

NOTE: This order is nonprecedential.

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

VANDA PHARMACEUTICALS INC.,
Plaintiff-Appellant

v.

**TEVA PHARMACEUTICALS USA, INC., APOTEX
INC., APOTEX CORP.,**
Defendants-Appellees

2023-1247

Appeal from the United States District Court for the District of Delaware in Nos. 1:18-cv-00651-CFC, 1:18-cv-00689-CFC, 1:19-cv-00560-CFC, 1:19-cv-00685-CFC, 1:19-cv-02202-CFC, 1:19-cv-02375-CFC, 1:20-cv-00083-CFC, 1:20-cv-00093-CFC, 1:20-cv-01104-CFC, 1:20-cv-01333-CFC, 1:21-cv-00121-CFC, 1:21-cv-00282-CFC, Chief Judge Colm F. Connolly.

**ON PETITION FOR PANEL REHEARING AND
REHEARING EN BANC**

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VANDA PHARMACEUTICALS INC. v.
TEVA PHARMACEUTICALS USA, INC.

Before MOORE, *Chief Judge*, NEWMAN, LOURIE,
BRYSON¹, DYK, PROST, REYNA, TARANTO, CHEN, HUGHES,
STOLL, and CUNNINGHAM, *Circuit Judges*.²

PER CURIAM.

O R D E R

Vanda Pharmaceuticals Inc. filed a combined petition for panel rehearing and rehearing en banc. A response to the petition was invited by the court and filed by Teva Pharmaceuticals USA, Inc., Apotex Inc., and Apotex Corp.

The petition was referred to the panel that heard the appeal, and thereafter the petition 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 August 23, 2023.

FOR THE COURT

August 16, 2023
Date

/s/ Jarrett B. Perlow
Jarrett B. Perlow
Clerk of Court

¹ Circuit Judge Bryson participated only in the decision on the petition for panel rehearing.

² Circuit Judge Stark did not participate.