

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)

12(c) and 12(b)(1), to dismiss Counts I and II of Plaintiffs' first amended complaint in Case No. 16-cv-04918, which alleged that DRL ANDA Nos. 202461 and 204206 infringed U.S. Patent No. 8,945,621 ("the '621 patent") (ECF No. 53 in No. 16-cv-04918-SRC-CLW), and on August 18, 2017, the Court issued its Opinion ("First Opinion," ECF Nos. 98 (sealed)) and Order ("First Order," ECF 99 in No. 16-cv-04918-SRC-CLW) granting, with prejudice, DRL's motion to dismiss Plaintiffs' claims of infringement under the '621 patent with respect to DRL ANDA 204206.

WHEREAS, on May 16, 2018 DRL and Plaintiffs entered a Stipulation that applied the Court's First Order and First Opinion to DRL ANDA No. 202461 (ECF No. 106 in 15-3324) ("Stipulation").

WHEREAS, on August 10, 2018, DRL 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, to facilitate timely appeal of the Court's First and Second Opinions and First and Second Orders, DRL 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 DRL.

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

¹ "DRL" refers to Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories LTD.

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 DRL as to Plaintiffs' claims for infringement of the '621, '698, and '208 patents.

DATED: 1/22/19


Honorable Stanley R. Chesler
United States District Judge