

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

----- :  
HOFFMANN-LA ROCHE INC., :  
 :  
   Plaintiff, :  
v. :  
APOTEX INC. and APOTEX CORP., :  
 :  
   Defendants. :  
----- :

Civil Action No. 07-4417 (SRC) (MAS)  
Civil Action No. 08-3065 (SRC) (MAS)  
Civil Action No. 08-4053 (SRC) (MAS)  
(consolidated with 07-4417 for all purposes)

**ORDER**

----- :  
HOFFMANN-LA ROCHE INC., :  
 :  
   Plaintiff, :  
v. :  
COBALT PHARMACEUTICALS INC., :  
and COBALT LABORATORIES, INC., :  
 :  
   Defendants. :  
----- :

Civil Action No. 07-4539 (SRC) (MAS)  
Civil Action No. 07-4540 (SRC) (MAS)  
Civil Action No. 08-4054 (SRC) (MAS)  
(consolidated with 07-4539 for all purposes)

**CHESLER, U.S.D.J.**

This matter having come before the Court on two motions for summary judgment, pursuant to Federal Rule of Civil Procedure 56: 1) the motion for summary judgment of no inequitable conduct as to the ‘814 patent by Plaintiff Hoffman-La Roche Inc. (“Roche”), against Defendants Cobalt Pharmaceuticals Inc. and Cobalt Laboratories, Inc. (collectively, “Cobalt”) and Apotex Inc. and Apotex Corp. (collectively, “Apotex”); and 2) the motion for summary judgment, by Apotex, that the 4,927,814 patent is unenforceable based on inequitable conduct; and the Court having considered the parties’ submissions, and for the reasons stated in the accompanying Opinion,

**IT IS** on this 30<sup>th</sup> day of September, 2010

**ORDERED** that Roche's motions for summary judgment (Docket Entry No. 193 in Civil Action No. 07-4417 and Docket Entry No. 247 in Civil Action No. 07-4539) are **DENIED**; and it is further

**ORDERED** that Apotex's motion for summary judgment (Docket Entry No. 190 in Civil Action No. 07-4417) is **DENIED**.

s/ Stanley R. Chesler  
Stanley R. Chesler, U.S.D.J.