

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

TEVA PHARMACEUTICALS)
INTERNATIONAL GMBH and)
TEVA PHARMACEUTICALS USA, INC.,)
)
Plaintiffs,)
)
v.)
)
ELI LILLY AND COMPANY,)
)
Defendant.)

Case No. 1:18-cv-12029-ADB

**ORAL ARGUMENT
REQUESTED**

**DEFENDANT ELI LILLY AND COMPANY’S MOTION
FOR LEAVE TO AMEND ANSWER**

Pursuant to Fed. R. Civ. P. 15(a)(2) and 16(b)(4) as well as Local Rule 16.1(g), Defendant Eli Lilly and Company (“Lilly”) requests leave to file an Amended Answer to Plaintiffs Teva Pharmaceuticals International GmbH and Teva Pharmaceuticals USA, Inc.’s (collectively, “Teva”) Complaint (ECF No. 1) on the grounds that recently completed document production by Teva and its predecessors-in-interest and recently completed depositions of Teva-controlled witnesses provide bases for particularized assertions that the patents-in-suit are unenforceable for inequitable conduct and associated unclean hands. A copy of the proposed Amended Answer to Plaintiffs’ Complaint is attached as **Exhibit A** to the Memorandum of Law, and a copy of the same, with changes from Lilly’s Answer (ECF No. 17) shown in redline, is attached as **Exhibit B**.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Lilly requests oral argument on 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 and Company*

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that, pursuant to Local Rule 7.1, counsel for Lilly conferred with counsel for Teva and attempted in good faith to resolve or narrow the issues presented in this motion. The parties conferred via telephone at least on September 30, 2021 and by email at least on October 1, 2021. Teva opposes this motion.

/s/Andrea L. Martin

Andrea L. Martin

CERTIFICATE OF SERVICE

I, Andrea Martin, hereby certify that a copy of the foregoing document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies shall be served by first class mail postage prepaid on all counsel of record who are not served through the CM/ECF system on October 4, 2021.

/s/Andrea L. Martin
Andrea L. Martin