

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DR. REDDY’S LABORATORIES, INC., and)	C.A. No. 15-714 RGA_____
DR. REDDY’S LABORATORIES, LTD.,)	
)	
Plaintiffs,)	JUDGMENT
)	
v.)	
)	
FRESENIUS KABI USA, LLC)	
)	
Defendant.)	

**FINAL JUDGMENT IN FAVOR OF DR. REDDY’S LABORATORIES, INC.
AND DR. REDDY’S LABORATORIES, LTD. AS TO U.S. PATENT NO. 8,476,010**

FINDINGS OF FACT

1. DRL submitted Abbreviated New Drug Application (“ANDA”) No. 205067 to the United States Food and Drug Administration (“FDA”) for the purpose of obtaining regulatory approval to engage in the commercial manufacture, use, sale and importation into the United States a propofol injectable emulsion containing 10 mg propofol per 1 ml of emulsion in 20 mL, 50 mL and 100 mL vials (the “DRL ANDA Products”) prior to the expiration of United States Patent No. 8,476,010 (“the ‘010 Patent”).

2. This action for declaratory judgment was brought by Plaintiffs Dr. Reddy’s Laboratories, Inc. and Dr. Reddy’s Laboratories, Ltd. (collectively, “DRL”) on August 18, 2015 against Defendant Fresenius Kabi USA, LLC (“Fresenius”).

3. This Court has subject matter jurisdiction over this declaratory judgment action and has personal jurisdiction over DRL and Fresenius. Venue is proper in this Court as to DRL and Fresenius.

4. Fresenius has consented to the filing of this action for declaratory judgment of noninfringement of the '010 patent.

5. The parties agree that this Court has jurisdiction to enter this Final Judgment.

6. DRL has asserted that the products that are the subject of DRL's ANDA No. 205067 (the DRL ANDA Products) do not infringe the '010 Patent.

7. Fresenius does not contend that the DRL ANDA Products that are the subject of the DRL propofol ANDA No. 205067 literally infringes any claim of the '010 Patent by virtue of DRL's making, having made, importing, marketing and/or selling the DRL ANDA Products.

8. Fresenius does not contend that the DRL ANDA Products that are the subject of the DRL propofol ANDA No. 205067 infringes any claim of the '010 Patent under the doctrine of equivalents by virtue of DRL's making, having made, importing, marketing and/or selling the DRL ANDA Products.

9. The Parties have agreed that a Judgment on the merits is warranted based on DRL's noninfringement of the '010 Patent with respect to the DRL ANDA Products.

10. The '010 Patent is presumed valid and enforceable and DRL has not rebutted that presumption in this Action.

11. The Court finds that DRL's ANDA Products do not literally infringe any claim of the '010 Patent.

12. The Court finds that DRL's ANDA Products do not infringe any claim of the '010 Patent under the doctrine of equivalents.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED

THAT:

1. The Court grants judgment that DRL's commercial manufacture, use, offer for sale, sale or importation of the DRL ANDA Products covered by ANDA No. 205067 will not infringe any of the claims of the '010 patent. Final Judgment of noninfringement is therefore entered in favor of DRL as to DRL's First Claim (Declaratory Judgment of Non-Infringement of the '010 Patent).

2. As a result of the Final Judgment of noninfringement being entered in this action with respect to the '010 Patent, there remains no actual controversy between the parties with respect to the '010 Patent.

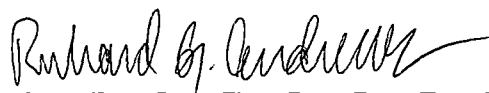
3. All other claims and counterclaims in this action are withdrawn and are dismissed with prejudice.

4. DRL may rely on this Final Judgment, with respect to noninfringement of the '010 Patent, to the extent permitted by law.

5. Each party shall bear its own fees and costs in connection with these actions, including attorney fees.

6. The Clerk of the Court is directed to enter this final judgment forthwith.

IT IS SO ORDERED this 28 day of August, 2015,



THE HONORABLE RICHARD G. ANDREWS
UNITED STATES DISTRICT JUDGE