

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ALLERGAN, INC.,

Plaintiff,

v.

SANDOZ INC.,

Defendant.

Civil Action No. 2:09-cv-97

ALLERGAN, INC.,

Plaintiff,

v.

**ALCON LABORATORIES, INC., ALCON
RESEARCH, LTD., ALCON, INC. AND
FALCON PHARMACEUTICALS, LTD.,**

Defendants.

Civil Action No. 2:09-cv-348 TJW

ALLERGAN, INC.,

Plaintiff,

v.

APOTEX INC. and APOTEX CORP.,

Defendants.

Civil Action No. 2:10-cv-200 TJW

ALLERGAN, INC.,

Plaintiff,

v.

WATSON LABORATORIES, INC.,

Defendant.

Civil Action No. 2:10-cv-344 TJW

JUDGMENT AND INJUNCTION

This action came on for trial before the Court, Honorable T. John Ward presiding, the issues having been duly tried, and the Court having issued its Findings of Fact and Conclusions of Law;

It is Ordered and Adjudged:

1. that Allergan Inc. (“Allergan”) asserted the following claims against Sandoz, Inc. (“Sandoz”); Alcon Laboratories, Inc., Alcon Research, Ltd., Alcon, Inc., and Falcon Pharmaceuticals, Ltd. (“Alcon”); Apotex, Inc. and Apotex Corp. (“Apotex”); and Watson Laboratories, Inc. (“Watson”) (collectively “Defendants”): claim 4 of the ‘149 Patent, claim 1 of the ‘976 patent, claims 1-6 of the ‘463 Patent, and claims 1-9 of the ‘258 Patent (hereinafter “the asserted claims”);
2. that Defendant Sandoz’s proposed products described in Abbreviated New Drug Application No. 91-087 infringe the asserted claims of the patents-in-suit;
3. that Defendants Alcon Laboratories, Inc.’s, Alcon Research, Ltd.’s, Alcon, Inc.’s, and Falcon Pharmaceuticals, Ltd.’s proposed products described in Abbreviated New Drug Application No. 91-574 infringe the asserted claims of the patents-in-suit;
4. that Defendants Apotex Inc.’s and Apotex Corp.’s proposed products described in Abbreviated New Drug Application Nos. 91-442 infringe the asserted claims of the patents-in-suit;
5. that Defendant Watson’s proposed products described in Abbreviated New Drug Application No. 201949 infringe the asserted claims of the patents-in-suit;
6. that the asserted claims of the patents-in-suit are not invalid and not unenforceable;

7. that the effective date of any approval of Sandoz's Abbreviated New Drug Application No. 91-087 under §505(j) of the Federal Food, Drug & Cosmetic Act (21 U.S.C. §355(j)) for the drug products described therein shall be a date not earlier than the latest of the expiration dates of the '149, '976, '463, and '258 patents, plus any exclusivities afforded under the statute;

8. that the effective date of any approval of Alcon Laboratories, Inc.'s, Alcon Research, Ltd.'s, Alcon, Inc.'s, and Falcon Pharmaceuticals, Ltd.'s Abbreviated New Drug Application No. 91-574 under §505(j) of the Federal Food, Drug & Cosmetic Act (21 U.S.C. §355(j)) for the drug products described therein shall be a date not earlier than the latest of the expiration dates of the '149, '976, '463, and '258 patents, plus any exclusivities afforded under the statute;

9. that the effective date of any approval of Apotex Inc.'s and Apotex Corp.'s Abbreviated New Drug Application No. 91-442 under §505(j) of the Federal Food, Drug & Cosmetic Act (21 U.S.C. §355(j)) for the drug products described therein shall be a date not earlier than the latest of the expiration dates of the '149, '976, '463, and '258 patents, plus any exclusivities afforded under the statute;

10. that the effective date of any approval of Watson's Abbreviated New Drug Application No. 201949 under §505(j) of the Federal Food, Drug & Cosmetic Act (21 U.S.C. §355(j)) for the drug products described therein shall be a date not earlier than the latest of the expiration dates of the '149, '976, '463, and '258 patents, plus any exclusivities afforded under the statute;

11. that Defendant Sandoz, including its officers, agents, servants, employees, attorneys, and other persons who are in active concert or participation with Sandoz who receive

actual notice of this order, are enjoined from making, using, offering to sell, or selling the products described in Sandoz's Abbreviated New Drug Application No. 91-087 within the United States or importing the described products into the United States until after the latest of the expiration dates of the '149, '976, '463, and '258 patents, plus any exclusivities afforded under the statute;

12. that Defendants Alcon Laboratories, Inc., Alcon Research, Ltd., Alcon, Inc., and Falcon Pharmaceuticals, Ltd., including its officers, agents, servants, employees, attorneys, and other persons who are in active concert or participation with Alcon Laboratories, Inc., Alcon Research, Ltd., Alcon, Inc., and Falcon Pharmaceuticals, Ltd. who receive actual notice of this order, are enjoined from making, using, offering to sell, or selling the products described in Alcon Laboratories, Inc.'s, Alcon Research, Ltd.'s, Alcon, Inc.'s, and Falcon Pharmaceuticals, Ltd.'s Abbreviated New Drug Application No. 91-574 within the United States or importing the described products into the United States until after the latest of the expiration dates of the '149, '976, '463, and '258 patents, plus any exclusivities afforded under the statute;

13. that Defendants Apotex Inc. and Apotex Corp., including its officers, agents, servants, employees, attorneys, and other persons who are in active concert or participation with Apotex Inc. and Apotex Corp. who receive actual notice of this order, are enjoined from making, using, offering to sell, or selling the products described in Apotex Inc.'s and Apotex Corp.'s Abbreviated New Drug Application No. 91-442 within the United States or importing the described products into the United States until after the latest of the expiration dates of the '149, '976, '463, and '258 patents, plus any exclusivities afforded under the statute;

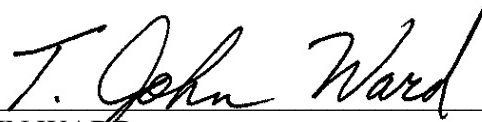
14. that Defendant Watson, including its officers, agents, servants, employees, attorneys, and other persons who are in active concert or participation with Watson who receive

actual notice of this order, are enjoined from making, using, offering to sell, or selling the products described in Watson's Abbreviated New Drug Application No. 201949 within the United States or importing the described products into the United States until after the latest of the expiration dates of the '149, '976, '463, and '258 patents, plus any exclusivities afforded under the statute.

Each side to bear its own attorney's fees and costs.

IT IS SO ORDERED.

SIGNED this 22nd day of August, 2011.

A handwritten signature in black ink that reads "T. John Ward". The signature is written in a cursive style with a horizontal line underneath it.

T. JOHN WARD
UNITED STATES DISTRICT JUDGE