

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KING DRUG COMPANY OF FLORENCE, INC., <u>et al.</u> ,	:	
	:	CIVIL ACTION
Plaintiffs,	:	
	:	
v.	:	No. 2:06-cv-1797
	:	
CEPHALON, INC., <u>et al.</u> ,	:	
Defendants.	:	

VISTA HEALTHPLAN, INC., <u>et al.</u> ,	:	
	:	CIVIL ACTION
Plaintiffs,	:	
	:	
v.	:	No. 2:06-cv-1833
	:	
CEPHALON, INC., <u>et al.</u> ,	:	
Defendants.	:	

APOTEX, INC.,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	No. 2:06-cv-2768
	:	
CEPHALON, INC., <u>et al.</u> ,	:	
Defendants.	:	

ORDER

AND NOW, this 14th day of December, 2015, upon consideration of the “Generic Defendants’ Motion to Strike ‘Fraudulent Patent’ Theory from Plaintiffs’ Pretrial Memorandum” (Dkt. No. 06-1797, Doc. No. 901; Dkt. No. 06-1833, Doc. No. 498; Dkt. No. 06-2768, Doc. No. 956), which I have construed as a motion to establish the legal standard that will govern Plaintiffs’ claims against the Generic Defendants at trial, and the responses thereto, and for the reasons set forth in the accompanying memorandum opinion, it is hereby **ORDERED** that the

Generic Defendants' motion is **GRANTED**, such that Plaintiffs' may not argue a per se theory of liability based on the Generic Defendants' "knowledge of fraud" at trial.

BY THE COURT:

/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.