

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

TEVA PHARMACEUTICALS)	
INTERNATIONAL GMBH and)	
TEVA PHARMACEUTICALS USA, INC.)	
)	
Plaintiffs,)	
)	Case No. 1:18-cv-10242-ADB
v.)	
)	
ELI LILLY AND COMPANY)	
)	
Defendant.)	

**ASSENTED-TO MOTION FOR LEAVE TO IMPOUND CONFIDENTIAL EXHIBITS
TO DEFENDANT’S MOTION FOR LEAVE TO AMEND ANSWER**

Pursuant to Local Rule 7.2(d) and the Protective Order [Dkt 58], Defendant, Eli Lilly and Company (“Lilly” or “Defendant”), hereby moves this Court for an Order to impound or otherwise seal the following documents relating to Lilly’s forthcoming Motion for Leave to Amend Answer, on the grounds that these documents contain or reveal Plaintiffs’ Teva Pharmaceuticals International GmbH and Teva Pharmaceuticals USA, Inc. (“Teva” or “Plaintiffs”) and Lilly’s designated confidential and/or proprietary information. Specifically, the documents to be sealed are Lilly’s Memorandum of Law In Support of Eli Lilly and Company’s Motion for Leave to Amend Answer (document no. 1 below) (“Lilly’s Memorandum”), exhibits to Lilly’s Memorandum and exhibits to the Declaration of Emily R. Gabranski in support of Lilly’s Motion for Leave to Amend Answer (“Gabranski Declaration”), each of which is listed below. Lilly will coordinate with Plaintiffs to promptly prepare and file a redacted version of Lilly’ Memorandum on the public ECF system. The list of documents to be sealed is as follows:

1. Memorandum of Law In Support of Defendant Eli Lilly and Company's Motion for Leave to Amend Answer;
2. Eli Lilly and Company's Amended Answer (to be attached as **Exhibit A** to Lilly's Memorandum);
3. Eli Lilly and Company's Amended Answer (redlined version) (to be attached as **Exhibit B** to Lilly's Memorandum);
4. List of documents produced in this matter and cited in Eli Lilly and Company's Amended Answer (to be attached as **Exhibit C** to Lilly's Memorandum);
5. Document produced by Teva on behalf of Joerg Zeller bearing Bates numbers Zeller_FREM_00014548-78 (to be attached as **Exhibit 1** to Gabranski Declaration);
6. Document produced by Pfizer to Lilly pursuant to a document subpoena bearing Bates numbers on behalf of Joerg Zeller bearing Bates numbers LLY-GALCA-0071882-83 and introduced as Exhibit 51 in the August 20, 2021 deposition of Jaume Pons (to be attached as **Exhibit 2** to Gabranski Declaration);
7. Document produced by Teva on behalf of Joerg Zeller bearing Bates numbers Zeller_FREM_00002542-71 and introduced as Exhibit 60 in the August 20, 2021 deposition of Jaume Pons (to be attached as **Exhibit 3** to Gabranski Declaration);
8. Teva's objections and responses to Lilly's Interrogatory Nos. 1-9 and 15-18, served September 11, 2020 (to be attached as **Exhibit 4** to Gabranski Declaration);
9. Document produced by Teva bearing Bates numbers TEVA_FREM_002234595-605 and introduced as Exhibit 66 in the August 20, 2021 deposition of Jaume Pons (to be attached as **Exhibit 5** to Gabranski Declaration);
10. Document produced by Teva bearing Bates numbers TEVA_FREM_002543790-852 (to be attached as **Exhibit 6** to Gabranski Declaration);
11. Teva's objections and responses to Lilly's Request for Production Nos. 1-56, served September 4, 2020 (to be attached as **Exhibit 7** to Gabranski Declaration);
12. Email from Lulu Wang to Eric Romeo et al., dated August 24, 2020 (to be attached as **Exhibit 8** to Gabranski Declaration);
13. Letter from Natasha Daughtrey to Emily Gabranski, dated February 11, 2021 (to be attached as **Exhibit 9** to Gabranski Declaration);
14. Letter from Natasha Daughtrey to Amana Abdulwakeel, dated December 3, 2020 (to be attached as **Exhibit 10** to Gabranski Declaration);

15. Letter from Emily Gabranski to Natasha Daughtrey, dated January 20, 2021 (to be attached as **Exhibit 11** to Gabranski Declaration);
16. Excerpt of a document produced by Teva bearing Bates numbers TEVA_FREM_002238860-67 (to be attached as **Exhibit 12** to Gabranski Declaration);
17. Letter from Amana Abdulwakeel to Natasha Daughtrey, dated March 8, 2021 (to be attached as **Exhibit 13** to Gabranski Declaration);
18. Letter from Natasha Daughtrey to Amana Abdulwakeel, dated April 6, 2021 (to be attached as **Exhibit 14** to Gabranski Declaration);
19. Letter from Elaine Blais to Emily Gabranski, dated May 12, 2021 (to be attached as **Exhibit 15** to Gabranski Declaration);
20. Email from Shaobo Zhu to Ryan O'Quinn et al., dated June 29, 2021 (to be attached as **Exhibit 16** to Gabranski Declaration); and
21. Excerpted transcript of the deposition of Jaume Pons, taken August 20, 2021 (to be attached as **Exhibit 17** to Gabranski Declaration).

Lilly proposes that the Order sealing and the documents described above be lifted only in the instance of a further order of the Court, and that the sealed documents be kept in the clerk's nonpublic information file during any post-impoundment period.

WHEREFORE, Defendant respectfully requests that this Court allow this Motion.

Dated: October 4, 2021

/s/Andrea L. Martin
Andrea L. Martin (BBO 666117)
BURNS & LEVINSON LLP
125 High Street
Boston, MA 02110-1624
(617) 345-3000
amartin@burnslev.com

William B. Raich
Danielle A. Duszczyszyn
Denise Main
Pier D. DeRoo
Daniel F. Roland
Matthew Luneack
Yoonjin Lee
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 New York Avenue, NW
Washington, DC 20001-4413
William.Raich@finnegan.com
Danielle.Duszczyszyn@finnegan.com
Denise.Main@finnegan.com
Pier.DeRoo@finnegan.com
Daniel.Roland@finnegan.com
Matthew.Luneack@finnegan.com
Yoonjin.Lee@finnegan.com

Charles E. Lipsey
Ryan O'Quinn
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
1875 Explorer Street
Suite 800
Reston, VA 20190-6023
Charles.Lipsey@finnegan.com
Oquinnr@finnegan.com

Emily R. Gabranski (BBO 694417)
Marta Garcia Daneshvar
Lulu Wang (BBO 704042)
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
2 Seaport Lane
Boston, MA 02210-2001
Emily.Gabranski@finnegan.com
Marta.Garcia@finnegan.com
Lulu.Wang@finnegan.com

Attorneys for Defendant Eli Lilly & Company

LR 7.1(a)(2) CERTIFICATION

I, Andrea L. Martin, hereby certify that Lilly's counsel met and conferred with Plaintiffs' counsel regarding this motion on September 30, 2021; Plaintiffs' counsel stated on September 30, 2021 that Plaintiffs do not object/assent to this motion.

/s/Andrea L. Martin
Andrea L. Martin, Esq.

CERTIFICATE OF SERVICE

I, Andrea L. Martin, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 4, 2021.

/s/Andrea L. Martin
Andrea L. Martin, Esq.

4813-0135-6285.1