

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

WARNER CHILCOTT COMPANY, LLC and )  
HOFFMANN-LA ROCHE INC., )

Plaintiffs, )

C.A. No.1: 08-cv-0627-LPS

v. )

TEVA PHARMACEUTICALS USA, INC., )

Defendant. )

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WARNER CHILCOTT COMPANY, LLC and )  
HOFFMANN-LA ROCHE INC., )

Plaintiffs, )

C.A. No. 09-143-LPS

(cons. with C.A. No. 08-627-LPS)

v. )

APOTEX, INC. and APOTEX CORP., )

Defendants. )

**ORDER**

At Wilmington, this the 9<sup>th</sup> day of JULY, 2012.

WHEREAS, Apotex Inc. and Apotex Corp. (collectively "Apotex"), defendants in the above captioned matter, have filed *Defendants Apotex Inc. and Apotex Corp.'s Motion For Summary Judgment Of Noninfringement Of U.S. Patent No. 6,165,513* (D.I. 306) together with a brief in support of that motion (D.I. 307), and plaintiffs Warner Chilcott Company LLC and Hoffmann-La Roche Inc. have not opposed that motion, and the Court having considered of the arguments set forth by Apotex in its brief in support of that motion, and being satisfied for substantially the grounds stated in that brief that Apotex is entitled to judgment as a matter of law,

**IT IS ORDERED THAT** summary judgment is granted in favor of Apotex that the product in its Abbreviated New Drug Application 90-877 would not infringe the U.S. Patent No. 6,165,513 and Judgment is hereby entered in favor of Apotex on this declaratory judgment

counterclaim stated in count XVI of *Apotex Inc. 's and Apotex Corp. 's Answer, Defenses, and Counterclaims To First Amended Complaint* (D.I. 44 in C.A. 09-143-LPS).

Delaware counsel are reminded of their obligation to inform out-of-state counsel of this Order. To avoid the imposition of sanctions, counsel should advise the Court immediately of any problems regarding compliance with this Order.

  
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U.S.D.J.

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