

NOTE: This order is nonprecedential.

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

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**CEPHALON, INC., EAGLE PHARMACEUTICALS,  
INC., TEVA PHARMACEUTICALS  
INTERNATIONAL GMBH,**  
*Plaintiffs-Appellees*

v.

**SLAYBACK PHARMA LLC, FRESENIUS KABI USA,  
LLC,**  
*Defendants*

**APOTEX INC., APOTEX CORP., MYLAN  
LABORATORIES LIMITED,**  
*Defendants-Appellants*

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2020-2134, 2020-2137

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Appeals from the United States District Court for the  
District of Delaware in Nos. 1:17-cv-01154-CFC, 1:17-cv-  
01164-CFC, 1:17-cv-01201-CFC, 1:17-cv-01790-CFC,  
Judge Colm F. Connolly.

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**ON PETITION FOR REHEARING EN BANC**

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Before NEWMAN, LOURIE, CLEVINGER<sup>1</sup>, DYK, PROST,  
O'MALLEY, REYNA, TARANTO, CHEN, HUGHES, STOLL, and  
CUNNINGHAM, *Circuit Judges\**.

PER CURIAM.

**O R D E R**

Apotex Inc., Apotex Corp., and Mylan Laboratories Limited filed a petition for rehearing en banc. The petition was first referred as a petition for rehearing to the panel that heard the appeal, and thereafter the petition for rehearing en banc was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

The mandate of the court will issue on October 22, 2021.

FOR THE COURT

October 15, 2021  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court

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<sup>1</sup> Circuit Judge Clevenger participated only in the decision on the petition for panel rehearing.

\* Chief Judge Moore did not participate.