

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HORIZON PHARMA, INC. and POZEN	:	
INC.,	:	Case No. 11-2317 (MLC) (DEA)
	:	Case No. 13-0091 (MLC) (DEA)
Plaintiffs,	:	Case No. 15-3324 (MLC) (DEA)
	:	Case No. 16-4918 (MLC) (DEA)
v.	:	
	:	
DR. REDDY'S LABORATORIES,	:	OR D E R
INC., <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

WHEREAS Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd. ("DRL"), joined by Mylan, Inc.; Mylan Pharmaceuticals Inc.; and Mylan Laboratories Ltd. ("Mylan") has moved for summary judgment that U.S. Patents No. 8,557,285 (the '285 patent); No. 8,852,636; No. 8,858,996; No. 8,865,190; No. 9,161,920; No. 9,198,888; and No. 9,345,695 are invalid under 35 U.S.C. § 112 (the "Summary Judgment Motions")¹; and

WHEREAS the Court held a bench trial from January 12–20, 2017 in Case No. 11-2317 (the "Trial") to determine, *inter alia*, whether the '285 patent is invalid under 35 U.S.C. § 112; and

WHEREAS the Court, acknowledging that the Summary Judgment Motions involved issues closely related to those addressed at trial, stayed briefing on the Summary Judgment Motions pending the outcome of the trial (dkt. 407 at 8–21, 43–48); and

¹ See Case No. 11-2317 (dkt. 400); Case No. 15-3324 (dkt. 33); Case No. 16-4918 (dkt. 15). DRL's motion for summary judgment also lists Case No. 13-0091 in the caption, but it appears that the motion was not filed on that docket. To avoid any confusion, we will deny without prejudice DRL's motion for summary judgment insofar as it is deemed to be pending in Case No. 13-0091.

WHEREAS the Court has issued a Memorandum Opinion in case No. 11-2317 (dkt. 493) addressing the issues raised at Trial, including issues of validity of the '285 patent under 35 U.S.C. § 112; and

WHEREAS the Court acknowledges that some or all of the issues raised in the Summary Judgment Motions may now be moot or otherwise impacted by the Court's Trial ruling; and

WHEREAS the parties may renew their Summary Judgment Motions if necessary;

IT IS on this 27th day of JUNE, 2017, **ORDERED** that:

DRL's Motion for Summary Judgment in Case No. 11-2317 (dkt. 400) is hereby **DENIED WITHOUT PREJUDICE**; and it is further

ORDERED that DRL's Motion for Summary Judgment in Case No. 15-3324 (dkt. 33) is hereby **DENIED WITHOUT PREJUDICE**; and it is further

ORDERED that DRL's Motion for Summary Judgment in Case No. 16-4918 (dkt. 15) is hereby **DENIED WITHOUT PREJUDICE**; and it is further

ORDERED that DRL's Motion for Summary Judgment in Case No. 13-0091 is **DENIED WITHOUT PREJUDICE**.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge