Mylan's motion to dismiss the claims of infringement under the '621 patent. ECF Nos. 74 (sealed), 75 in No. 16-cv-04921-SRC-CLW.

WHEREAS, on August 10, 2018, Mylan moved, pursuant to Fed. R. Civ. P. 56 and 35 U.S.C. § 112, for an order granting summary judgment and invalidating the claims of U.S. Patent Nos. 9,220,698 ("the '698 patent") and 9,393,208 ("the '208 patent") (ECF No. 118 in No. 15-cv-03324-SRC-CLW), and, on November 19, 2018, the Court issued its Opinion ("Second Opinion") and Order ("Second Order") determining that all claims of Plaintiffs' '698 patent and '208 patent are invalid for indefiniteness pursuant to 35 U.S.C. § 112. ECF Nos. 162, 163 in No. 15-cv-03324-SRC-CLW.

WHEREAS on October 1, 2018, the Court dismissed without prejudice Mylan's counterclaims with respect to the '698 and '208 patents (ECF No. 154 in No. 15-cv-03324-SRC-CLW).

WHEREAS, to facilitate timely appeal of the Court's First and Second Opinions and First and Second Orders, Mylan requests entry of judgment under Rule 54(b) consistent with the First and Second Opinions and First and Second Orders as to Plaintiffs' claims for infringement of the '621, '698, and '208 patents.

WHEREAS, the balance of the equities and interests of judicial administration favor entry of final judgment under Rule 54(b) as requested by Mylan.

WHEREAS, there is no just reason for delaying entry of final judgment under Rule 54(b) as requested by Mylan.

¹ "Mylan" refers to Mylan Pharmaceuticals Inc., Mylan Laboratories Limited, and Mylan Inc. ("Mylan").

² "Plaintiffs" refers to Horizon Pharma, Inc. and Horizon Pharma USA, Inc. ("Horizon"), and Pozen Inc. ("Pozen").

2. For the reasons stated in the Court's Second Opinion, all claims of the '698 and '208 patents are invalid for indefiniteness.

3. For the reasons stated in the Court's First and Second Opinions, FINAL JUDGMENT is hereby entered under Rule 54(b) of the Federal Rules of Civil Procedure in favor of Mylan as to Plaintiffs' claims for infringement of the '621, '698, and '208 patents.

DATED: 11/22/19


Honorable Stanley R. Chesler
United States District Judge