

**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.*

Civil Action No.

1:18-cv-12029-ADB

**ASSENTED TO MOTION FOR LEAVE TO IMPOUND  
CONFIDENTIAL PORTIONS OF PLAINTIFFS' OPPOSITIONS TO DEFENDANT ELI  
LILLY'S MOTIONS FOR SUMMARY JUDGMENT AND DAUBERT MOTIONS**

Pursuant to Local Rule 7.2(d) and the Protective Order (ECF No. 58), Plaintiffs Teva Pharmaceuticals International GmbH and Teva Pharmaceuticals USA, Inc. (together, "Plaintiffs" or "Teva") hereby move this Court for an Order to impound or otherwise seal the following documents related to Plaintiffs' Oppositions to Defendant Eli Lilly and Company's Motions for Summary Judgment and *Daubert* Motions, on the grounds that these documents contain or reveal the designated confidential and/or proprietary information of Plaintiffs and Defendant Eli Lilly and Company. Specifically, the documents to be sealed are Plaintiffs' Memoranda in Opposition, Declarations, and Exhibits. Plaintiffs will coordinate with Defendant to promptly prepare and file redacted versions of Plaintiffs' documents on the public ECF system. The list of documents to be sealed is as follows:

1. Plaintiffs' Opposition to Defendant Eli Lilly and Company's *Daubert* Motion to Partially Exclude Testimony of Dr. Elan Rubinstein and Dr. Mark Berkman;
2. Exhibits to be attached to the Declaration of Elaine Herrmann Blais in Support of Plaintiffs' Opposition to Eli Lilly and Company's *Daubert* Motion to Partially Exclude Testimony of Dr. Elan Rubinstein and Dr. Mark Berkman;

3. Plaintiffs' Opposition to Eli Lilly and Company's Motion for Summary Judgment of Invalidity for Lack of Written Description;

4. L.R. 56.1 Responsive Statement of Material Facts in support of Plaintiffs' Opposition to Defendant's Motion for Summary Judgment for Lack of Written Description;

5. Plaintiffs' Opposition to Eli Lilly and Company's Motion for Summary Judgment of Invalidity for Lack of Enablement;

6. L.R. 56.1 Responsive Statement of Material Facts in support of Plaintiffs' Opposition to Defendant's Motion for Summary Judgment for Lack of Enablement;

7. Plaintiffs' Opposition to Defendant's Motion for Partial Summary Judgment of No Willful Infringement;

8. L.R. 56.1 Responsive Statement of Material Facts in support of Plaintiffs' Opposition to Defendant's Motion for Summary Judgment of No Willful Infringement;

9. Plaintiffs' Opposition to Defendant's Motion For Partial Summary Judgment Of Non-Infringement;

10. L.R. 56.1 Responsive Statement of Material Facts in support of Plaintiffs' Opposition to Defendant's Motion for Summary Judgment of Non-Infringement;

11. Exhibits to be attached to the Declaration of Elaine Herrmann Blais in Support of Plaintiffs' Oppositions to Eli Lilly and Company's Motions for Summary Judgment;

12. Declaration of Yasmina Abdiche, Ph.D. in Support of Teva's Oppositions to Lilly's Motions for Summary Judgment of Invalidity for (1) Lack of Enablement, and (2) Lack of Written Description; and

13. Declaration of Jeffrey V. Ravetch, M.D., Ph.D. and Exhibit A thereto.

Plaintiffs propose that the Order sealing Plaintiffs' Memoranda in Opposition, Declarations, and Exhibits 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, Plaintiffs respectfully request that this Court allow this Motion.

Dated: May 5, 2022

Respectfully Submitted,

/s/ Elaine Herrmann Blais

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**LR 7.1(a)(2) CERTIFICATION**

I, Elaine Herrmann Blais, hereby certify that Plaintiffs' counsel conferred with Defendant's counsel regarding this motion and that Defendant's counsel indicated that Defendant assents to this motion.

*/s/ Elaine Herrmann Blais*  
Elaine Herrmann Blais

**CERTIFICATE OF SERVICE**

I, Elaine Herrmann Blais, 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 May 5, 2022.

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