

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

**TEVA BRANDED PHARMACEUTICAL PRODUCTS
R&D, INC., NORTON (WATERFORD) LTD., TEVA
PHARMACEUTICALS USA, INC.,**
Plaintiffs-Appellants

v.

**AMNEAL PHARMACEUTICALS OF NEW YORK,
LLC, AMNEAL IRELAND LTD., AMNEAL
PHARMACEUTICALS LLC, AMNEAL
PHARMACEUTICALS, INC.,**
Defendants-Appellees

2024-1936

Appeal from the United States District Court for the
District of New Jersey in No. 2:23-cv-20964-SRC-MAH,
Judge Stanley R. Chesler.

ON MOTION

PER CURIAM.

O R D E R

Appellants submit a motion to stay, pending appeal,
the district court's June 10, 2024 order directing them to

correct or delete relevant Orange Book patent information. Appellees oppose.

Rule 8(a)(2) of the Federal Rules of Appellate Procedure authorizes this court to grant a stay pending appeal. We consider four factors: “(1) whether the [movant] is likely to succeed on the merits, (2) whether it will suffer irreparable injury without a stay, (3) whether the stay will substantially injure the other parties interested in the proceedings, and (4) where the public interest lies.” *Ohio v. Env’t Prot. Agency*, 2024 WL 3187768, at *6 (U.S. June 27, 2024) (citing *Nken v. Holder*, 556 U.S. 418, 434 (2009)); see also *Standard Havens Prods. Inc. v. Gencor Indus., Inc.*, 897 F.2d 511, 512–13 (Fed. Cir. 1990).

Based on the papers submitted, and our expedition of the completion of briefing and argument on the merits, we conclude that a stay is warranted under the circumstances of this case at this time. The grant of a stay is without prejudice to the merits panel’s ultimate disposition of this case or its authority to dissolve the stay.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted to the extent that the district court’s June 10, 2024 order is stayed until further notice of this court.

(2) The Clerk of Court shall transmit a copy of this order to the merits panel assigned to this appeal.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

July 10, 2024
Date