



## **Appellate Court Stays Injunction in Mylan's Paclitaxel Case**

PITTSBURGH--(BUSINESS WIRE)--Feb. 6, 2004--On December 23, 2003, Mylan Laboratories Inc. (NYSE: MYL) reported that the U.S. District Court for the Western District of Pennsylvania had entered judgment in favor of NaPro Biotherapeutics, Inc. and Mayne Pharma (USA) Inc. (formerly known as "Faulding Pharmaceutical Co.") in the patent infringement suit regarding Mylan's paclitaxel product. On December 30, 2003, the district court issued an injunction which would have prohibited Mylan from continuing its paclitaxel business unless the court of appeals disagreed with the lower court's opinion that an injunction was appropriate.

Yesterday, the U.S. Court of Appeals for the Federal Circuit issued an order disagreeing with the appropriateness of an injunction. While the court of appeals made clear that its decision was not on the merits of the appeal, the court stated, "After reviewing the papers submitted, and without prejudicing the ultimate disposition of this appeal by a merits panel, we determine that Mylan has met its burden of establishing a strong likelihood of success on the merits" of Mylan's argument that it should have been permitted to proceed to trial on the issue of whether NaPro's patents are invalid as obvious.

Mylan Laboratories Inc. is a leading pharmaceutical company with four subsidiaries, Mylan Pharmaceuticals Inc., Mylan Technologies Inc., UDL Laboratories Inc. and Bertek Pharmaceuticals Inc., that develop, manufacture and market an extensive line of generic and proprietary products.

For more information about Mylan, visit [www.mylan.com](http://www.mylan.com).

CONTACT: Mylan Laboratories Inc.  
Kris King, 724-514-1800

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