

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Galderma Laboratories, L.P., Galderma S.A.,
Galderma Research & Development, S.N.C.,
and Galderma Holding, S.A.,

Plaintiffs,

V.

Taro Pharmaceuticals Inc., Taro
Pharmaceutical Industries Ltd., and Taro
Pharmaceuticals U.S.A., Inc.,

Defendants.

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C.A. No. 3:24-cv-00333-MAS-TJB

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 Taro Pharmaceuticals Inc. (“Taro Pharmaceuticals”), Taro Pharmaceutical Industries Ltd. (“Taro Ltd.”), and Taro Pharmaceuticals U.S.A., Inc. (“Taro USA”) (collectively, “Taro” 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 Taro’s ANDA No. 218978 (the “Defendant Product”):

Plaintiffs and Defendants have agreed to settle all claims arising out of the pleadings in this action and 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 Taro's ANDA No. 218978 (including any amendments and supplements thereto and/or replacement application(s) for the same formulation as that set forth in application No. 218978), the Defendant Product, and any other product asserted to be bioequivalent to AKLIEF[®] marketed by, with the assistance of, or on behalf of, Taro.

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 Taro's ANDA No. 218978 and the Defendant Product are dismissed with prejudice. For clarity, nothing herein shall prevent Taro from challenging the validity, enforceability or infringement of the Litigated Patents in any proceeding involving a product other than the Defendant Product or the Galderma AKLIEF[®] Product.

4. Defendants admit that the filing of Taro's ANDA No. 218978 with a Paragraph IV Certification seeking to make, sell, offer to sell, import and/or use the Defendant Product was a technical act of infringement of the asserted claims of the Litigated Patents. The Parties consent to judgment entered in favor of Plaintiffs under 35 USC §271(e)(2).

5. 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.

6. 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.

7. The foregoing injunctions against Taro 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.

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

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

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

11. Nothing herein shall prohibit or restrict Defendants from maintaining or filing Paragraph IV certifications in Taro's ANDA No. 218978 under 21 U.S.C. § 355(j)(2)(A)(vii)(IV) and serving the required notice letters (as amended or supplemented) and nothing herein shall prohibit or restrict the Food and Drug Administration from reviewing or granting final approval to Taro's ANDA No. 218978 at any time. Each party acknowledges and agrees that the 30-month stay with respect to the approval of Taro's ANDA No. 218978 under 21 U.S.C. § 355(j)(5)(B)(iii) is hereby terminated.

Dated: June 24, 2024

GIBBONS P.C.

s/ Charles H. Chevalier

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Dated: July 3, 2024

SO ORDERED



HONORABLE MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE