

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 08-5141**

**September Term, 2008**

**Filed On:** September 12, 2008

TEVA PHARMACEUTICALS, USA, INC.,  
APPELLEE

v.

MICHAEL O. LEAVITT, IN HIS OFFICIAL CAPACITY AS SECRETARY OF HEALTH AND HUMAN  
SERVICES, ET AL.,  
APPELLANTS

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Appeal from the United States District Court  
for the District of Columbia  
(No. 1:08cv00395)

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Before: BROWN and KAVANAUGH, *Circuit Judges*, and WILLIAMS, *Senior Circuit Judge*.

**J U D G M E N T**

This cause came to be heard on the record on appeal from the United States District Court for the District of Columbia and on the brief and oral argument of the parties. On consideration thereof, and as will be explained more fully in an opinion to be filed at a later date, it is

**ORDERED AND ADJUDGED** that the injunction entered by the district court on April 11, 2008 be vacated, and the order of the district court be reversed.

The Clerk is directed to issue the mandate forthwith.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Sabrina M. Crisp  
Deputy Clerk