UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DURAMED PHARMACEUTICALS, INC., Plaintiff, vs. WATSON LABORATORIES, INC., Defendant.	Case No: 3:08-cv-116-LRH-RAM **FINAL JUDGMENT ORDER**

This matter comes before the Court upon the Complaint of Plaintiff Duramed Pharmaceuticals, Inc. ("Duramed," now known as Teva Women's Health, Inc.) alleging that Defendant Watson Laboratories, Inc. ("Watson") has infringed United States Patent No. 7,320,969 ("the '969 patent") by filing its Abbreviated New Drug Application No. 78-834 ("ANDA") seeking approval from the United States Food & Drug Administration ("FDA") to engage in the commercial manufacture, use and sale of a generic version of Duramed's Seasonique® product. Watson asserted counterclaims that the '969 patent was either not infringed or invalid.

Watson subsequently stipulated (#94) for purposes of this litigation that its filing of ANDA No. 78-834 and the use of products made pursuant to that ANDA would infringe claims 1-9, 15 and 17-19 of the '969 patent to the extent those claims are found valid and enforceable. On March 31, 2010, this Court

granted Duramed's motion for summary judgment (#175) that the '969 patent is not invalid as obvious under 35 U.S.C. § 103 (#214) and entered Judgment accordingly (#215). Watson has raised no other defenses relating to the validity or enforceability of any of claims 1-9, 15 and 17-19 of the '969 patent.

For the reasons set forth in the Court's March 31, 2010 Order, it is,

ORDERED AND ADJUDGED that Judgment be entered in favor of Duramed and against Watson on Duramed's claim for acts of infringement of the '969 patent under 35 U.S.C. § 271; and it is further

ORDERED AND ADJUDGED that Judgment be entered for Duramed and against Watson on all of Watson's counterclaims alleging noninfringement and invalidity of claims of the '969 patent; and it is further

ORDERED that, under 35 U.S.C. § 271(e)(4)(A), the effective date of any approval of Watson's ANDA No. 78-834 be the date of expiration of the '969 patent; the foregoing not preventing the FDA from reviewing, processing and giving tentative, but not final, approval of the ANDA including during the pendency of any appeal; and it is further

ORDERED that, pursuant to 35 U.S.C. § 271(e)(4)(B), Watson and its affiliates, their respective officers, agents, servants, employees and attorneys, and those persons in active concert or participation with them are permanently enjoined from engaging in the manufacture, use, offer to sell, or sale within the United States, or importation into the United States, of any product covered by, or the use of which is covered by, the '969 patent for the term of that patent, except as provided in 35 U.S.C. § 271(e)(1).

IT IS HEREBY SO ORDERED this 26th day of April, 2010.

LARRY R. HICKS
UNITED STATES DISTRICT JUDGE