

**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



**PLAINTIFFS' MOTION TO EXCLUDE CERTAIN OPINIONS OF
DEFENDANT'S EXPERT DR. ANDREW CHARLES**

Pursuant to Fed. R. Evid. 702 and 703, Plaintiffs Teva Pharmaceuticals International GmbH and Teva Pharmaceuticals USA, Inc. (collectively, "Teva") move to exclude certain opinions of Dr. Andrew Charles. Dr. Charles' opinions fail to meet the standards for admissibility under the Federal Rules of Evidence and applicable Supreme Court and Federal Circuit law, and must be excluded for the reasons provided in Teva's attached Memorandum. In addition to the Memorandum, this Motion is supported by the Declaration of Elaine Herrmann Blais.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Teva respectfully requests oral argument.

Dated: March 28, 2022

Respectfully Submitted,

/s/ Elaine Herrmann Blais

Douglas J. Kline (BBO# 556680)
Elaine Herrmann Blais (BBO# 656142)
Robert Frederickson III (BBO# 670111)
Joshua S. Weinger (BBO# 690814)
Alexandra Lu (BBO# 691114)
Eric T. Romeo (BBO# 691591)
Kathleen A. McGuinness (BBO# 693760)
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
Tel.: (617) 570-1000
Fax: (617) 523-1231
dkline@goodwinlaw.com
eblais@goodwinlaw.com
rfrederickson@goodwinlaw.com
jweinger@goodwinlaw.com
alu@goodwinlaw.com
eromeo@goodwinlaw.com
kmcguinness@goodwinlaw.com

I. Neel Chatterjee (*pro hac vice*)
GOODWIN PROCTER LLP
601 Marshall St.
Redwood City, CA 94063
Tel.: (650) 752-3100
Fax: (650) 853-1038
nchatterjee@goodwinlaw.com

Natasha E. Daughtrey (*pro hac vice*)
GOODWIN PROCTER LLP
601 S. Figueroa St.
Los Angeles, CA 90017
Tel.: (213) 426-2500
Fax: (213) 623-1673
ndaughtrey@goodwinlaw.com

Attorneys for Plaintiffs

LR 7.1(a)(2) CERTIFICATION

I, Elaine Herrmann Blais, hereby certify that Plaintiffs' counsel conferred with Defendant's counsel regarding this motion and attempted in good faith to resolve or narrow the issues presented in this motion. Lilly opposes 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 July 27, 2022.

/s/ Elaine Herrmann Blais

Elaine Herrmann Blais (BBO# 656142)

GOODWIN PROCTER LLP

100 Northern Avenue

Boston, MA 02210

Tel.: (617) 570-1000

Fax: (617) 523-1231

eblais@goodwinlaw.com