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

Alexandria Division

THE MEDICINES COMPANY,

Plaintiff,

Civil Action No. 01:10-cv-286

DAVID KAPPOS, et al.,

Defendants.

Defendants.

<u>ORDER</u>

Upon consideration of Plaintiff's Emergency Motion for Miscellaneous Relief and the parties' submissions regarding the motion, and in light of the Court's March 16, 2010 order in Case No. 1:10-cv-81 requiring the United States Patent and Trademark Office ("PTO") to "take such actions as are necessary to ensure that" U.S. Patent No. 5,196,404 ("the '404 patent") "does not expire pending resolution of these proceedings," and it further appearing that the PTO has granted an interim extension of the patent at issue only to and including May 23, 2010, and it further appearing that the Court will not complete its judicial review of this case prior to May 23, 2010, it is hereby

ORDERED that Plaintiff's Emergency Motion for Miscellaneous Relief is GRANTED; and it is

FURTHER ORDERED that the PTO take such actions as are

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necessary to ensure that the '404 patent does not expire until at least ten (10) days after this Court issues an Order deciding the pending cross motions for summary judgment.

/s/

Claude M. Hilton United States District Judge

Alexandria, Virginia May <u>21</u>, 2010