

AO 120 (Rev. 08/10)

<b>TO:</b> <p style="text-align:center;"><b>Mail Stop 8</b>  <b>Director of the U.S. Patent and Trademark Office</b>  <b>P.O. Box 1450</b>  <b>Alexandria, VA 22313-1450</b></p>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Southern District of New York on the following

Trademarks or  Patents. (  the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 14cv1650	DATE FILED 3/11/2014	U.S. DISTRICT COURT Southern District of New York
PLAINTIFF Regeneron Pharmaceuticals, Inc.		DEFENDANT Merus B.V.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,502,018	8/6/2013	Regeneron Pharmaceuticals
2		
3		
4		
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK HOLDER OF PATENT OR TRADEMARK
1	
2	
3	
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In the above—entitled case, the following decision has been rendered or judgement issued:

<b>DECISION/JUDGEMENT</b> <p style="margin-top: 10px;">Case closed pursuant to attached order.</p>
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<b>CLERK</b> Ruby J. Krajick	<b>(BY) DEPUTY CLERK</b> L. Brown	<b>DATE</b> 11/18/2015
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**Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director**  
**Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Regeneron Pharmaceuticals, Inc.,  
  
Plaintiff/Counterclaim  
Defendant  
  
vs.  
  
Merus B.V.,  
  
Defendant/Counterclaim  
Plaintiff

Civil Action No. 14-CV-1650 (KBF)  
[rel. 14-CV-1651 (KBF)]

ECF CASE

Honorable Katherine B. Forrest

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: NOV 18 2015

~~PROPOSED~~ FINAL JUDGMENT

WHEREAS, Plaintiff/Counterclaim Defendant Regeneron Pharmaceuticals, Inc. (“Regeneron”) and Defendant/Counterclaim Plaintiff Merus B.V. (“Merus”) have previously stipulated to noninfringement and invalidity due to indefiniteness of claims 1-20 of U.S. Patent No. 8,502,018 (“the ’018 Patent”), which was so ordered by the Court (ECF No. 271);

WHEREAS, Merus continued to pursue its Third Amended Counterclaim asserting unenforceability of the ’018 Patent as being procured through inequitable conduct (ECF No. 225);

WHEREAS, the Court issued an August 6, 2015 Memorandum Decision & Order (ECF No. 411) and a November 2, 2015 Opinion & Order (ECF No. 423), finding that Regeneron engaged in inequitable conduct in connection with prosecution of the ’018 Patent;

In light of the foregoing, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. Merus’s Third Amended Counterclaim for a declaration that the ’018 Patent is unenforceable is **GRANTED** and **FINAL JUDGMENT** is hereby **ENTERED** for the reasons set forth in the Court’s Opinion & Order dated November 2, 2015 (ECF No. 423);

2. In accordance with the Joint Stipulation and Order of Invalidity and Non-Infringement dated February 24, 2015 (ECF No. 271), Regeneron's claim for patent infringement (ECF No. 1) is **DENIED** and Merus's counterclaim for declaratory judgment of noninfringement (ECF No. 225) is **GRANTED** and **FINAL JUDGMENT** is hereby **ENTERED**;

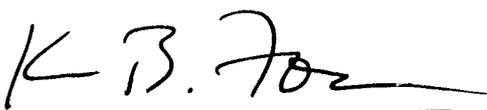
3. In accordance with the Joint Stipulation and Order of Invalidity and Non-Infringement dated February 24, 2015 (ECF No. 271), Merus's counterclaim for declaratory judgment of invalidity (ECF No. 225), due to indefiniteness, is **GRANTED** and **FINAL JUDGMENT** is hereby **ENTERED**; and

4. **IT IS FURTHER ORDERED** that any requests for attorney's fees and/or costs are deferred until after resolution of any appeal of this Final Judgment. To the extent that Regeneron does not appeal this Final Judgment, Merus may make a motion for attorney's fees and/or costs within fourteen (14) days after the expiration of the deadline for Regeneron to file a notice of appeal.

**SO ORDERED**

Dated: New York, New York

November 18, 2015

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KATHERINE B. FORREST  
United States District Judge