

NOTE: This order is nonprecedential.

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

ELI LILLY AND COMPANY,
Plaintiff-Appellee,

v.

**TEVA PARENTERAL MEDICINES, INC., APP
PHARMACEUTICALS LLC, PLIVA HRVATSKA
D.O.O., TEVA PHARMACEUTICALS USA, INC., AND
BARR LABORATORIES, INC.,**
Defendants-Appellants.

2014-1455

Appeal from the United States District Court for the
Southern District of Indiana in No. 1:10-cv-01376-TWP-
DKL, Judge Tonya Walton Pratt.

ON MOTION

Before REYNA, BRYSON, and TARANTO, *Circuit Judges.*
BRYSON, *Circuit Judge.*

ORDER

The parties jointly move to remand this appeal so that
they can litigate the issue of infringement in light of the

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United States Supreme Court's recent decision in *Lime-light Networks, Inc. v. Akamai Technologies, Inc.*, 134 S. Ct. 2111 (2014). In the district court, the parties jointly stipulated to induced infringement and proceeded to trial only on validity. As part of that stipulation, however, appellants reserved the right to litigate infringement if the Supreme Court granted the then-pending petition for writ of certiorari in *Akamai* and reversed or vacated this court's decision.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is granted. This case is remanded for further proceedings consistent with this order.
- (2) Each side shall bear its own costs.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court

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ISSUED AS A MANDATE: July 25, 2014