

NOTE: This order is nonprecedential.

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

**MOMENTA PHARMACEUTICALS, INC., AND
SANDOZ, INC.,**
Plaintiffs-Appellees,

v.

**AMPHASTAR PHARMACEUTICALS, INC.,
INTERNATIONAL MEDICATION SYSTEMS, LTD.,
AND WATSON PHARMACEUTICALS, INC.,**
Defendants-Appellants,

2012-1062

Appeal from the United States District Court for the District of Massachusetts in case no. 11-CV-11681, Judge Nathaniel M. Gorton.

ON MOTION

Before DYK, *Circuit Judge.*

ORDER

Momenta Pharmaceuticals, Inc. et al. submit a motion for a stay, pending appeal, of the preliminary injunction entered by the United States District Court for the District of Massachusetts on October 28, 2011. Momenta

also request an immediate stay of the injunction pending disposition of its motion for a stay, pending appeal. The court also considers whether to expedite the briefing schedule.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) Amphastar Pharmaceuticals, Inc. et al. are directed to respond no later than 5:00 p.m. on November 22, 2011.

(2) Momenta's request for an "immediate stay" pending action on the stay motion is denied.

(3) Momenta's brief is due no later than November 29, 2011. Amphastar's brief is due within 14 days from the date of service of Momenta's initial brief. Momenta's reply brief and the joint appendix are due within seven days from the date of service of Amphastar's response brief. The case will be placed on the next available oral argument calendar after the briefing is completed.

FOR THE COURT

NOV 16 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Patricia A. Millett, Esq.
Courtney M. Schou, Esq.

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

NOV 16 2011

**JAN HORBALY
CLERK**