

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,)

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

ANDREW C. VON ESCHENBACH, M.D.,)
in his official capacity as)
COMMISSIONER OF FOOD AND DRUGS,)

and)

UNITED STATES FOOD AND DRUG)
ADMINISTRATION,)

Defendants,)

and)

TEVA PHARMACEUTICALS USA, INC.,)

and)

APOTEX INC.,)

Intervenor-Defendants.)

**MYLAN’S MOTION FOR RECONSIDERATION OF THE OPINION
AND ORDER DENYING MYLAN’S MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs Mylan Laboratories Inc. and Mylan Pharmaceuticals Inc. (“Mylan”) respectfully submit this Motion for Reconsideration of the Opinion and Order Denying Mylan’s Motion for Preliminary Injunction. The bases for the present motion for Reconsideration of the Opinion and Order Denying Mylan’s Motion for Preliminary Injunction are fully set forth in the accompanying Statement of Points and Authorities.

Mylan was contacted by Apotex’s counsel yesterday and informed that Apotex also intended to file a motion for reconsideration today. Mylan and Apotex agreed to concomitantly file their motions at 9 am this morning. Mylan was also informed by Apotex’s counsel that it would propose the following scheduling order: Opposition papers due by noon, Monday, May 7, 2007 and reply papers due by 5 pm on Tuesday, May 8, 2007. All parties, including Mylan, agreed to Apotex’s proposed schedule, except for the Federal Defendants. The Federal Defendants proposed an extra day: oppositions due by noon Tuesday, May 8, 2007 and replies due by 5 pm Wednesday, May 9, 2007.

Mylan is amenable to either proposed schedule; however, Mylan respectfully requests that the Court order one briefing schedule for both motions for reconsideration.

Dated: May 3, 2007

Respectfully submitted,

/s/ David J. Harth

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