In re Cephalon Inc.
Request for Interim Patent Term Extension
U.S. Patent No. 4,927,855

ORDER GRANTING
INTERIM EXTENSION

Cephalon, Inc., the owner of record in the United States Patent and Trademark Office of U.S.
Patent No. 4,927,855, filed a second application under 35 U.S.C. § 156(e)(2) for interim
extension of U.S. Patent No. 4,927,855 on July 1, 2008. The previously extended term of the
patent is due to expire on August 13, 2008. The patent claims the active ingredient armodafinil
in the human drug product NUVIGIL™ and a method of use of said product which was approved
by the Food and Drug Administration for commercial marketing or use on June 15, 2007. An
extension of 1,066 days from the original expiration date was requested in an application for

The initial USPTO review of the application indicates that the subject patent is eligible for an
extension of the patent term under 35 U.S.C. § 156. Because the extended term of the patent will
expire on August 13, 2008, before a certificate of extension can be issued, further interim
extension of the patent term under 35 U.S.C. § 156(e)(2) is appropriate.

An interim extension under 35 U.S.C. § 156(e)(2) of the term of U.S. Patent No. 4,927,855, is
granted for an additional period of 282 days to further extend the patent from the extended

July 29, 2008

Jon W. Dudas
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office