

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2009-1427, -1444

SANOFI-AVENTIS U.S. LLC, SANOFI-AVENTIS, and  
DEBIOPHARM S.A.,

Plaintiffs-Appellants,

v.

SANDOZ, INC.,

Defendant-Appellee,

and

TEVA PARENTERAL MEDICINES, INC., TEVA PHARMACEUTICALS USA, INC., and  
PHARMACHEMIE BV,

Defendants-Appellees,

and

MAYNE PHARMA LIMITED, MAYNE PHARMA (USA) INC., HOSPIRA AUSTRALIA  
PTY LTD., and HOSPIRA, INC.,

Defendants-Appellees,

and

BARR LABORATORIES, INC. and PLIVA-LACHEMA A.S.,

Defendants-Appellees,

and

W.C. HERAEUS GMBH,

Defendant-Appellee,

and

APP PHARMACEUTICALS, INC. and ABRAXIS BIOSCIENCE, INC.,

Defendants-Appellees,

and

ACTAVIS TOTOWA LLC, ACTAVIS, INC., and ACTAVIS GROUP HF,

Defendants-Appellees,

and

FRESENIUS KABI ONCOLOGY PLC (formerly known as Dabur Oncology plc) and  
FRESENIUS KABI PHARMA LIMITED (formerly known as Dabur Pharma Limited),

Defendants-Appellees,

and

SUN PHARMACEUTICAL INDUSTRIES LTD. and CARACO PHARMACEUTICAL  
LABORATORIES, LTD.,

Defendants-Appellees,

and

EBEWE PHARMA GES.M.B.H. NFG KG,

Defendant,

and

MUSTAFA NEVZAT ILAC SANAYII A.S. (also known as MN Pharmaceuticals), PAR  
PHARMACEUTICAL COMPANIES, INC., and PAR PHARMACEUTICAL, INC.,

Defendants-Appellees.

On appeal from the United States District Court for the District of New Jersey in case  
no. 3:07-cv-2762, Judge Joel A. Pisano.

ON MOTION

Before PROST, Circuit Judge.

ORDER

The court treats Sanofi-Aventis U.S. LLC et al.'s (Sanofi) motion to enforce the court's July 10, 2009 order as a motion for an injunction.\* Mayne Pharma Limited et al. oppose. Teva Parenteral Medicines, Inc. et al. oppose. Mayne submits a letter pursuant to Fed. R. App. P. 28(j).

Sanofi states that it seeks to enforce the court's July 10 order. However, the relief that Sanofi seeks, an order "requiring that the defendants refrain from distributing, selling, or otherwise marketing their generic oxaliplatin products during the pendency of this appeal," is injunctive in nature. In its motion, Sanofi does not address the legal requirements of an injunction. Thus, the court determines that Sanofi has not shown that it is entitled to the relief it seeks.

Accordingly,

IT IS ORDERED THAT:

The motion is denied.

FOR THE COURT

AUG 11 2009

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

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

**AUG 11 2009**

**JAN HORBALY**  
**CLERK**

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\* Sanofi filed its motion on August 10, 2009. Because Sanofi states that Teva Parenteral Medicines, Inc. et al. intend to launch their generic oxaliplatin product on August 11, 2009, a single judge of this court is deciding this motion. See Fed. R. App. P. 8(a)(2)(D) ("in an exceptional case in which time requirements make [consideration by a panel] impracticable, the motion may be made to and considered by a single judge").

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