

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

NOVO NORDISK INC., AND NOVO NORDISK A/S,
Plaintiffs-Appellants,

v.

**AUROBINDO PHARMA LTD., AND AUROBINDO
PHARMA USA INC.,**
Defendants-Appellees.

2012-1388

Appeal from the United States District Court for the
District of New Jersey in No. 12-CV-1026, Judge Freda L.
Wolfson.

ON MOTION

Before MOORE, LINN and O'MALLEY, *Circuit Judges.*
LINN, *Circuit Judge.*

ORDER

The parties jointly move to summarily affirm in part
and summarily reverse in part the judgment of the United
States District Court for the District of New Jersey (“Dis-
trict of New Jersey”).

Novo Nordisk, Inc. and Novo Nordisk A/S (“Novo Nordisk”), the plaintiffs in this patent infringement action, appeal from a final judgment that the patent claim in suit, claim 4 of U.S. Patent No. 6,677,358 (“the ’358 patent”) was invalid and the patent was unenforceable due to inequitable conduct. The district court entered judgment based on the parties’ stipulation that a decision from the United States District Court for the Eastern District of Michigan (“Eastern District of Michigan”) against Novo Nordisk in a separate action should have collateral estoppel effect on this case.

This court recently decided the matter on appeal from the Eastern District of Michigan in *Novo Nordisk A/S v. Caraco Pharmaceutical Laboratories, Ltd.*, 719 F.3d 1346 (Fed. Cir. 2013) (“*Novo/Caraco*”). There, this court held that claim 4 of the ’358 patent was invalid as obvious, but that the patent was not unenforceable due to inequitable conduct. In light of *Novo/Caraco* and the parties’ stipulations, this court grants the parties’ motion to enter judgment in this case consistent with *Novo/Caraco*.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted to the extent that this court affirms the District of New Jersey’s judgment that claim 4 of the ’358 patent is invalid, and reverses the District of New Jersey’s judgment that the ’358 patent is unenforceable due to inequitable conduct. The case is remanded for appropriate proceedings consistent with this order.

(2) Each side shall bear its own costs.

FOR THE COURT

/s/ Daniel E. O’Toole
Daniel E. O’Toole
Clerk of Court

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ISSUED AS A MANDATE: December 20, 2013