

NOTE: This order is nonprecedential.

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

ELI LILLY AND COMPANY,
Plaintiff-Appellant,

v.

ACTAVIS ELIZABETH LLC,
Defendant-Appellee,

and

SUN PHARMACEUTICAL INDUSTRIES LIMITED,
Defendant-Appellee,

and

SANDOZ INC.,
Defendant-Appellee,

and

MYLAN PHARMACEUTICALS INC.,
Defendant-Appellee,

and

APOTEX INC.,
Defendant-Appellee,

and

AUROBINDO PHARMA LTD.,
Defendant-Appellee,

and

TEVA PHARMACEUTICALS USA, INC.,
Defendant-Appellee.

2010-1500

Appeal from the United States District Court for the District of New Jersey in case no. 07-CV-3770, Judge Dennis M. Cavanaugh.

ON MOTION

PER CURIAM.

ORDER

Eli Lilly and Company submits a motion for an injunction to prevent the defendants-appellees from launching generic versions of its patented drug, pending disposition of its appeal. Eli Lilly also submits a motion to expedite the briefing and assignment of this case to an oral argument calendar.

The United States District Court for the District of New Jersey held that the defendants induced infringement of Eli Lilly's patent. The district court also held that the patent was invalid for lack of enablement because, inter alia, there was no timely demonstration of utility. On August 24, 2010, the district court entered judgment, and Eli Lilly filed its appeal on August 25, 2010. The district court granted in part Eli Lilly's motion for an injunction to provide Eli Lilly time to seek injunc-

tive relief from this court. The district court thereby temporarily enjoined the defendants for 14 days from the date of its entry of judgment.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The response of the defendants-appellees to Eli Lilly's motion for an injunction is due no later than noon on Monday, August 30, 2010. It is preferred that the defendants-appellees file a joint response.

(2) The temporary injunction entered by the district court is continued, pending this court's receipt of the response and this court's consideration of the papers submitted.

(3) The following briefing schedule applies:

(a) The appellant's opening brief is due within 14 days of the date of filing of this order.

(b) The appellees' briefs are due within 14 days of service of the appellant's opening brief.

(c) The appellant's reply brief and the joint appendix are due within 7 days of service of the appellees' briefs.

(d) Oral argument will be scheduled by subsequent order of the court.

(e) All briefs must be served either by electronic mail or by hand delivery.

(4) The motion to expedite briefing and oral argument is moot.

For The Court

AUG 26 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

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

AUG 26 2010

JAN HORBALY
CLERK

cc: Robert D. Bajefsky, Esq.

Gregory D. Miller, Esq.

Scott P. Feder, Esq.

William A. Rakoczy, Esq.

Thomas J. Parker, Esq.

Keith V. Rockey, Esq.

James F. Hurst, Esq.

Steven J. Lee, Esq.

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