

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

TYCO HEALTHCARE GROUP LP and
MALLINCKRODT INC.,

Plaintiffs,

v.

MUTUAL PHARMACEUTICAL COMPANY,
INC. and UNITED RESEARCH
LABORATORIES, INC.,

Defendants.

Civil Action No. 07-1299 (SRC)

ORDER

CHESLER, U.S.D.J.

This matter comes before the Court on five motions: 1) the motion for summary judgment of invalidity for improper inventorship and derivation by Mutual Pharmaceutical Company, Inc. and United Research Laboratories, Inc. (collectively, "Mutual"); 2) Mutual's motion for summary judgment of noninfringement; 3) Mutual's motion for summary judgment of obviousness; 4) the cross-motion for partial summary judgment of invalidity for improper inventorship and derivation by Plaintiffs Tyco Healthcare Group LP and Mallinckrodt Inc. (collectively, "Tyco"); and 5) Tyco's cross-motion for partial summary judgment of obviousness; and the Court having considered the parties' submissions; and for the reasons stated in the accompanying Opinion, and good cause appearing

IT IS on this 4th day of May, 2010,

ORDERED that Mutual's motion for summary judgment (Docket Entry No. 325) is **GRANTED**; and it is further

ORDERED that the remaining motions and cross-motions for summary judgment (Docket Entry Nos. 320, 323, 340, and 346) are **DENIED** as moot; and it is further

ORDERED that, pursuant to 35 U.S.C. § 103(a), U.S. Patent No. 5,211,954 is invalid for obviousness.

s/ Stanley R. Chesler
STANLEY R. CHESLER, U.S.D.J.