

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

**IN RE CYCLOBENZAPRINE HYDROCHLORIDE
EXTENDED-RELEASE CAPSULE PATENT
LITIGATION**

**EURAND, INC., CEPHALON, INC.,
AND ANESTA AG,
*Plaintiffs-Cross Appellants,***

v.

**MYLAN PHARMACEUTICALS INC.
AND MYLAN INC.,
*Defendants-Appellants,***

AND

**BARR LABORATORIES, INC., TEVA
PHARMACEUTICALS USA, INC., AND TEVA
PHARMACEUTICAL INDUSTRIES LTD.,
*Defendants-Appellees.***

2011-1399, -1409

Appeals from the United States District Court for the
District of Delaware in case no. 09-MD-2118, Judge Sue
L. Robinson.

**IN RE CYCLOBENZAPRINE HYDROCHLORIDE
EXTENDED-RELEASE CAPSULE PATENT
LITIGATION**

**EURAND, INC., CEPHALON, INC.,
AND ANESTA AG,
*Plaintiffs-Appellants,***

v.

**ANCHEN PHARMACEUTICALS, INC. AND
ANCHEN, INC.,
*Defendants-Appellees.***

2011-1408, -1410, -1411, -1412

Appeals from the United States District Court for the
District of Delaware in case no. 09-MD-2118, Judge Sue
L. Robinson.

ON MOTION

O R D E R

Eurand, Inc. et al. (Eurand) move to deconsolidate
2011-1408, -1410, -1411, and -1412 from the expedited
appeals, 2011-1399, -1409. Mylan Pharmaceutical Inc. et
al. move for clarification of the briefing schedule. Eurand
oppose.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion to deconsolidate is granted. The
revised official captions are reflected above.

(2) The motion for clarification is granted to the following extent. The expedited briefing schedule in 2011-1399, -1409 is clarified to include the cross-appeal. The parties must use hand delivery or overnight delivery for service of all briefs. The appellants' response/reply brief is due no later than June 30, 2011.¹ If Barr Laboratories and Teva Pharmaceuticals USA Inc. et al. are participating in 2011-1399, -1409, their appellees' brief is due no later than June 30, 2011.² The cross-appellants' reply brief is due within 3 days of service of the appellants' response/reply brief. The joint appendix is due within 1 day of service of the cross-appellants' reply brief. Appeals 2011-1399, -1409 will be placed on the next available calendar after briefing is completed in those cases.

(3) Briefing in 2011-1408 et al. should be calculated from the date of docketing of 2011-1408.

¹ The cross-appellants' recently received opening brief is deemed submitted for only 2011-1399, -1409.

² It is unclear from the various papers submitted by the parties whether Barr is involved in 2011-1399, -1409 or in 2011-1408 et al. Because Barr appears to be aligned with Mylan in the district court's judgment of invalidity, the court assumes that Barr is participating as an appellee in 2011-1399, -1409. The court further assumes that Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd. are aligned with Barr in 2011-1399, -1409. However, the district court's judgment does not clearly mention Teva by name. If the court's assumptions are incorrect, the parties should promptly inform the court.

FOR THE COURT

JUN 27 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: James H. Wallace, Jr., Esq.
Donald J. Mizerk, Esq.
George C. Lombardi, Esq.
William J. Marsden, Jr., Esq.

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

JUN 27 2011

JAN HORBALY
CLERK