



Elaine Herrmann Blais
+1 617 570 1205
eblais@goodwinlaw.com

Goodwin Procter LLP
100 Northern Avenue
Boston, MA 02210

goodwinlaw.com
+1 617 570 1000

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VIA ECF

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

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

Dear Judge Burroughs:

We write on behalf of Plaintiffs Teva Pharmaceuticals Int'l GmbH and Teva Pharmaceuticals USA, Inc. ("Teva") to request a Rule 16 Scheduling Conference at the Court's earliest convenience in the above-captioned case.¹ We have conferred with counsel for Lilly, and Lilly joins this request.

This case has been stayed pending resolution of nine petitions for *inter partes* review ("IPR") filed by Lilly. (ECF No. 43 at 18.) The United States Patent and Trademark Office's Patent Trial and Appeal Board ("PTAB") has issued final written decisions in all of the IPRs concerning the patents at issue in this case. In particular, on March 31, 2020, the PTAB issued a final written decision determining all challenged claims were not unpatentable in three of the patents-in-suit². Lilly intends to appeal that decision. In two separate decisions issued on February 18, 2020, the PTAB cancelled all challenged claims in six of the patents-in-suit³. Teva is considering appealing those decisions. In view of the resolution of the IPRs by the PTAB, this case is poised to proceed.

Accordingly, the parties respectfully request that the Court hold a Rule 16 scheduling conference at its earliest convenience so that parties may resume this case.

¹ The parties are, of course, mindful that the country is in the midst of a public health crisis but understand that the Court has been conducting civil hearings by video and teleconference.

² The challenged patents in these IPRs were U.S. Patent Nos. 8,586,045, 9,884,907, and 9,884,908.

³ The challenged patents in these IPRs were U.S. Patent Nos. 9,340,614, 9,266,951, 9,890,210, 9,346,881, 9,890,211, and 8,597,649.



The Honorable Allison D. Burroughs
April 8, 2020
Page 2

Respectfully submitted,

/s/ Elaine Herrmann Blais

Elaine Herrmann Blais

cc: Counsel of Record (by ECF)