

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MYLAN LABORATORIES INC. and)
MYLAN PHARMACEUTICALS INC.,)
))
Plaintiffs,)
))
and)
))
MUTUAL PHARMACEUTICAL CO., INC.,)
))
Intervenor-Plaintiff,)
))
v.)
))
MICHAEL O. LEAVITT,)
in his official capacity as)
SECRETARY OF HEALTH AND)
HUMAN SERVICES,)
))
ANDREW C. VON ESCHENBACH, M.D.,)
in his official capacity as)
COMMISSIONER OF FOOD AND DRUGS,)
))
UNITED STATES FOOD AND DRUG)
ADMINISTRATION, *et al.*,)
))
Defendants,)
))
and)
))
TEVA PHARMACEUTICALS USA, INC.,)
))
and)
))
APOTEX INC.,)
))
Intervenor-Defendants.)

Civil Action No. 07-cv-579 (RMU)

**PLAINTIFFS' EMERGENCY APPLICATION TO TEMPORARILY RESTRAIN
THE FDA FROM APPROVING ANY ADDITIONAL AMLODIPINE ANDAS IN
DEROGATION OF MYLAN'S RIGHT TO 180-DAY MARKET EXCLUSIVITY**

Mylan Laboratories Inc. and Mylan Pharmaceuticals Inc. (collectively, "Mylan") respectfully submit this application for a preliminary injunction enjoining defendants, the U.S. Food and Drug Administration ("FDA"), Andrew C. von Eschenbach, M.D., in his official capacity as Commissioner of Food and Drugs, and Michael O. Leavitt, in his official capacity as Secretary of Health and Human Services, (collectively, "FDA") from taking any action to issue an approval of any Abbreviated New Drug Application for amlodipine besylate products in derogation of Mylan's right to 180-day exclusivity until the issue is finally decided on appeal.

The bases for the present application are fully set forth in the accompanying Memorandum in Support of Plaintiffs' Emergency Application to Temporarily Restrain the FDA from Approving any Additional Amlodipine ANDAs in Derogation of Mylan's Right to 180-Day Market Exclusivity and the Declaration of Shannon M. Bloodworth in Support thereof.

Dated: June 26, 2007

Respectfully submitted,

/s/ David J. Harth

David J. Harth (#474632)
HELLER EHRMAN LLP
One East Main Street, Suite 201
Madison, Wisconsin 53703
(608) 663-7460

Shannon M. Bloodworth (#474925)
Joseph P. Whitlock (#484247)
HELLER EHRMAN LLP
1717 Rhode Island Avenue, NW
Washington, D.C. 20036
(202) 912-2000

E. Anthony Figg (#345124)
Steven Lieberman (#439783)
Minaksi Bhatt (#434448)
ROTHWELL, FIGG, ERNST & MANBECK PC
1425 K Street, NW
Suite 800
Washington, DC 20005
(202) 783-6040

Stuart A. Williams
Jill Ondos
MYLAN LABORATORIES INC.
1500 Corporate Drive
Suite 400
Canonsburg, Pennsylvania 15317
(724) 514-1840

Attorneys for Plaintiffs
MYLAN LABORATORIES INC. and
MYLAN PHARMACEUTICALS INC.