

NOTE: This disposition is nonprecedential.

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

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**MERCK SHARP & DOHME CORP., MSD  
INTERNATIONAL GMBH,**  
*Plaintiffs-Appellees,*

v.

**MYLAN PHARMACEUTICALS INC.,**  
*Defendant-Appellant.*

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2012-1434

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Appeal from the United States District Court for the  
District of New Jersey in No. 10-CV-3085, Judge Jose L.  
Linares.

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**JUDGMENT**

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DAVID T. PRITIKIN, Sidley Austin, LLP, of Chicago, Illinois, argued for plaintiffs-appellees. With him on the brief were WILLIAM H. BAUMGARTNER, JR. and CONSTANTINE L. TRELA, JR.; and PETER S. CHOI, of Washington, DC; and TODD L. KRAUSE, of New York, New York. Of counsel on the brief were PAUL D. MATUKAITIS, EDWARD W. MURRAY and LISA A. JAKOB, Merck & Co., Inc., of Rahway, New Jersey. Of counsel was DONALD A.

ROBINSON, Robinson, Wettre & Miller LLC, of Newark, New Jersey.

THOMAS J. PARKER, Alston & Bird, LLP, of New York, New York, argued for defendant-appellant. Of counsel were BLAS P. ARROYO and JITENDRA MALIK, of Charlotte, North Carolina; and DEEPRO MUKERJEE, of New York, New York.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (DYK, MAYER, and REYNA, *Circuit Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

February 7, 2013  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk