

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

In re Entresto (sacubitril/valsartan) Patent
Litigation

C.A. No. 20-md-2930-RGA

NOVARTIS PHARMACEUTICALS
CORPORATION,

Plaintiff,

v.

NANJING NORATECH
PHARMACEUTICAL CO., LIMITED,

Defendant.

C.A. No. 23-401-RGA

**FINAL JUDGMENT REGARDING U.S. PATENT NO. 8,101,659
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 54(b)**

WHEREAS Plaintiff NOVARTIS PHARMACEUTICALS CORPORATION (“Novartis”) filed suit on April 10, 2023, alleging that Defendant NANJING NORATECH PHARMACEUTICAL CO., LIMITED (“Noratech”) infringed U.S. Patent No. 8,101,659 (“the ’659 patent”) and U.S. Patent No. 11,058,667 (“the ’667 Patent”) by virtue of filing ANDA No. 213671 for sacubitril/valsartan tablets, 24 mg/26 mg, 49 mg/51 mg, and 97 mg/103 mg (“the Noratech ANDA Products”);

WHEREAS, on July 21, 2023, the Court entered a final judgment in MDL No. 20-2930 and certain related cases (MDL No. 20-2930-RGA, D.I. 1120; C.A. No. 19-1979-RGA, D.I. 649; C.A. No. 19-2021-RGA, D.I. 245; C.A. No. 19-2053-RGA, D.I. 406) (“Delaware Final Judgment”), finding claims 1-4 of the ’659 patent invalid under 35 U.S.C. § 112 for lack of

written description for the reasons set forth in the Court's Trial Opinion dated July 7, 2023 (MDL No. 20-2930-RGA, D.I. 1099);

WHEREAS, on July 24, 2023, Novartis filed notices of appeal to the Federal Circuit from the Delaware Final Judgment, and its appeals are now pending in the Federal Circuit (MDL No. 20-2930-RGA, D.I. 1121, 1133; C.A. No. 19-1979-RGA, D.I. 650, 651; C.A. No. 19-2021-RGA, D.I. 246, 247; C.A. No. 19-2053-RGA, D.I. 407, 408);

WHEREAS Novartis and Noratech agree that the Court's final judgment in MDL No. 20-2930 (MDL No. 20-2930-RGA, D.I. 1120) that claims 1-4 of the '659 patent are invalid for lack of written description applies in this action under the principles of collateral estoppel, and subject to the outcome of Novartis's appeals;

WHEREAS Novartis and Noratech agree that under Fed. R. Civ. P. 54(b) that the Court may, subject to appeal, direct entry of a final judgment against Novartis relating to the '659 patent on collateral estoppel grounds because there is no just reason for delay;

WHEREAS Novartis and Noratech agree that, after Novartis files its appeal from entry of final judgment in this action, they will submit a joint motion in the Federal Circuit for a stay of the appeal from this action pending the outcome of Novartis's appeals from the Delaware Final Judgment because if the Delaware Final Judgment is reversed or vacated, Novartis would be entitled to an order from the Federal Circuit vacating the judgment in this action and remanding this action to this Court for further proceedings or an order from this Court vacating the final judgment under Fed. R. Civ. P. 60(b)(5);

IT IS ORDERED that pursuant to Fed. R. Civ. P. 54(b), there is no just reason to delay entry of a final judgment on collateral estoppel grounds with regard to the '659 patent; and it is further

ORDERED AND ADJUDGED, that under the principles of collateral estoppel, Final Judgment is hereby entered pursuant to Fed. R. Civ. P. 54(b) in favor of Noratech and against Novartis that claims 1-4 of the '659 patent are invalid for lack of written description under 35 U.S.C. § 112; and it is further

ORDERED that all other pending claims and defenses relating to the '659 patent are dismissed as moot, but with the Parties' express acknowledgement that these other claims and defenses would revive if this Final Judgment is reversed or vacated; and it is further

ORDERED that each party shall bear its own costs and fees.