

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

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

v.

**DR. REDDY'S LABORATORIES INC., DR. REDDY'S
LABORATORIES, LTD., MYLAN, INC., MYLAN
PHARMACEUTICALS INC., MYLAN
LABORATORIES LIMITED,
*Defendants***

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

2017-2487, 2017-2488

Appeals from the United States District Court for the
District of New Jersey in Nos. 3:11-cv-02317-MLC-DEA,
3:11-cv-04275-MLC-DEA, Judge Mary L. Cooper.

Decided: August 7, 2019

JAMES B. MONROE, Finnegan, Henderson, Farabow,
Garrett & Dunner, LLP, Washington, DC, argued for

plaintiffs-appellees. Plaintiff-appellee Horizon Medicines LLC also represented by CHARLES COLLINS-CHASE.

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

SAILESH K. PATEL, Schiff Hardin LLP, Chicago, IL, for defendants-appellants.

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

PER CURIAM.

Lupin Ltd. (Appeal No. 2017-2487) and Lupin Pharmaceuticals, Inc. (Appeal No. 2017-2488) appeal from the final judgment of the United States District Court for the District of New Jersey. *Horizon Pharma, Inc. v. Lupin Ltd.*, No. 3:11-cv-04275-MCL-DEA (D.N.J. July 21, 2017) (final judgment). That final judgment sustained the validity of U.S. Patent Nos. 6,926,907 ("the '907 patent") and 8,557,285 ("the '285 patent"), and found the appellants infringed those patents.

The appellants assert that the district court erred in sustaining the validity of the '907 and '285 patents, and consequently erred in the judgment of infringement. The appellants are correct. In *Nuvo Pharmaceuticals (Ireland) Designated Activity Company v. Dr. Reddy's Laboratories Inc.*, 923 F.3d 1368 (Fed. Cir. 2019), this court held that the '907 and '285 patents are invalid for failure to satisfy the written description requirement in 35 U.S.C. § 112(a). The patents asserted against the appellants are invalid. The final judgment of the district court against the appellants is reversed.

REVERSED

COSTS

No costs.