

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**

CLAUDIO DE SIMONE,

Plaintiff/Counterclaim Defendant,

EXEGI PHARMA, LLC,

Plaintiff,

v.

VSL PHARMACEUTICALS, INC.,

Defendant/Counterclaim Plaintiff,

LEADIANT BIOSCIENCES, INC. and  
ALFASIGMA USA, INC.

Defendants,

v.

DANISCO USA, INC.,

Counterclaim Defendant.

Civil Action No. TDC-15-1356


**ORDER**

For the reasons stated in the accompanying Memorandum Opinion, it is hereby ORDERED that the Joint Post-Trial Motion filed by Claudio De Simone and ExeGi Pharma, LLC (“the De Simone Parties”), ECF No. 879, is GRANTED IN PART and DENIED IN PART as set forth below.

1. It is GRANTED as to the Motion for Costs. The De Simone Parties are AWARDED \$87,397.35 in costs.

2. It is GRANTED IN PART as to the Motion for Pre-Judgment and Post-Judgment Interest. The judgment will ACCRUE post-judgment interest as specified in 28 U.S.C. § 1961(a) and consistent with any other agreements of the parties.
3. It is GRANTED as to the Motion for a Permanent Injunction to the extent that Alfasigma USA, Inc. (“Alfasigma”) and Leadiant Biosciences, Inc. (“Leadiant”) are hereby PERMANENTLY ENJOINED from (1) stating or suggesting in VSL#3 promotional materials directed at or readily accessible to United States consumers that the present version of VSL#3 produced in Italy (“Italian VSL#3”) continues to contain the same formulation found in the versions of VSL#3 produced before January 31, 2016 (“the De Simone Formulation”), including but not limited to making statements that VSL#3 contains the “original proprietary blend” or the “same mix in the same proportions” as earlier version of VSL#3; and (2) citing to or referring to any clinical studies performed on the De Simone Formulation or earlier versions of VSL#3 as relevant or applicable to Italian VSL#3.
4. The Motion is otherwise DENIED.

Date: June 20, 2019

  
THEODORE D. CHUANG  
United States District Judge