

NOTE: This order is nonprecedential.

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

**AVENTIS PHARMA S.A. AND SANOFI-AVENTIS U.S.
LLC,**
Plaintiffs-Appellants,

v.

ACCORD HEALTHCARE INC. USA,
Defendant-Appellee.

2011-1442

Appeal from the United States District Court for the District of Delaware in case no. 11-CV-0018, Chief Judge Gregory M. Sleet.

O R D E R

Before PROST, MAYER, and REYNA, *Circuit Judges.*

PROST, *Circuit Judge.*

O R D E R

The court construes Aventis Pharma S.A. and Sanofi-Aventis U.S., LLC ("Aventis")'s response to this court's March 17, 2011 order as an unopposed motion to lift the stay and summarily affirm the judgment of the United States District Court for the District of Delaware.

This appeal arises out of a complaint filed by Aventis in the district court alleging infringement of U.S. Patent Nos. 5,714,512B1 and 5,750,561. In a related case, *Aventis Pharma S.A. v. Hospira, Inc.*, 07-CV-0721 (D. Del. 2010) (*Hospira*), the district court found that the same patent claims asserted in this case were invalid and unenforceable due to inequitable conduct. In light of *Hospira*, the district court entered final judgment in this case against Aventis, and Aventis appealed to this court. This court stayed proceedings pending final disposition of *Hospira*.

On April 9, 2012, this court affirmed the district court's judgment in *Hospira*. See *Aventis Pharma S.A. v. Hospira, Inc.*, 675 F.3d 1324 (Fed. Cir. 2012). In light of this court's decision in *Hospira*, Aventis concedes that the district court's judgment in this case should be consistent with *Hospira*.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is granted. The stay is lifted and the judgment of the district court is affirmed.
- (2) Each side shall bear its own costs.
- (3) All pending motions are moot.

FOR THE COURT

AUG 10 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

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

AUG 10 2012

JAN HORBALY
CLERK

cc: George F. Pappas, Esq.
Michael R. Dzwonczyk, Esq.

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