

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT CLARKSBURG**

MERCK SHARP & DOHME LLC,

Plaintiff,

v.

MYLAN PHARMACETICALS INC.,

Defendant.

C.A. No. 1:19-cv-101(IMK)

ORDER

Upon consideration of the parties' Notice of Settlement on Appeal and Joint Motion for an Indicative Ruling to Effect the Terms of the Settlement, it is **ORDERED** that:

1. An indicative ruling under Federal Rule of Civil Procedure 62.1 is appropriate under these circumstances, as this Court is currently divested of jurisdiction and cannot afford the relief requested by the parties without a limited remand from the United States Court of Appeals for the Federal Circuit.

2. Pursuant to Federal Rule of Civil Procedure 62.1(a)(3), the Court states that it would grant a motion to amend its final judgment under Federal Rule of Civil Procedure 60(b)(5) or (b)(6) and enter the Proposed Stipulated Modified Amended Final Judgment, attached as Exhibit A to the parties' joint motion, if the Federal Circuit were to remand the case for that limited purpose.

The Clerk is directed to transmit copies of this Order to counsel of record.

DATED: March 22, 2023



THOMAS S. KLEE, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA