

NOTE: This order is nonprecedential.

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

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**TYCO HEALTHCARE GROUP LP  
AND MALLINCKRODT INC.,**  
*Plaintiffs-Appellants,*

v.

**MUTUAL PHARMACEUTICAL COMPANY, INC.  
AND UNITED RESEARCH LABORATORIES, INC.,**  
*Defendants-Appellees.*

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2010-1513

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Appeal from the United States District Court for the  
District of New Jersey in case no. 07-CV-1299, Judge  
Stanley R. Chesler.

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**ON MOTION**

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**O R D E R**

Mutual Pharmaceutical Company, Inc. and United Research Laboratories, Inc. (Mutual) move to strike portions of Tyco Healthcare Group LP and Mallinckrodt Inc.'s reply brief on pages 14 and 18 asserting that overseas sales of the Levaxol® 5 and 10 mg temazepam capsules are not prior art. Tyco opposes. Mutual replies.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion is deferred for consideration by the merits panel that is assigned to hear the case.

(2) The parties are directed to file three additional copies of the motion, opposition, and reply within 10 days of the date of filing of this order. Those copies shall be transmitted to the merits panel along with a copy of this order.

FOR THE COURT

FEB 17 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Henry J. Renk, Esq.  
Jeremy C. Lowe, Esq.

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

FEB 17 2011

**JAN HORBALY**  
**CLERK**