

## **APPENDIX**

NOTE: This disposition is nonprecedential.

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

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**SENJU PHARMACEUTICAL CO., LTD.,  
MITSUBISHI CHEMICAL CORPORATION,**  
*Appellants*

v.

**AKORN, INC.,**  
*Appellee*

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2017-1511

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Appeal from the United States Patent and Trademark  
Office, Patent Trial and Appeal Board in No. IPR2015-  
01205.

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**JUDGMENT**

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ANTON METLITSKY, O'Melveny & Myers LLP, New  
York, NY, argued for appellants. Also represented by  
LISA BARONS PENSABENE, FILKO PRUGO; JOHN C. KAPPOS,  
Newport Beach, CA.

CHANDRIKA VIRA, Sterne Kessler Goldstein & Fox,  
PLLC, Washington, DC, argued for appellee. Also repre-  
sented by ELDORA ELLISON, RALPH WILSON POWERS, III,  
JON WRIGHT.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (O'MALLEY, REYNA, and TARANTO,  
*Circuit Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

August 8, 2018

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner  
Clerk of Court

NOTE: This order is nonprecedential.

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for the Federal Circuit**

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**SENJU PHARMACEUTICAL CO., LTD.,  
MITSUBISHI CHEMICAL CORPORATION,**  
*Appellants*

v.

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

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Before PROST, *Chief Judge*, NEWMAN, LOURIE, DYK,  
MOORE, O'MALLEY, REYNA, WALLACH, TARANTO, CHEN,  
HUGHES, and STOLL, *Circuit Judges*.

PER CURIAM.

**O R D E R**

Appellants Mitsubishi Chemical Corporation and Senju Pharmaceutical Co., Ltd. filed a combined petition for panel rehearing and rehearing en banc. A response to the petition was invited by the court and filed by Appellee Akorn, Inc. The petition was referred 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 December 18, 2018.

FOR THE COURT

December 11, 2018  
Date

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