

NOTE: This order is nonprecedential.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

Sanofi-Aventis U.S. LLC et al. (Sanofi) move to consolidate appeal no. 2009-
1427 with appeal no. 2009-1444. Teva Parenteral Medicines, Inc. et al. (Teva) and

Mayne Pharma Limited et al. (Mayne) move to expedite briefing and oral argument. Sandoz, Inc. responds. Teva and Mayne move to withdraw their motion to expedite. Teva and Mayne state that Sanofi opposes.

The court agrees that consolidation is warranted. Sanofi states that it has agreed to file only one opening brief and one reply brief in the consolidated case. The court notes that Sanofi's July 30, 2009 brief lists only 2009-1427 on the cover; however, in light of Sanofi's statement it is treated as Sanofi's opening brief in the consolidated case.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to consolidate is granted. The revised official caption is reflected above.
- (2) The motion to withdraw the motion to expedite is denied.
- (3) The motion to expedite is granted to the extent that the appellees' briefs must be received in the clerk's office no later than 5 p.m. on August 18, 2009 and Sanofi's reply brief and the joint appendix must be received in the clerk's office no later than noon on August 28, 2009. The appeal will be argued in September at a date to be determined.

FOR THE COURT

AUG 12 2009

Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

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

AUG 12 2009

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