

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAZZ PHARMACEUTICALS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 21-691 (GBW)
	)	
AVADEL CNS PHARMACEUTICALS LLC,	)	
	)	
Defendant.	)	

JAZZ PHARMACEUTICALS, INC. and	)	
JAZZ PHARMACEUTICALS IRELAND	)	
LIMITED,	)	
	)	
Plaintiffs,	)	
	)	C.A. No. 21-1138 (GBW)
v.	)	
	)	
AVADEL CNS PHARMACEUTICALS LLC,	)	
	)	
Defendant.	)	

JAZZ PHARMACEUTICALS, INC. and	)	
JAZZ PHARMACEUTICALS IRELAND	)	
LIMITED,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 21-1594 (GBW)
	)	
AVADEL CNS PHARMACEUTICALS LLC,	)	
	)	
Defendant.	)	

STIPULATION OF INFRINGEMENT REGARDING CLAIM 24 OF U.S. PATENT NO.
11,147,782

WHEREAS, Plaintiffs Jazz Pharmaceuticals, Inc. and Jazz Pharmaceuticals Ireland Limited (collectively, “Jazz”) asserted claims 1-24 of U.S. Patent No. 11,147,782 (“the ’782 Patent”) against Defendant Avadel CNS Pharmaceuticals (“Avadel”) in the above-captioned matter (*see* C.A. No. 21-1594 at D.I. 1);

WHEREAS, and solely for purposes of streamlining the issues for trial, Jazz informed Avadel on January 31, 2024 that it would only be asserting claim 24 of the ’782 Patent at trial in the above-captioned matter (in addition to two claims of U.S. Patent No. 10,758,488 (nos. 7 and 11), and that Jazz had withdrawn all other previously asserted claims;

WHEREAS, Avadel confirmed on February 5, 2024 that it “does not dispute infringement” of the sole asserted claim of the ’782 patent;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by Jazz and Avadel that Avadel’s manufacture, use, offers for sale, sales, and/or importation of Avadel’s Lumryz™ drug product infringes claim 24 of the ’782 patent pursuant to 35 U.S.C. § 271(a), to the extent claim 24 of the ’782 patent is found not to be invalid or unenforceable.¹

¹ This stipulation does not affect Avadel’s ability to present any of its previously-disclosed invalidity defenses, as limited on February 5, 2024 per the parties’ agreement, to claim 24 of the ’782 patent.

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February 23, 2024

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Attorneys for Defendant

SO ORDERED this ____ day of _____, 2024.

UNITED STATES DISTRICT JUDGE