

NOTE: This order is nonprecedential.

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

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**NOVO NORDISK INC. AND NOVO NORDISK A/S,**  
*Plaintiffs-Appellants,*

v.

**PADDOCK LABORATORIES, INC.,**  
*Defendant-Appellee.*

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2012-1031

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Appeal from the United States District Court for the District of Minnesota in case no. 10-CV-2199, Judge Donovan W. Frank.

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**ON MOTION**

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Before LINN, *Circuit Judge.*

**ORDER**

Paddock Laboratories, Inc. moves for summary affirmance of the United States District Court for the District of Minnesota's judgment on the pleadings in favor of Paddock on Novo Nordisk, Inc. and Novo Nordisk A/S's (collectively "Novo") patent infringement claim. Novo opposes, and moves to "coordinate" this appeal with *Novo Nordisk A/S v. Caraco Pharmaceutical Laboratories, Ltd.*,

Appeal No. 2011-1223.<sup>1</sup> Novo also moves to stay the present appeal pending the Supreme Court's decision in *Caraco Pharmaceutical Laboratories, Ltd. v. Novo Nordisk A/S*, No. 10-844.<sup>2</sup> Paddock opposes these motions by Novo, and further presents a "cross-motion" in the alternative to lift this court's stay of Appeal No. 2011-1223 pending the Supreme Court's disposition of *Caraco*.<sup>3</sup>

We deem it the better course to stay the present appeal pending the Supreme Court's disposition of *Caraco*.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) Paddock's motion for summary affirmance is denied without prejudice.

(2) Novo's motion is granted to the extent that this appeal is stayed pending the disposition of *Caraco*. The parties are directed to inform this court, within 14 days of the Supreme Court's disposition of *Caraco*, concerning how they believe this appeal should proceed.

(3) Paddock's cross-motion to lift this court's stay of the Appeal No. 2011-1223 is denied.

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<sup>1</sup> Appeal No. 2011-1223 is from a decision by the United States District Court for the Eastern District of Michigan involving the same patent as the present appeal. The Minnesota district court, in the judgment from which the present appeal is taken, gave collateral estoppel effect to the Michigan district court's judgments of invalidity as to claim 4 of the asserted patent and unenforceability and entered a judgment on the pleadings in favor of Paddock with respect to these issues.

<sup>2</sup> The Supreme Court heard oral argument in *Caraco* on December 5, 2011.

<sup>3</sup> Paddock is not a party to Appeal No. 2011-1223.

FOR THE COURT

DEC 19 2011

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Mark A. Perry, Esq.  
Daniel G. Brown, Esq.

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

DEC 19 2011

**JAN HORBALY  
CLERK**