

NOTE: This order is nonprecedential.

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

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**THE MEDICINES COMPANY,**  
*Plaintiff-Appellee,*

v.

**DAVID J. KAPPOS, UNDERSECRETARY OF  
COMMERCE FOR INTELLECTUAL PROPERTY  
AND DIRECTOR, UNITED STATES PATENT AND  
TRADEMARK OFFICE, UNITED STATES PATENT  
AND TRADEMARK OFFICE, MARGARET A.  
HAMBURG, COMMISSIONER,  
UNITED STATES FOOD AND DRUG  
ADMINISTRATION, UNITED STATES FOOD AND  
DRUG ADMINISTRATION,  
KATHLEEN SEBELIUS, SECRETARY OF HEALTH  
AND HUMAN SERVICES, AND DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,**  
*Defendants-Appellees,*

v.

**APP PHARMACEUTICALS, LLC,**  
*Movant-Appellant.*

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2010-1534

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Appeal from the United States District Court for the Eastern District of Virginia in case no. 10-CV-0286, Senior Judge Claude M. Hilton.

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ON MOTION

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ORDER

PLIVA Inc. moves without opposition for leave to file a brief amicus curiae in support of the movant-appellant. PLIVA HRVATSKA d.o.o. moves without opposition for leave to file a substitute amicus brief. Separately, The Medicines Company (MDCO) moves for a 30-day extension of time, until May 18, 2011 to file its brief. APP Pharmaceuticals, LLC opposes. MDCO replies.

A motion for leave to file a brief amicus curiae is unnecessary if unopposed or if the brief is filed on consent. Fed. Cir. R. 29(c).

Upon consideration thereof,

IT IS ORDERED THAT:

(1) PLIVA Inc.'s motion for leave to file a brief amicus curiae is denied as moot. PLIVA HRVATSKA's motions are denied as unnecessary. PLIVA HRVATSKA's brief amicus curiae is accepted for filing.

(2) MDCO's motion for an extension of time is granted.

FOR THE COURT

APR 05 2011

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

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

APR 05 2011

**JAN HORBALY**  
**CLERK**

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MEDICINES CO v. KAPPOS

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