

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

TRIANAFYLLOS TAFAS)
)
 Plaintiff,)
)
 v.) 1:07cv846 (JCC)
)
 JON W. DUDAS, et al.,)
)
 Defendants.)
 _____)

CONSOLIDATED WITH

_____)
)
 SMITHKLINE BEECHAM)
 CORPORATION, et al.,)
)
 Plaintiffs,)
)
 v.) 1:07cv1008 (JCC)
)
 JON W. DUDAS, et al.,)
)
 Defendants.)

ORDER

For the reasons stated in the accompanying Memorandum Opinion, it is hereby ORDERED that:

1) Plaintiffs Smithkline Beecham Corporation d/b/a GlaxoSmithKline, et al.'s Motion for Summary Judgment is GRANTED;

2) Plaintiff Triantafyllos Tafas's Motion for Summary Judgment is GRANTED;

3) Defendants Jon W. Dudas and the United States Patent and Trademark Office's Motion for Summary Judgment is DENIED;

4) Defendants Jon W. Dudas and the United States Patent and Trademark Office's Motion to Strike is DENIED AS MOOT;

5) Plaintiff Triantafyllos Tafas's Motion for Reconsideration of the Court's January 9, 2008 Memorandum Opinion and Order is DENIED AS MOOT;

6) the regulations titled "Changes to Practice for Continued Examination Filings, Patent Applications Containing Patentably Indistinct Claims, and Examination of Claims in Patent Applications," 72 Fed. Reg. 46,716-843 (Aug. 21, 2007) (to be codified at 37 C.F.R. pt. 1) (the "Final Rules") are declared null and void as "otherwise not in accordance with law" and "in excess of statutory jurisdiction [and] authority," 5 U.S.C. § 706(2);

7) Defendants Jon W. Dudas and the United States Patent and Trademark Office and their agents, servants, and employees are permanently enjoined from implementing the Final Rules set forth in paragraph 6; and

8) the Clerk shall forward a copy of this Order to all Counsel of Record.

THIS ORDER IS FINAL.

April 1, 2008
Alexandria, Virginia

_____/s/_____
James C. Cacheris
UNITED STATES DISTRICT COURT JUDGE