

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IDENIX PHARMACEUTICALS LLC and
UNIVERSITA DEGLI STUDI DI CAGLIARI

Plaintiffs,

v.

GILEAD SCIENCES, INC.,

Defendant.

C.A. No. 14-846-LPS

FINAL JUDGMENT

This action came before the Court for trial beginning December 5, 2016, before a duly impaneled and sworn jury. The jury rendered a verdict on December 15, 2016 in favor of Plaintiffs Idenix Pharmaceuticals LLC and Universita Degli Studi di Cagliari (collectively, “Idenix”). (D.I. 517)

On January 26, 2017, the Court entered a Judgment Following Jury Verdict in Idenix’s favor and against Gilead Sciences, Inc. (“Gilead”) on its claims of infringement, willful infringement, validity, and damages with respect to claims 1, 2, 4-7, 9-10, 16, 19, 23, and 28-31 (the “asserted claims”) of U.S. Patent No. 7,608,597 (“the ’597 patent”). (D.I. 533) The Court likewise entered judgment in Idenix’s favor and against Gilead for damages in the amount of \$2,540,000,000.00 for Gilead’s infringement of the ’597 patent. (*Id.*) The Court also entered judgment dismissing all claims and counterclaims with respect to U.S. Patent No. 6,914,054 (“the ’054 patent”). (*Id.*)

On February 23, 2017, Gilead filed a motion for judgment as a matter of law or, in the

alternative, a new trial on the issues of invalidity, willful infringement, and damages (D.I. 535), and Idenix filed a motion for enhanced damages, attorneys' fees, pre-judgment interest, and an ongoing royalty (D.I. 538). On May 30, 2017, the Court stayed consideration of Idenix's motion for an ongoing royalty, by stipulation of the parties. (D.I. 575)

On September 22, 2017, the Court issued an opinion (D.I. 587) and order (D.I. 588) denying Idenix's motion for enhanced damages and attorneys' fees, and granting Idenix's motion for pre-judgment interest.

On February 16, 2018, the Court issued an opinion (D.I. 591) and order (D.I. 592) that Gilead's "motion for judgment as a matter of law (D.I. 535) is GRANTED IN PART, as U.S. Patent No. 7,608,597 is invalid for lack of enablement, and in all other respects is DENIED" (D.I. 592).

Therefore, pursuant to Federal Rule of Civil Procedure 50, 54, and 58, FINAL JUDGMENT is hereby entered in this matter as follows:

IT IS ORDERED AND ADJUDGED that the judgment in favor of Idenix on its claims related to the '597 patent and on damages, as entered in the January 26, 2017 Judgment Following Jury Verdict, is VACATED as moot.

IT IS ORDERED AND ADJUDGED that final judgment be and hereby is entered in favor of Gilead and against Idenix on Gilead's counterclaim that the asserted claims of the '597 Patent are invalid for lack of enablement.

IT IS ORDERED AND ADJUDGED that claims 1, 2, 4-7, 9-10, 16, 19, 23, and 28-31 of the '597 patent are invalid for lack of enablement.

IT IS ORDERED AND ADJUDGED that Gilead's counterclaim that the unasserted

claims of the '597 patent are invalid is DISMISSED without prejudice.

IT IS ORDERED AND ADJUDGED that the plaintiff, Idenix, take nothing by way of its complaint.

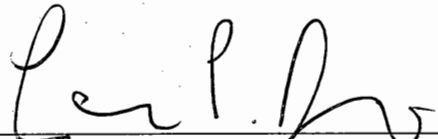
IT IS ORDERED AND ADJUDGED that Idenix's claims against Gilead on the '597 patent are DISMISSED without prejudice, and any further proceedings with respect to these claims, in this case or any future case, will be dependent on all applicable legal principles, including any remand order from the Court of Appeals and collateral estoppel.

IT IS ORDERED AND ADJUDGED that the September 22, 2017 order granting Idenix's motion for pre-judgment interest is VACATED as moot.


IT IS ORDERED AND ADJUDGED that Idenix's February 23, 2017 motion for ongoing damages is DENIED as moot.

IT IS ORDERED AND ADJUDGED that all claims and counterclaims with respect to direct and indirect infringement of the '054 patent are DISMISSED with prejudice in view of Idenix's filing of a mutually acceptable covenant not to sue.

Dated: March 14, 2018



HONORABLE LEONARD P. STARK
UNITED STATES DISTRICT JUDGE



(By) Deputy Clerk

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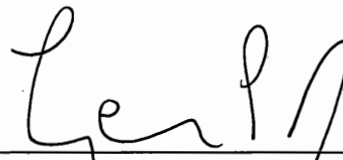
ORDER

At Wilmington, this **16th** day of **February, 2018**:

For the reasons set forth in the Opinion issued this date,

IT IS HEREBY ORDERED that Defendant's motion for judgment as a matter of law (D.I. 535) is **GRANTED IN PART**, as U.S. Patent No. 7,608,597 is invalid for lack of enablement, and in all other respects is **DENIED**.

IT IS FURTHER ORDERED that the parties shall meet and confer and, no later than February 23, 2018, submit a joint status report, advising the Court of their position(s) as to what, if anything, remains for the Court to do in this matter.



HON. LEONARD P. STARK
UNITED STATES DISTRICT JUDGE