

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,)	
)	
v.)	C.A. No. 21-1138 (GBW)
)	
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.)	

PLAINTIFFS' RENEWED MOTION FOR A PERMANENT INJUNCTION

Pursuant to 35 U.S.C. § 283, Plaintiffs Jazz Pharmaceuticals, Inc. and Jazz Pharmaceuticals Ireland Limited (“Jazz”) hereby move for entry of a renewed permanent injunction against infringement by Defendant Avadel CNS Pharmaceuticals, LLC (“Avadel”) of Claim 24 of U.S. Patent No. 11,147,782 (the “’782 patent”) by marketing, making, using, or selling Avadel’s

Lumryz drug product or any product not more than colorably different from Lumryz for the treatment of idiopathic hypersomnia (“IH”), and prohibiting Avadel from seeking approval from the U.S. Food and Drug Administration (“FDA”) for IH, based upon:

(1) The jury’s March 4, 2024 verdict (D.I. 578)¹ finding that Claim 24 of the ’782 patent was not invalid for lack of sufficient written description, was not invalid for lack of enablement, and was not invalid for failure to name the correct inventors;

(2) Avadel’s stipulation to infringement of Claim 24 of the ’782 patent (D.I. 550) and this Court’s granting of Jazz’s motion for judgment as a matter of law that Avadel infringes that claim (D.I. 598, Trial Tr. at 890:16-21);

(3) The evidence and argument to be presented to the Court showing that Jazz has suffered and would continue to suffer irreparable harm resulting from Avadel’s infringement of Claim 24 of the ’782 patent by marketing, making, using, and selling Lumryz or any product not more than colorably different from Lumryz for IH, and for seeking FDA approval for IH, which harm cannot be fully compensated through monetary damages, that the balance of hardships weighs in favor of the entry of a permanent injunction, and that the entry of an injunction will not disserve the public interest;

(4) This Court’s injunction Memorandum Opinion (D.I. 665), injunction Order (D.I. 666), and injunction clarification Memorandum Opinion (D.I. 710); and

(5) The Federal Circuit’s May 6, 2025 Opinion following Avadel’s appeal of this Court’s injunction Order and clarification Memorandum Opinion. *See Jazz Pharms., Inc. v. Avadel CNS Pharms., LLC*, 136 F.4th 1075 (Fed. Cir. 2025).

¹ All “D.I.” references refer to docket entries in C.A. No. 21-691.

A Proposed form of Order is attached, which excludes from the proposed injunction making, using, and selling Lumryz: (a) for the treatment of narcolepsy; (b) in clinical trials and studies solely for uses reasonably related to the development and submission of information to the FDA; (c) to update data in old studies if necessary; and (d) to re-run necessary tests for quality control for regulators or customers.

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/s/ Jeremy A. Tigan

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June 17, 2025

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2025, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on June 17, 2025, upon the following in the manner indicated:

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