

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SANDOZ, INC.,

Plaintiff,

vs.

Case No. 11-13594

NOVO NORDISK, INC. and
NOVO NORDISK A/S,

HON. AVERN COHN

Defendants.

ORDER STAYING PROCEEDINGS

This is a patent case. Plaintiff Sandoz, Inc. (Sandoz) is suing defendants Novo Nordisk A/S and Novo Nordisk, Inc. (collectively, Novo) seeking declaratory relief against Novo, the patent owner and holder of U.S. Patent No. 6,677,358 (the '358 patent). Sandoz seeks a declaratory judgment of patent non-infringement, invalidity, and unenforceability. Sandoz, a generic drug manufacturer, wants to market a generic version of Novo's drug Prandin, known generically as repaglinide. The '358 patent covers the combination of repaglinide and metformin.

Before the Court is Novo's motion to dismiss or, in the alternative, to stay proceedings. Novo argues that the case should be dismissed because (1) venue is not proper (2) there is no jurisdiction or actionable case because of Sandoz's amended patent certification. Novo alternatively argues that the Court should stay proceedings in this case pending the outcome of appeals in the case between Novo and Caraco Pharmaceutical Laboratories, Ltd (Caraco).

For the reasons stated on the record at the hearing on April 9, 2012, proceedings in this case are STAYED pending the Supreme Court's disposition of Caraco v. Novo, No. 10-844. Within 7 days of the Supreme Court's decision, the Court will schedule a status conference to discuss further proceedings in this case.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: April 9, 2012

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, April 9, 2012, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160