

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

IN RE: CYCLOBENZAPRINE  
HYDROCHLORIDE EXTENDED-RELEASE  
CAPSULE PATENT LITIGATION

**C.A. NO. 09-MD-2118-SLR**

EURAND, INC., CEPHALON, INC., and  
ANESTA AG,

Plaintiffs,

v.

**C.A. NO. 08-889-SLR**

MYLAN PHARMACEUTICALS, INC.,  
MYLAN INC. and BARR LABORATORIES,  
INC.,

Defendants.

**MOTION FOR TEMPORARY RESTRAINING ORDER**

Plaintiffs Eurand, Inc., Cephalon, Inc. and Anesta AG (collectively, "Plaintiffs") respectfully request that the Court enter a temporary restraining order preventing Defendants Mylan Pharmaceuticals, Inc. and Mylan Inc. (collectively, "Mylan") from engaging in the commercial manufacture, use, offer to sell, or sale of its generic cyclobenzaprine product approved pursuant to ANDA No. 90-738 pending the resolution of Plaintiffs' motion for relief from judgment and/or motion for injunction pending appeal to the Federal Circuit. This Court's May 12, 2011 order (D.I. 254) found the asserted claims of the patents-in-suit invalid as obvious.. On Friday, May 13, 2011, Mylan began taking orders for its generic cyclobenzaprine product and shipping the product to distributors and pharmacies. For the reasons stated in Plaintiffs' Opening Brief in Support of Plaintiffs' Motion for Temporary Restraining Order and supporting affidavits, filed herewith, Plaintiffs respectfully submit that they are likely to prevail on their motions for relief from judgment and/or injunction pending appeal due to serious errors

of fact and law in the Court's obviousness analysis. Plaintiffs will suffer irreparable harm if Mylan's launch is not enjoined. A temporary restraining order will not substantially harm Mylan and promotes the public interest under these facts.

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