

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2007-1194

PFIZER INC.,

Plaintiff-Appellee,

v.

MYLAN LABORATORIES, INC. and MYLAN PHARMACEUTICALS, INC.,

Defendants-Appellants.

ON MOTION

Before SCHALL, GAJARSA, and LINN, Circuit Judges.

LINN, Circuit Judge.

### ORDER

Mylan Laboratories, Inc. and Mylan Pharmaceuticals, Inc. (Mylan) move for summary reversal of the judgment and amended judgment of the United States District Court for the Western District of Pennsylvania. Pfizer Inc. opposes.

On March 22, 2007, in Pfizer, Inc. v. Apotex, Inc., 480 F.3d 1348 (Fed. Cir. 2007), this court held that the asserted claims of Pfizer's patent are invalid. On May 21, 2007, this court denied Pfizer's petition for rehearing en banc in that case and the mandate issued.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) Mylan's motion for summary reversal is granted. The district court's judgment and amended judgment are reversed.

(2) Each side shall bear its own costs.

FOR THE COURT

June 5, 2007

Date

/s/ Richard Linn

Richard Linn  
Circuit Judge

cc: Richard G. Greco, Esq.  
David J. Harth, Esq.

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ISSUED AS A MANDATE: June 5, 2007