

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

_____	:	
APOTEX, INC.,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	No. 2:06-cv-2768
	:	
CEPHALON, INC., <u>et al.</u> ,	:	
Defendants.	:	
_____	:	

ORDER AND JUDGMENT

AND NOW, this 31st day of October, 2011, following a bench trial, and after careful review of the parties’ briefs, for the reasons set out in the Memorandum Opinion filed this day, it is hereby **ORDERED** that:

1. Defendant Cephalon, Inc.’s “Motion for Judgment on Partial Findings” (Doc. No. 449) is **DENIED**;
2. United States Reissue Patent Number RE 37,516 is declared **INVALID** and **UNENFORCEABLE**.
3. Judgment is entered in favor of Plaintiff, Apotex, Inc., as to Counts I and II of the Second Amended Complaint (Doc. 195).

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.