

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

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|------------------------------------|---|---------------------|
| AVANIR PHARMACEUTICALS, INC., | : | |
| AVANIR HOLDING COMPANY, AND | : | |
| CENTER FOR NEUROLOGIC STUDY, | : | |
| | : | |
| Plaintiffs, | : | |
| | : | |
| v. | : | |
| | : | |
| ACTAVIS SOUTH ATLANTIC LLC, | : | |
| ACTAVIS, INC., PAR PHARMACEUTICAL, | : | C.A. No. 11-704-LPS |
| INC., PAR PHARMACEUTICAL | : | (CONSOLIDATED) |
| COMPANIES, INC., IMPAX | : | |
| LABORATORIES, INC., WOCKHARDT, | : | |
| LTD., WOCKHARDT USA, LLC, WATSON | : | |
| PHARMACEUTICALS, INC., WATSON | : | |
| LABORATORIES, INC., AND WATSON | : | |
| PHARMA, INC., | : | |
| | : | |
| Defendants. | : | |

ORDER AND JUDGMENT

WHEREAS the Court issued an Opinion and Order “finding that Nuedexta® does not meet the ‘therapeutically effective’ limitation of the ‘115 patent” (D.I. 489 at ¶ 6; *see also* D.I. 488 at 31-38);

WHEREAS the Court has reviewed the parties’ filings related to Defendants Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc.’s (collectively, “Par”) pending counterclaim to delist U.S. Patent No. RE38,115 (“the ‘115 patent”) (D.I. 497, 498, 499, 500) and has concluded that Par is entitled to an order requiring Avanir Pharmaceuticals, Inc., Avanir Holding Company, and Center for Neurologic Study (“Plaintiffs”) to delete the patent information in the Orange Book because the listed patent does not claim “the drug for which the application was approved;” and

WHEREAS the Court appreciates that Plaintiffs have tried to delete the '115 patent from the Orange Book and have failed to do so, yet the law entitles Defendants to an order directing Plaintiffs to try to do so (in this case, to try *again* to do so);

IT IS HEREBY ORDERED that Plaintiffs are directed by mandatory injunction under 21 U.S.C. § 355(j)(5)(C)(ii)(I)(aa) to correct within twenty (20) days from the date of this Order and Judgment its improper listing of the '115 patent by submitting to FDA a request enclosing this Order and Injunction to delete the '115 patent from the Orange Book entry for Nuedexta®; and

IT IS FURTHER ORDERED AND ADJUDGED that judgment shall be entered in favor of Par and against Plaintiffs on Par's counterclaim set forth in its Answer and Counterclaims dated September 6, 2011 (C.A. No. 11-705, D.I. 10), seeking an order requiring Avanir to delete the '115 patent from the Orange Book entry for Nuedexta®.

SO ORDERED this 20th day of August, 2014.


UNITED STATES DISTRICT JUDGE