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January 18, 2019

**Via ECF**

Honorable Allison D. Burroughs  
United States District Court Judge  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way  
Boston, Massachusetts 02210

Re: *Teva Pharmaceuticals International GmbH et al v. Eli Lilly and Company*,  
Civil Action No. 1:18-cv-12029-ADB

Dear Judge Burroughs:

This firm, together with Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, represents Defendant Eli Lilly and Company (“Lilly”), in the above-captioned matter.

We write to provide an update to the Court regarding the timing of the Patent Trial and Appeal Board’s (“Board”) institution decisions on the patents-in-suit, which is directly relevant to Lilly’s November 2, 2018 Motion which asked the Court to transfer, or if not transferred, to stay the above-captioned matter pending *inter partes* review. *Dkt* 18-20, 29-30. If the Court does not transfer the case to Indiana, then Lilly respectfully requested “that the Court stay this action pending resolution of the *inter partes* review petitions for each of the nine patents at issue in this case, or in the alternative, grant a modest stay until April 16, 2019, the date by which the Board will have issued all institution decisions on the patents-in-suit.” *Id.* Teva opposes this motion. *Dkt.* 25-26, 33.

Lilly respectfully submits this letter to advise the Court that the Board will issue its institution decisions on:

- three of the patents-in-suit by **February 21, 2019**,
- three additional patents-in-suit by **February 27, 2019**, and
- the final three patents-in-suit by **April 4, 2019**.

*See* 35 U.S.C. § 314(b). Accordingly, should the Court decide in the alternative to grant a modest stay of this litigation until the Board will have issued all of its institution decisions on the patents-in-suit, the relevant date will be April 4, 2019 — not April 16, 2019.

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For the reasons set forth in Lilly's moving papers, Lilly respectfully requests that the Court grant its Motion.

Respectfully submitted,

*/s/ Andrea L. Martin*

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cc: All Counsel of Record (by ECF)