

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2007-1521

SANOFI-AVENTIS, SANOFI-SYNTHELABO, INC., and
BRISTOL-MYERS SQUIBB SANOFI
PHARMACEUTICALS HOLDING PARTNERSHIP,

Plaintiffs-Appellees,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant-Appellant.

Appeal from the United States District Court for the Southern District of
New York in case no. 04-CV-7548, Judge Sidney H. Stein.

ON MOTION

Before MAYER, CLEVINGER, and RADER, Circuit Judges.

MAYER, Circuit Judge.

ORDER

Sanofi-Aventis et al. (Sanofi) submit correspondence that the court treats as a motion for summary affirmance and issuance of the mandate. Sanofi states that Teva Pharmaceuticals USA, Inc. consents.

This appeal was stayed pending the court's disposition of Sanofi-Aventis v. Apotex, 2007-1438. In Apotex, the court affirmed the district court's ruling that Sanofi's patent was not invalid. Sanofi states that Sanofi and Teva agree that, in light of the court's disposition in Apotex, this appeal should be disposed of by issuance of a mandate affirming the trial court's decision.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted. The judgment of the United States District Court for the Southern District of New York is summarily affirmed and the mandate is issued herewith.

(2) Each side shall bear its own costs.

FOR THE COURT

JUL 30 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Evan R. Chesler, Esq.
Daniel F. Attridge, Esq.

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ISSUED AS A MANDATE: JUL 30 2009

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

JUL 30 2009

JAN HORBALY
CLERK