

UNITED STATES PATENT AND TRADEMARK OFFICE

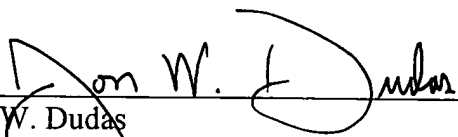
In re Cephalon Inc. :
Request for Interim Patent Term Extension : **ORDER GRANTING**
U.S. Patent No. 4,927,855 : **INTERIM EXTENSION**

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 patent term extension under 35 U.S.C. § 156 filed on July 27, 2007.

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 expiration date of August 13, 2008, until the new extended expiration date, May 22, 2009.

July 28, 2008
Date



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