

CORRECTED: FEBRUARY 16, 2021

NOTE: This order is nonprecedential.

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

**ALLERGAN LIMITED, ALLERGAN, INC.,
MEDYTOX, INC.,**
Appellants

v.

INTERNATIONAL TRADE COMMISSION,
Appellee

**DAEWOONG PHARMACEUTICAL CO., LTD. AND
EVOLUS, INC.,**
Intervenors

2021-1653

Appeal from the United States International Trade
Commission in Investigation No. 337-TA-1145.

**DAEWOONG PHARMACEUTICAL CO., LTD. AND
EVOLUS, INC.,**
Appellants

v.

INTERNATIONAL TRADE COMMISSION,
Appellee

2021-1654

Appeal from the United States International Trade Commission in Investigation No. 337-TA-1145.

ON MOTION

PER CURIAM.

O R D E R

Daewoong Pharmaceutical Co., Ltd. and Evolus, Inc. move to intervene in Appeal No. 2021-1653, move to stay the International Trade Commission's 21-month limited exclusion order and cease-and-desist order ("the Remedial Orders"), and move for an interim stay of the Remedial Orders. Daewoong and Evolus also file their own petition for review from, inter alia, the Remedial Orders, which is docketed as Appeal No. 2021-1654. Allergan Limited, Allergan, Inc., and Medytox, Inc. move unopposed for leave to file out-of-time their response to Daewoong and Evolus's motions for leave to intervene and for an interim stay.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion for leave to intervene is granted.
- (2) Appeal Nos. 2021-1653 and 2021-1654 are consolidated in the nature of cross-appeals, and the motion for a stay and motion for interim relief shall be deemed to be

ALLERGAN LIMITED v. ITC

3

filed in connection with both appeals. The revised official captions are reflected above.

(3) Allergan and Medytox's motion for leave to file out-of-time is granted.

(4) The motion for an interim stay is granted to the extent that the Remedial Orders are temporarily stayed and the government is directed not to enforce the Remedial Orders until further notice while the court considers the motion for a stay pending appeal.

(5) While the interim stay is in effect, Daewoong and Evolus must comply with the same bond requirements set forth by the Commission in the Remedial Orders governing the Presidential Review Period.

(6) Any oppositions to the motion to stay are due no later than March 2, 2021. Any reply in support of the motion is due no later than March 5, 2021.

FOR THE COURT

February 15, 2021
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

s31