Takeda Pharmaceu	tical Co., Ltd. et al v. Anchen Pharmaceuticals, Inc.			Doc.	335
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	UNITED STATES NORTHERN DISTR  TAKEDA PHARMACEUTICAL CO., LTD., TAKEDA PHARMACEUTICALS NORTH AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, AND TAKEDA PHARMACEUTICALS AMERICA, INC., Plaintiffs, vs.  TWI PHARMACEUTICALS, INC., Defendant.	Case No. 3:11-6 [PROPOSED] TWI PHARM Judge: Related Cases:	CASE NO. 3:11-cv-160	0	
			Dockets.	Justia.c	om

This action having come before the Court for a bench trial from June 5 to June 12, 2013; the issues having been heard and a decision having been rendered:

IT IS HEREBY ORDERED AND ADJUDGED this 1st day of November, 2013, for the reasons set forth in the Court's Findings of Fact and Conclusions of Law [D.N. 330] dated October 17, 2013, that Judgment shall be entered in favor of Plaintiffs Takeda Pharmaceuticals Co., Ltd., Takeda Pharmaceuticals North America, Inc., Takeda Pharmaceuticals LLC, and Takeda Pharmaceuticals America, Inc. (collectively, "Takeda"), and against Defendant TWi Pharmaceuticals, Inc. ("TWi"), on Takeda's claim that TWi's proposed products described in Abbreviated New Drug Application ("ANDA") No. 202-666 infringe asserted claims 1 and 2 of U.S. Patent No. 7,737,282 ("the '282 Patent") pursuant to 35 U.S.C. § 271(e)(2); and it is further,

**ORDERED AND ADJUDGED** that the asserted claims of the '282 Patent are valid and enforceable, and that Judgment shall be entered in favor of Takeda and against TWi on all counterclaims and defenses alleging noninfringement, invalidity, or unenforceability of the '282 Patent; and it is further,

**ORDERED AND ADJUDGED** that the Court declines to exercise jurisdiction of Takeda's declaratory judgment claim against TWi pursuant to 35 U.S.C. § 271(a); and it is further,

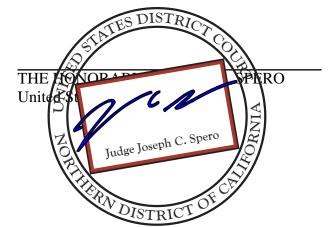
**ORDERED AND ADJUDGED**, pursuant to the Court's Order Re Summary Judgment [D.N. 235] dated April 8, 2013, that Judgment shall be entered in favor of TWi and against Takeda on Takeda's claim that TWi's proposed products described in ANDA No. 202-666 infringe asserted claims 2 and 4 of U.S. Patent No. 7,790,755 ("the '755 Patent"); and it is further,

**ORDERED AND ADJUDGED** that Judgment shall be entered in favor of TWi and against Takeda on TWi's counterclaim alleging noninfringement of asserted claims 2 and 4 of the '755 patent, and that all counterclaims and defenses alleging invalidity and unenforceability of the '755 Patent are moot; and it is further,

**ORDERED** that, pursuant to 35 U.S.C. § 271(e)(4)(A), the effective date of any approval by the United States Food and Drug Administration of TWi's proposed products described in ANDA No. 202-666 shall be a date that is not earlier than the date of expiration of the '282 Patent (currently, June 15, 2020); and it is further,

## ORDERED that, pursuant to Civil L.R. 54 1, costs shall be awarded to Takeda, JCS

3 DATED: 11/01 , 2013



CASE NO. 3:11-cv-1609 JCS

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2	DATED: October 25, 2013	MUNGER, TOLLES & OLSON LLP			
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28		3 CASE NO. 3:11-cv-1609 JCS			
	[PROPOSED] FINAL JUDGMENT AS TO TWI				