Momenta Pharmaceuticals, Inc. et al v. Amphastar Pharmaceuticals, Inc. et al Doc. 1137

UNITED STATES DISTRICT COURT
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

PLAINTIFFS MOMENTA PHARMACEUTICALS, INC. AND SANDOZ INC.'S MOTION FOR A NEW TRIAL ON WRITTEN DESCRIPTION, ENABLEMENT, AND DAMAGES

Pursuant to Fed. R. Civ. P. 59(a), plaintiffs Momenta Pharmaceuticals, Inc. and Sandoz Inc. hereby move for a new trial on the issues of written description, enablement, and damages. As implemented, defendants' presentation of their equitable defense issues together with the issues that required jury determination resulted in unfair prejudice that affected the jury's verdict. A new trial should be granted in order to prevent a miscarriage of justice.

The grounds for this motion are more fully set forth in the accompanying memorandum of law. For the convenience of the Court, plaintiffs are also filing an Appendix attaching the trial exhibits that are cited in the memorandum.

Motion denied. /s/ NMG Gorton, USDJ 2/7/18

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