

Interlocutory Orders, Etc.

IN THE MATTER OF

1-800 CONTACTS, INC.

Docket No. 9372. Order, November 16, 2017

Order granting a Joint Motion to extend the deadlines for the parties to file their respective appellate briefs.

**ORDER GRANTING JOINT MOTION TO EXTEND DEADLINES FOR
FILING APPEAL, ANSWERING, AND REPLY BRIEFS**

On November 6, 2017, Complaint Counsel and Respondent in this matter filed a Joint Motion to extend the deadlines for the parties to file their respective appellate briefs. Under the Joint Motion's proposed schedule, Respondent would file its Appeal Brief on or before December 6, 2017; Complaint Counsel would file its Answering Brief on or before January 24, 2018; and Respondent would file its Reply Brief on or before February 9, 2018. The parties request these extensions "in order to prevent cancellation of holiday travel plans and to ensure that [they] have sufficient time to provide helpful, yet thorough, briefs in this case." This small delay in the schedule will accommodate counsels' schedules and provide a modicum of additional time for the preparation of briefs.

In light of the foregoing and pursuant to Commission Rule 4.3(b), 16 C.F.R. § 4.3(b), we find there is good cause to grant the parties' joint request to extend the deadlines for the filing of their respective appeals briefs. Accordingly,

IT IS HEREBY ORDERED THAT Respondent must file its Appeal Brief on or before December 6, 2017, and if Respondent files its Appeal Brief by that date, its appeal from the Initial Decision will be treated as having been perfected in accordance with Commission Rule 3.52(b)(2);

IT IS FURTHER ORDERED THAT Complaint Counsel must file its Answering Brief on or before January 24, 2018; and

IT IS FURTHER ORDERED THAT Respondent must file its Reply Brief on or before February 9, 2018.

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By the Commission.

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IN THE MATTER OF

IMPAX LABORATORIES, INC.

Docket No. 9373. Order, November 17, 2017

Order specifying the statement of facts that appear without substantial controversy. This order corrects and supersedes the Commission's Order of October 27, 2017.

ORDER SPECIFYING FACTS WITHOUT SUBSTANTIAL CONTROVERSY
(CORRECTED)

Pursuant to Section 3.24(a)(5), of the Commission's Rules of Practice, 16 C.F.R. § 3.24(a)(5), the Commission hereby specifies the following statement of facts that appear without substantial controversy. This order corrects and supersedes the Commission's Order of October 27, 2017.

Accordingly,

IT IS ORDERED THAT the following facts shall be deemed established for purposes of this proceeding:

Opana ER & Endo Patents

1. Oxymorphone is a semi-synthetic opioid used to relieve pain.
2. The U.S. Food & Drug Administration ("FDA") first approved oxymorphone in 1960.
3. Opana ER is an extended-release formulation of oxymorphone.
4. The FDA approved Opana ER (NDA No. 021610) in June 2006 "for the relief of moderate to severe pain in patients requiring continuous, around-the clock opioid treatment for an extended period of time."
5. Endo Pharmaceuticals Inc. ("Endo") announced commercial availability of Opana ER in July 2006. Endo offered