

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

IN RE: SELENIOUS ACID LITIGATION

Case No. 2:24-cv-07791 (BRM) (CLW)

ORDER

THIS MATTER is before the Court on Plaintiff American Regent, Inc.’s (“Plaintiff”) Motion for a Preliminary Injunction against Defendants in this consolidated matter (the “Motion”) (ECF No. 85), each of whom has filed an Abbreviated New Drug Application that Plaintiff alleges infringes on its Orange Book patents, U.S. Patent No. 11,998,565 (the “’565 Patent”) and U.S. Patent No. 12,150,957 (the “’957 Patent”).¹ Having reviewed the parties’ submissions filed in connection with the Motion, having conducted a hearing on March 31, 2025 (ECF No. 163), and having considered the parties’ post-hearing submissions (ECF Nos. 170, 171, 200, 201), for the reasons set forth in the accompanying Opinion and for good cause having been shown,

IT IS on this 27th day of May 2025,

ORDERED that Plaintiff’s Motion for a Preliminary Injunction (ECF No. 85) is **GRANTED**; and it is further

¹ Pursuant to the parties’ stipulation, the Court originally consolidated thirteen suits filed by Plaintiff against different defendants into this action. (ECF No. 27.) As a result of new suits filed by Plaintiff that were later consolidated (ECF No. 54), consent judgments Plaintiff entered with some parties, and one instance of a party withdrawing its Abbreviated New Drug Application (ECF Nos. 95 at 1 n.1, 152, 160, 164, 165, 168), the following entities remain in the consolidated action and will be referred to collectively as “Defendants”: Aspiro Pharma LTD and Aspiro Pharma Ltd. (“Aspiro”); Cipla USA, Inc. et al. and Cipla USA, et al. (“Cipla”); RK Pharma, Inc. (“RK Pharma”); and Sun Pharmaceuticals Limited, et al. and Sun Pharmaceuticals Industries Limited, et al. (“Sun”).

ORDERED that Defendants are **PRELIMINARILY RESTRAINED AND ENJOINED**, pursuant to Rule 65 of the Federal Rules of Civil Procedure, from commercially manufacturing, using, offering to sell, or selling a generic version of Plaintiff's products relating to the '565 and '957 Patents, *pendente lite* or until further order of the Court; and it is further

ORDERED that this Preliminary Injunction is contingent upon Plaintiff's posting of a [REDACTED] bond; and it is further

ORDERED that the accompanying Opinion shall be filed **TEMPORARILY UNDER SEAL**; and it is further

ORDERED that the parties shall submit, via email to chambers_of_judge_brian_martinotti@njd.uscourts.gov by June 6, 2025, a joint proposed redacted version of the Opinion for the Court's review and publication to the docket. Failure to submit a redacted version by June 6, 2025, will result in the unsealing of the Opinion without further notice.

/s/ **Brian R. Martinotti**
HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE