

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MOMENTA PHARMACEUTICALS, INC.  
and SANDOZ INC.,

Plaintiffs,

v.

AMPHASTAR PHARMACEUTICALS, INC.,  
and INTERNATIONAL MEDICATION  
SYSTEMS, LTD.,

Defendants.

Civil Action No. 1:11-cv-11681-NMG

**DEFENDANTS’ RENEWED MOTION FOR JUDGMENT AS A  
MATTER OF LAW FOR A VERDICT OF NONINFRINGEMENT**

Pursuant to Rule 50(b) of the Federal Rules of Civil Procedure, Defendants Amphastar Pharmaceuticals, Inc. and International Medication Systems, Ltd. (collectively, “Amphastar”) hereby renew their motion for judgment as a matter of law for a verdict of noninfringement of U.S. Patent No. 7,575,886 (“the ’886 patent”). Specifically, judgement of noninfringement is warranted because Plaintiffs’ infringement theory is erroneous as a matter of law, and Plaintiffs have failed to prove any acts of infringement by Amphastar. In support of this Motion, Amphastar relies on its Memorandum of Law in Support of Defendants’ Renewed Motion for Judgment as a Matter of Law for a Verdict of Noninfringement, filed herewith.

*Motion denied.*  
*AWGorton, USDJ 2/7/18*