

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BRIGHAM AND WOMEN'S HOSPITAL : CIVIL ACTION
INC., et al. :
 :
 :
 v. :
 :
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 :
 TEVA PHARMACEUTICALS USA, INC., :
 et al. : NO. 08-464

ORDER

AND NOW, this 24th day of September, 2009, after a status conference with counsel, it is hereby ORDERED that:

(1) the motion of defendants Teva Pharmaceuticals USA, Inc., Teva Pharmaceutical Industries LTD., and Barr Laboratories, Inc. to proceed on representative claims (Doc. No. 96) is GRANTED;

(2) plaintiffs shall select no more than twelve (12) representative claims on or before October 23, 2009, and shall file and serve notice thereof;

(3) plaintiffs shall select at least one representative claim from each of the four patents-in-suit: U.S. Patent No. 6,011,068; U.S. Patent No. 6,031,003; U.S. Patent No. 6,211,244; and U.S. Patent No. 6,313,146; and

(4) the trial in the first instance shall be on the representative claims without prejudice to a trial at a later point, at the request of plaintiffs, on any of the remaining claims of the patents.

BY THE COURT:

/s/ Harvey Bartle III
HARVEY BARTLE III C.J.
SITTING BY DESIGNATION