

NOTE: This disposition is nonprecedential.

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

OTSUKA PHARMACEUTICAL CO., LTD.,
Plaintiff-Appellant

v.

**ZYDUS PHARMACEUTICALS USA, INC., CADILA
HEALTHCARE, LIMITED, MYLAN INC., MYLAN
PHARMACEUTICALS INC., TORRENT
PHARMACEUTICALS LIMITED, TORRENT
PHARMA INC., HETERO LABS LIMITED, AJANTA
PHARMA LIMITED, AJANTA PHARMA USA INC.,
AUROBINDO PHARMA LTD., INTAS
PHARMACEUTICALS LIMITED, ACCORD
HEALTHCARE, INC., AUROBINDO PHARMA USA
INC., AUROLIFE PHARMA LLC, LUPIN LIMITED,
LUPIN ATLANTIS HOLDINGS S.A., LUPIN
PHARMACEUTICALS, INC., ALEMBIC
PHARMACEUTICALS LIMITED, AMNEAL
PHARMACEUTICALS, LLC, AMNEAL
PHARMACEUTICALS INDIA PVT. LTD.,**
Defendants-Appellees

2016-1962, 2016-1963, 2016-1964, 2016-1966, 2016-1968,
2016-1970, 2016-1971, 2016-1972, 2016-1973, 2016-1974,
2016-1975, 2016-1978

Appeals from the United States District Court for the
District of New Jersey in Nos. 1:14-cv-03168-JBS-KMW,

1:14-cv-04508-JBS-KMW, 1:14-cv-04671-JBS-KMW, 1:14-cv-05876-JBS-KMW, 1:14-cv-06158-JBS-KMW, 1:14-cv-06890-JBS-KMW, 1:14-cv-07105-JBS-KMW, 1:14-cv-07252-JBS-KMW, 1:14-cv-07405-JBS-KMW, 1:14-cv-08074-JBS-KMW, 1:14-cv-08077-JBS-KMW, 1:15-cv-01585-JBS-KMW, Chief Judge Jerome B. Simandle.

JUDGMENT

PAUL WILLIAM BROWNING, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, Washington, DC, argued for plaintiff-appellant. Also represented by JAMES B. MONROE, CHARLES THOMAS COLLINS-CHASE, ERIC JAY FUES, ANDREA DENISE MAIN; JEFFREY ANDREW FREEMAN, Atlanta, GA.

LAWRENCE M. SUNG, Wiley Rein, LLP, Washington, DC, argued for all defendants-appellees. Defendant-appellees Torrent Pharmaceuticals Limited, Torrent Pharma Inc. also represented by ADITYA NEAL SETH, RACHEL KAPUST HUNNICUTT.

CHAD A. LANDMON, Axinn Veltrop Harkrider, LLP, Hartford, CT, for defendants-appellees Zydus Pharmaceuticals USA, Inc., Cadila Heathcare, Limited. Also represented by DELPHINE W. KNIGHT BROWN, New York, NY.

DEEPRO MUKERJEE, Alston & Bird LLP, New York, NY, for defendants-appellees Mylan Inc., Mylan Pharmaceuticals Inc. Also represented by LANCE SODERSTROM; TRAVIS JAMES IAMS, Charlotte, NC.

MARGARET E. IVES, Choate, Hall & Stewart LLP, Boston, MA, for defendant-appellee Hetero Labs Limited. Also represented by PHOEBE FISCHER-GROBAN.

SAILESH K. PATEL, Schiff Hardin LLP, Chicago, IL, for defendant-appellees Ajanta Pharma Limited, Ajanta Pharma USA Inc. Also represented by HELEN H. JI.

BRIAN WM. HIGGINS, Blank Rome LLP, Washington, DC, for defendants-appellees Aurobindo Pharma Ltd., Aurobindo Pharma USA Inc., Aurolife Pharma LLC. Also represented by GERARD HADDAD, CHRISTOPHER K. HU, New York, NY.

PAUL BRAIER, Greenblum & Bernstein, P.L.C., Reston, VA, for defendants-appellees Intas Pharmaceuticals Limited, Accord Healthcare, Inc. Also represented by PETER BRANKO PEJIC.

DOUGLASS C. HOCHSTETLER, Kelley Drye & Warren, LLP, Chicago, IL, for defendants-appellees Lupin Limited, Lupin Atlantis Holdings S.A., Lupin Pharmaceuticals, Inc. Also represented by CLIFFORD KATZ, New York, NY.

DENNIES VARUGHESE, Sterne Kessler Goldstein & Fox, PLLC, Washington, DC, for defendant-appellee Alembic Pharmaceuticals Limited. Also represented by CHANDRIKA VIRI, JON WRIGHT.

RONALD MARC DAIGNAULT, Polsinelli PC, New York, NY, for defendants-appellees Amneal Pharmaceuticals, LLC, Amneal Pharmaceuticals India Pvt. Ltd. Also represented by KAREN ZELLE MORRIS, St. Louis, MO.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (PROST, *Chief Judge*, CHEN and HUGHES, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

July 20, 2017

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court