

NOTE: This order is nonprecedential.

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

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**REGENERON PHARMACEUTICALS, INC.,**  
*Plaintiff-Appellant*

v.

**MYLAN PHARMACEUTICALS INC., BIOCON  
BIOLOGICS INC.,**  
*Defendants-Cross-Appellants*

**AMGEN USA, INC.,**  
*Defendant*

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2024-1402, 2024-1405

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Appeals from the United States District Court for the Northern District of West Virginia in No. 1:22-cv-00061-TSK-JPM, Chief Judge Thomas S. Kleeh.

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Before MOORE, *Chief Judge*.

**ORDER**

The court considers its jurisdiction over the above-captioned appeals.

On December 27, 2023, the district court entered a document entitled “judgment” addressing certain asserted patent claims. In the notices of (cross-)appeal, the parties

appear to agree “that the December 27, 2023 Judgment is not a final, appealable judgment” as “[i]t resolves fewer than all claims in Regeneron’s Complaint” and was not certified as a final judgment of fewer than all claims under Rule 54(b) of the Federal Rules of Civil Procedure. Appeal No. 2024-1402, ECF No. 1-2 at 3; *see* Appeal No. 2024-1405, ECF No. 1-2 at 2.

In general, a final decision is required for this court to have jurisdiction over a district court case. 28 U.S.C. § 1295(a)(1). And a “final decision” is one that “ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.” *Catlin v. United States*, 324 U.S. 229, 233 (1945).

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The briefing schedule is stayed pending further notice of the court.
- (2) Within 30 days from the date of entry of this order, the parties are directed to show cause why these appeals should not be dismissed for lack of jurisdiction.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

February 22, 2024  
Date