

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JANSSEN BIOTECH, INC.,)
Plaintiff,)
)
v.) C.A. No. 17-11008-MLW
)
CELLTRION HEALTHCARE CO.,)
LTD., ET AL.,)
Defendants.)

ORDER

WOLF, D.J.

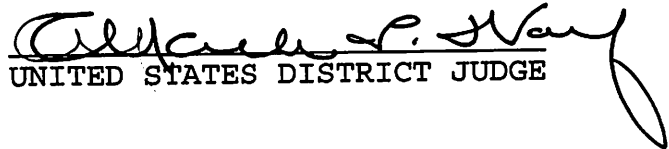
August 23, 2018

On July 30, 2018, the court issued an Order allowing the defendants' Motion for Summary Judgment of Non-Infringement Based on Ensnarement ("Motion for Summary Judgment"). The Order stated that "[j]udgment shall enter for the defendants." On July 31, 2018, the court entered final judgment for the defendants. On August 22, 2018, defendants filed an Unopposed Motion to Amend the Judgment Under Fed. R. Civ. P. 59(e) and/or 60(a) and to Dismiss Without Prejudice Defendants' Invalidity Counterclaim ("Motion to Amend the Judgment"). Defendants seek clarification of the resolution of each of the claims pending when the Motion for Summary Judgment was allowed, in part because defendants' second counterclaim, pertaining to invalidity of U.S. Patent No. 7,598,083 (the "'083 patent"), was not at issue.

In view of the foregoing, it is hereby ORDERED that:

1. Defendants' Motion to Amend the Judgment (Docket No. 395) is ALLOWED. An Amended Judgment shall enter for defendants on: (a) plaintiff's Counts 1, 2, 3, 4, and 5 and counterclaim Counts 1 and 2, claiming infringement of the '083 patent; and (b) defendants' first counterclaim, seeking a declaration that defendants have not infringed the '083 patent.

2. Defendants' second counterclaim, seeking a declaration that the '083 patent is invalid and/or unenforceable, is DISMISSED without prejudice.


UNITED STATES DISTRICT JUDGE