

NOTE: This order is nonprecedential.

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

THE MEDICINES COMPANY,
Plaintiff-Cross-Appellant

v.

MYLAN, INC., MYLAN PHARMACEUTICALS INC.,
BIONICHE PHARMA USA, LLC,
Defendants-Appellants

2015-1113, -1151, -1181

Appeals from the United States District Court for the
Northern District of Illinois in No. 1:11-cv-01285, Judge
Amy J. St. Eve.

ON MOTION

PER CURIAM.

ORDER

Defendants–Appellants (“Mylan”) move for immediate disposition of this case, arguing that Plaintiff–Cross-Appellant (“TMC”) is collaterally estopped from asserting infringement against Mylan based on collateral estoppel from our decision in *The Medicines Company v. Hospira*,

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The Medicines Company v. Mylan, Inc.

Inc., Nos. 14-1469 & -1504 (Fed. Cir. July 2, 2015) (“*Hospira*”), in which we held claims 1–3, 7–10, and 17 of U.S. Patent No. 7,582,727 (“’727 patent”) and claims 1–3 and 7–11 of U.S. Patent No. 7,598,343 (“’343 patent”) invalid. TMC opposes on grounds that Mylan’s request is premature because our mandate in *Hospira* has not yet issued.

We agree with Mylan that entry of collateral estoppel is appropriate at this stage. Therefore,

IT IS ORDERED THAT:

- (1) The district court’s judgment as to the ’727 patent is reversed.
- (2) TMC’s cross-appeal as to the ’343 patent is dismissed as moot.
- (3) The district court’s entry of injunction against Mylan is vacated.
- (4) Each party shall bear their own costs.

FOR THE COURT

July 29, 2015

Date

/s/ Daniel E. O’Toole

Daniel E. O’Toole
Clerk of Court