

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

IN RE: CYCLOBENZAPRINE)	
HYDROCHLORIDE EXTENDED-)	C.A. No. 09-md-2118-SLR
RELEASE CAPSULE PATENT)	
LITIGATION)	JURY TRIAL DEMANDED
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EURAND, INC., CEPHALON, INC. and)	
ANESTA AG,)	
)	C.A. No. 08-889-SLR
Plaintiffs,)	
)	
v.)	
)	
MYLAN PHARMACEUTICALS INC.,)	
MYLAN INC., and BARR LABORATORIES, INC.,)	
)	
Defendants.)	

**MYLAN’S EMERGENCY MOTION FOR
STAY OF MAY 24 INJUNCTION ORDER**

Defendants Mylan Pharmaceuticals Inc. and Mylan Inc. (“Mylan”) urgently request that the Court stay its May 24, 2011 Injunction Order (D.I. 290) to allow it to seek emergency relief from that order from the Federal Circuit tomorrow morning. It is particularly urgent that this request be acted on promptly to expedite the appeal process. Mylan ordinarily cannot request a stay from the Federal Circuit without having first asked this Court for one. With respect to the merits of the request for this stay, Mylan incorporates by reference the various submissions related to Plaintiffs’ requests for a temporary restraining order/preliminary injunction that have been filed since the Court’s invalidity determination. *See* D.I. 260, 261, 266, 267, 275, 276, 278, 283, 284, 288.

On May 24, 2011, counsel for Mylan contacted counsel for Plaintiffs to discuss this motion. Plaintiffs oppose the relief requested herein.

Respectfully submitted,

POTTER ANDERSON & CORROON LLP

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Dated: May 24, 2011
1014154 / 33695 (MDL)

By: /s/ David E. Moore
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and Mylan Pharmaceuticals Inc.*

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ANESTA AG,)	
)	C.A. No. 08-889-SLR
Plaintiffs,)	
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v.)	
)	
MYLAN PHARMACEUTICALS INC.,)	
MYLAN INC., and BARR LABORATORIES, INC.,)	
)	
Defendants.)	

**MYLAN’S EMERGENCY MOTION TO
STAY PARAGRAPH 3 OF THE MAY 24 INJUNCTION ORDER**

Defendants Mylan Pharmaceuticals Inc. and Mylan Inc. (“Mylan”) urgently request that the Court stay the recall provision in paragraph 3 of its injunction order to enable Mylan to seek emergency relief from that order from the Federal Circuit tomorrow morning.

If Mylan is forced to implement paragraph 3 and transmit the letter to its customers, then this injunction will preemptively entirely destroy any relief that Mylan can seek from the Federal Circuit – emergency or otherwise. D.I. 288. If Mylan is compelled to implement the recall provision and send the letter before even giving the Federal Circuit the opportunity to consider the propriety of the injunction, it is highly likely that Mylan’s customers for cyclobenzaprine extended release products – if forced to return those products to Mylan – will be reluctant to rely on Mylan as a source for those products. Plaintiffs thus will have won what they were unable to achieve on the merits. With respect to the merits of the request for this stay, Mylan incorporates by reference the various submissions related to Plaintiffs’ requests for a temporary restraining

order/preliminary injunction that have been filed since the Court's invalidity determination. *See* D.I. 260, 261, 266, 267, 275, 276, 278, 283, 284, 288.

It is particularly urgent that this request be acted on promptly to expedite the appeal process. Mylan ordinarily cannot request a stay from the Federal Circuit without having first asked this Court for one.

Mylan thus respectfully requests that the Court stay paragraph 3 of its injunction order until the Federal Circuit rules on Mylan's motion for an emergency stay of the injunction.

On May 24, 2011, counsel for Mylan contacted counsel for Plaintiffs to discuss this motion. Plaintiffs oppose the relief requested herein.

Respectfully submitted,

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