

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

THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA	:	CIVIL ACTION
	:	
	:	
vs.	:	
	:	
ELI LILLY AND COMPANY, IMCLONE LLC and BRISTOL- MYERS SQUIBB COMPANY	:	NO. 15-6133
	:	
	:	

**ORDER**

**AND NOW**, this 31st day of May, 2016, after careful consideration of Defendants, Eli Lilly and Company, ImClone LLC and Bristol-Myers Squibb’s (collectively “Defendants”) Motion to Dismiss Improper Multiple Dependent Claims 32-40 of U.S. Patent No. 7,625,558, (Doc. No. 21), and after reviewing the briefing and arguments relating to said Motion, and deciding that the Motion is meritorious and acceptable, it is hereby **ORDERED** that:

Claims 32 through 40 of U.S. Patent No. 7,625,558 are improper multiple dependent claims and are invalid under 35 U.S.C. § 112, ¶5. Plaintiff, Trustees of the University of Pennsylvania’s Complaint alleging that Defendants infringe or have infringed claims 32 through 40 of U.S. Patent No. 7,625,558, is therefore **DISMISSED IN PART**.

BY THE COURT:

/s/ Robert F. Kelly  
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ROBERT F. KELLY, SR. J.