

# APPENDIX

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**APPENDIX A**

**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

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NUVO PHARMACEUTICALS (IRELAND)  
DESIGNATED ACTIVITY COMPANY, HORIZON  
MEDICINES LLC,  
*Plaintiffs-Cross-Appellants*

v.

DR. REDDY'S LABORATORIES INC., DR.  
REDDY'S LABORATORIES, LTD., MYLAN, INC.,  
MYLAN PHARMACEUTICALS INC., MYLAN  
LABORATORIES LIMITED,  
*Defendant-Appellants,*

LUPIN LTD., LUPIN PHARMACEUTICALS, INC.,  
*Defendants-Appellees.*

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2017-2473, 2017-2481, 2017-2484, 2017-2486,  
2017-2489, 2017-2491, 2017-2492, 2017-2493

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Appeals from the United States District Court for  
the District of New Jersey in Nos. 3:11-cv-02317-  
MLC-DEA, 3:13-cv-00091-MLC-DEA, 3:13-cv-04022-  
MLC-DEA, Judge Mary L. Cooper.

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DECIDED: May 15, 2019

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JAMES B. MONROE, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, Washington, DC, argued for plaintiffs-cross-appellants. Plaintiff-cross-appellant Horizon Medicines LLC also represented by CHARLES COLLINS-CHASE.

STEPHEN M. HASH, Baker Botts, LLP, Austin, TX, for plaintiff-cross-appellant Nuvo Pharmaceuticals (Ireland) Designated Activity Company. Also represented by JEFFREY SEAN GRITTON.

ALAN HENRY POLLACK, Windels Marx Lane & Mittendorf LLP, Madison, NJ, argued for all defendants-appellants. Defendants-appellants Dr. Reddy's Laboratories Inc., Dr. Reddy's Laboratories, Ltd. also represented by STUART D. SENDER.

ANDREW DUFRESNE, Perkins Coie LLP, Madison, WI, argued for all defendants-appellants. Defendants-appellants Mylan, Inc., Mylan Pharmaceuticals Inc., Mylan Laboratories Limited also represented by AUTUMN N. NERO; DAN L. BAGATELL, Hanover, NH; SHANNON BLOODWORTH, Washington, DC.

SAILESH K. PATEL, Schiff Hardin LLP, Chicago, IL, for defendants-appellees Lupin Ltd., Lupin Pharmaceuticals, Inc.

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Before PROST, *Chief Judge*, CLEVINGER and  
WALLACH, *Circuit Judges*.

CLEVINGER, Circuit Judge.

Dr. Reddy's Laboratories, Inc., Mylan Pharmaceuticals, and Lupin Pharmaceuticals (collectively, "the Generics") appeal from the final judgment of the United States District Court for the District of New Jersey following a bench trial upholding the asserted claims of U.S. Patent Nos. 6,926,907 ("the '907 patent") and 8,557,285 ("the '285 patent") as nonobvious under 35 U.S.C. § 103, enabled under 35 U.S.C. § 112, and adequately described under § 112. Nuvo Pharmaceuticals, Inc. and Horizon Pharma (collectively, "Nuvo") cross-appeal from the district court's grant of summary judgment of noninfringement to Dr. Reddy's, concluding that one of its drug products will not infringe the claims of the '907 patent. For the reasons set forth below, we reverse the appeal and dismiss the cross- appeal.

## BACKGROUND

### I

Non-steroidal anti-inflammatory drugs, also known as NSAIDs, control pain. Common NSAIDs include, among others, aspirin and naproxen. While NSAIDs control pain, they also have the undesirable side effect of causing gastrointestinal problems such as ulcers, erosions, and other lesions in the stomach and upper small intestine. Some theorize that the

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