

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

TRANTAFYLLOS TAFAS )  
 )  
 Plaintiff, )  
 )  
 v. ) 1:07cv846 (JCC)  
 )  
 JON W. DUDAS, et al., )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

CONSOLIDATED WITH

\_\_\_\_\_ )  
 )  
 SMITHKLINE BEECHAM )  
 CORPORATION, et al. )  
 )  
 Plaintiffs )  
 )  
 v. ) 1:07cv1008 (JCC)  
 )  
 JON W. DUDAS, et al., )  
 )  
 Defendants. )

**ORDER**

For the reasons stated in the accompanying Memorandum Opinion, it is hereby ORDERED:

1) Defendants' Motion to Strike Exhibit E of the Memorandum in Support of Plaintiffs' Motion for Preliminary Injunction is DENIED:

2) The Motions of American Intellectual Property Law Association, HEXAS, LLC, The Roskamp Institute, Tikvah Therapeutics, Inc., and Elan Pharmaceutical Corp. for Leave to

File *Amici Curiae* Briefs in Support of Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction are GRANTED;

3) Plaintiffs' Motion for a Preliminary Injunction is GRANTED;

4) Defendants are preliminarily enjoined from implementing the Final Rules titled "Changes to Practice for Continued Examination Failings, Patent Applications Containing Patentably Indistinct Claims, and Examination of Claims in Patent Applications," 72 Fed. Reg. 46716, 46716-46843 (Aug. 21, 2007) (to be codified at 37 C.F.R. pt. 1);

5) Defendants are preliminary enjoined from issuing new regulations restricting the number of continuing applications, the number of requests for continued examination, and the number of claims that may be filed with the PTO;

6) This Order shall expire upon the entry of a final judgment in this matter, unless otherwise ordered by the Court;

7) The Clerk shall forward a copy of this Order and Memorandum Opinion to all Counsel of Record.

October 31, 2007  
Alexandria, Virginia

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/s/  
James C. Cacheris  
UNITED STATES DISTRICT COURT JUDGE