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King Drug Co of Florence Inc v. Smithkline Beecham Corporation

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UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 14-1243

KING DRUG COMPANY OF FLORENCE, INC.;
LOUISIANA WHOLESALE DRUG CO., INC.,
on behalf of itself and all others similarly situated,
Appellants

v.

SMITHKLINE BEECHAM CORPORATION, doing business as
GLAXOSMITHKLINE; TEVA PHARMACEUTICAL INDUSTRIES LTD.;
TEVA PHARMACEUTICALS

On Appeal from the United States District Court
for the District of New Jersey
D.C. Civil Action No. 2-12-cv-00995
District Judge: Honorable William H. Walls

Before: AMBRO, SCIRICA, and ROTH, Circuit Judges

ORDER AMENDING OPINION

The Precedential Opinion which was filed on June 26, 2015 shall be amended with respect to footnote 27 which appears on page 37 of the opinion. The footnote as amended shall read in its entirety:

27. We do not believe that the no-AG agreement was in fact an "exclusive" license. However, since the issue of whether such agreement is an exclusive license is not necessary for our decision here, we will leave its determination for another day.

This amendment does not alter the original filing date of the opinion and the Court's judgment.

By the Court,

s/ Anthony J. Scirica
Circuit Judge

Date: September 23, 2015