

## **APPENDIX**

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NOTE: This order is nonprecedential.

United States Court of Appeals  
for the Federal Circuit

HELSINN HEALTHCARE S.A.,  
*Plaintiffs-Appellees*

v.

TEVA PHARMACEUTICALS USA, INC., TEVA  
PHARMACEUTICAL INDUSTRIES, LTD.,  
*Defendants-Appellants*

2016-1284, 2016-1787

Appeals from the United States District Court for the  
District of New Jersey in Nos. 3:11-cv-03962-MLC-  
DEA, 3:11-cv-05579-MLC-DEA, 3:13-cv-05815-MLC-  
DEA, Judge Mary L. Cooper.

**ON MOTION TO STAY MANDATE**

Before DYK, MAYER, and O'MALLEY, *Circuit  
Judges*. PER CURIAM.

**ORDER**

The motion to stay is denied. The parties agree that granting a stay requires finding, at least, (1) “a reasonable probability that the Supreme Court will grant *certiorari*; [and] a reasonable possibility that at least five Justices would vote to reverse this Court's judgment,” and (2) “a likelihood of irreparable injury” to the moving party. *Nara v. Frank*, 494 F.3d 1132, 1133 (3d Cir. 2007); *see also Doe v. Miller*, 418 F.3d 950, 951 (8th Cir. 2005); *United States ex rel. Chandler v. Cook County*, 282 F.3d 448, 450 (7th Cir. 2002) (Ripple, J., in chambers).

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For the reasons set forth in the majority opinion, and in Judge O'Malley's concurrence to the denial of rehearing, the decision is a narrow one. There also has been no showing of irreparable injury. *See Teva Pharm. USA, Inc. v. Sandoz, Inc.*, 134 S. Ct. 1621, 1621 (2014) (Roberts, Circuit J.)

IT IS ORDERED THAT:

The motion is denied. Pursuant to Rule 41(b) the mandate will issue seven days from the date of this order.

FOR THE COURT

January 22, 2018

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