

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Galderma Laboratories, L.P., Galderma S.A.,)	
Galderma Research & Development, S.N.C.,)	
and Galderma Holding, S.A.,)	
)	
Plaintiffs,)	
)	C.A. No. 3:24-cv-00197-MAS-TJB
v.)	
)	
Teva Pharmaceuticals Inc. and Teva)	
Pharmaceuticals USA, Inc.,)	
)	
Defendants.)	

CONSENT JUDGMENT AND ORDER OF PERMANENT INJUNCTION

This action for patent infringement having been brought by Galderma Laboratories, L.P., Galderma S.A., Galderma Research & Development, S.N.C., and Galderma Holding, S.A., (collectively, “Galderma” or “Plaintiffs”) against Teva Pharmaceuticals Inc. (“Teva Pharmaceuticals”) and Teva Pharmaceuticals USA, Inc. (“Teva USA”) (collectively, “Teva” or “Defendants”) for infringement of United States Patent Nos. 9,084,778 and 9,498,465 (collectively, the “Litigated Patents”), by the product described in Teva’s ANDA No. 218739 (the “Defendant Product”):

Plaintiffs and Defendants now consent to this Judgment and Order.

IT IS HEREBY STIPULATED, ORDERED, ADJUDGED AND DECREED:

1. For purposes of the above captioned action, this Court has jurisdiction over the parties and subject matter of this action.
2. The Litigated Patents and all claims therein are valid and enforceable solely with respect to Teva’s ANDA No. 218739 (including any amendments and supplements thereto and/or replacement application(s) for the same formulation as that set forth in application No.

218739), the Defendant Product, and any other product asserted to be bioequivalent to AKLIEF[®] marketed by, with the assistance of, or on behalf of, Teva.

3. All affirmative defenses, claims and counterclaims, which have been or could have been raised by Defendants in this action solely with respect to the validity or enforceability of the Litigated Patents in connection with Teva's ANDA No. 218739 and the Defendant Product are dismissed with prejudice.

4. Defendants admit that in the absence of a license, they would infringe each of the asserted claims of the Litigated Patents by making, selling, offering to sell, importing and/or using the Defendant Product.

5. Judgment on the basis of infringement by Defendants of the Litigated Patents with respect to the Defendant Product is entered in favor of Plaintiffs.

6. Except as otherwise authorized or licensed by Plaintiffs, Defendants are hereby enjoined and estopped during the term of the Litigated Patents, from making any challenge to the validity or enforceability of the Litigated Patents, or asserting that the Defendant Product does not infringe each of the asserted claims of the Litigated Patents.

7. Except as authorized or licensed by Plaintiffs, Defendants and its officers, agents, servants, employees, affiliates, successors and all persons in active concert or participation with Defendants, are permanently enjoined from using, offering for sale, making, selling, or manufacturing in the United States, or importing into the United States, the Defendant Product or inducing or assisting others to use, offer for sale, make, sell, or manufacture in the United States, or import into the United States, the Defendant Product.

8. The foregoing injunctions against Teva shall take effect immediately upon entry of this Judgment and Order by the Court, and shall continue until the expiration of the Litigated Patents, except as otherwise authorized or licensed by Plaintiffs.

9. Any Protective Order entered by the Court in this action shall remain in full force and effect notwithstanding the conclusion of this action.

10. The parties waive all right to appeal from this Judgment and Order.

11. Each party is to bear its own costs, expenses, and attorneys' fees.

12. Each party acknowledges and agrees that the 30-month stay with respect to the approval of Teva's ANDA No. 218739 under 21 U.S.C. § 355(j)(5)(B)(iii) is hereby terminated.

13. Nothing herein shall prohibit or restrict Defendants from maintaining or filing Paragraph IV certifications in Teva's ANDA No. 218739 under 21 U.S.C.

§ 355(j)(2)(A)(vii)(IV) (as amended or supplemented) and nothing herein shall prohibit or restrict the Food and Drug Administration from reviewing or granting final approval to Teva's ANDA No. 218739 at any time.

Dated: March 18, 2024

Respectfully submitted,

s/ Charles H. Chevalier

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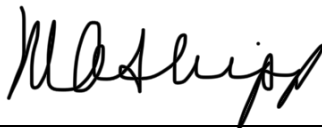
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SO ORDERED:

Dated: **March 25, 2024**



HON. MICHAEL A. SHIPP, U.S.D.J.
UNITED STATES DISTRICT JUDGE