

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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TEVA PHARMACEUTICALS USA, Inc.,)
)
Plaintiff,)
v.)
)
MICHEAL O. LEAVITT, in his official)
capacity as Secretary of Health and Human)
Services, <i>et al.</i> ,)
)
Defendants,)
)
MYLAN PHARMACEUTICALS INC.,)
)
Intervenor-Defendant.)
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Civil Action No. 08-395 (RCL)

ORDER

At the hearing held on Friday, April 4, 2008, this Court consolidated the merits of this case with plaintiff’s motion for a preliminary injunction. For reasons that were stated on the record during a hearing held today, and upon consideration of plaintiff’s Motion [5] for Expedited Preliminary Injunctive Relief, and the oppositions and reply thereto, intervenor-defendant’s supplemental memorandum, and plaintiff’s response thereto, and the record herein, it is hereby

ORDERED that judgment is hereby entered for plaintiff; and it is further

DECLARED that the purported delisting of the ‘952 patent was unlawful; it is further

ORDERED that defendants are required to relist the ‘952 patent and restore plaintiff’s Paragraph IV certification to the ‘952 patent *nun pro tunc*; and it is further

ORDERED that defendants are hereby enjoined from approving any abbreviated new drug applications for generic risperidone tablets until the expiration of plaintiff’s period of 180-

day generic marketing exclusivity.

SO ORDERED.

Signed by Royce C. Lamberth, United States District Judge, on April 11, 2008.