

NOTE: This order is nonprecedential.

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

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**IN RE BRIMONIDINE PATENT LITIGATION**

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**ALLERGAN, INC.,**  
*Plaintiff-Appellee,*

v.

**EXELA PHARMSCI INC. and EXELA PHARMSCI  
PVT., LTD.,**  
*Defendants-Appellants,*

and

**APOTEX, INC. and APOTEX CORP.,**  
*Defendants-Appellants.*

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2010-1102, -1103

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Appeals from the United States District Court for the  
District of Delaware in case no. 07-MD-1866, Chief Judge  
Gregory M. Sleet.

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**ON MOTION**

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Before NEWMAN, *Circuit Judge.*

**O R D E R**

Allergan, Inc. moves for leave to file separate briefs in response to the appellants' opening briefs.

These cases were consolidated upon docketing. The appellants filed separate opening briefs. Allergan submitted separate briefs in response to those briefs and the clerk's office rejected the separate briefs in accordance with the court's rules. Allergan notes that the parties intend to file separate appendices for the appeals due to confidentiality concerns.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is granted and the briefs are accepted for filing. However, pursuant to Fed. Cir. R. 28(c), the court orders that no extra words for the reply briefs are permitted beyond that otherwise provided by the rules. If the reply briefs have not yet been filed, the reply briefs are due within 14 days of the date of filing of this order. The parties may also file separate appendices for the two case numbers.

FOR THE COURT

JUN 18 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Jonathan E. Singer, Esq.  
Robert B. Breisblatt, Esq.  
Clarence Edward Polk, Jr., Esq.

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

JUN 18 2010

JAN HORBALY  
CLERK