IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

ALLERGAN, INC., and THE SAINT	§	
REGIS MOHAWK TRIBE,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	
	§	Case No. 2:15-cv-1455-WCB
TEVA PHARMACEUTICALS USA, INC.,	§	
MYLAN, INC., MYLAN	§	
PHARMACEUTICALS, INC., and	§	
AKORN, INC.,	§	
	§	
Defendants.	§	

FINAL JUDGMENT

This action came on for trial before the Court. The issues having been duly tried and a decision having been duly rendered in the form of Findings of Fact and Conclusions of Law entered this day,

It is ORDERED and ADJUDGED

- (1) that the 13 asserted claims of the patents in suit—claims 26 and 27 of U.S. Patent No. 8,629,111; claims 1, 11, 13, 14, and 23 of U.S. Patent No. 8,648,048; claim 35 of U.S. Patent No. 8,685,930; and claims 13, 16, 22, 26, and 27 of U.S. Patent No. 9,248,191—are declared to be invalid on the ground of obviousness, under 35 U.S.C. § 103 (2006);
- (2) that the 13 asserted claims listed above are not invalid on the ground of anticipation, under 35 U.S.C. § 102(a) (2006);



Case 2:15-cv-01455-WCB Document 543-2 Filed 11/14/17 Page 2 of 2 PageID #: 26475

(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

