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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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TEVA PHARMACEUTICALS  
INTERNATIONAL GMBH, et als,

Plaintiff,

Civil Action  
No. 1:18-cv-12029-ADB

v.

ELI LILLY AND COMPANY,

August 15, 2022

Defendant.

Pages 1 to 96

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TRANSCRIPT OF MOTION HEARING  
BEFORE THE HONORABLE ALLISON D. BURROUGHS  
UNITED STATES DISTRICT COURT  
JOHN J. MOAKLEY U.S. COURTHOUSE  
ONE COURTHOUSE WAY  
BOSTON, MA 02210

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P R O C E E D I N G S

(The following proceedings were held in open court before the Honorable Allison D. Burroughs, United States District Judge, United States District Court, District of Massachusetts, at the John J. Moakley United States Courthouse, One Courthouse Way, Boston, Massachusetts, on August 31, 2022.)

THE CLERK: This is Civil Action 18-12029, Teva Pharmaceuticals, et al., v. Eli Lilly and Company. Will Counsel identify yourselves for the record.

MR. KLINE: Your Honor, for Teva, Doug Kline of Goodwin. Together with me, my partners Robert Frederickson, Elaine Blais, Natasha Daughtrey, Molly Grammel, and Eric Romeo is here with me, all from Goodwin. And with us from the client as well, Your Honor, we have Mr. Colin Regan, Ms. Lori Wolfe, and Mr. Joe Rice.

THE COURT: Mr. Kline, are you sure you have enough lawyers to get it done today?

MR. KLINE: I'm not sure, Your Honor. I might just call the office should I need some assistance.

THE COURT: You can call reinforcements if you need them, right?

MR. KLINE: Yes.

MR. LIPSEY: Good morning, Your Honor. Charles Lipsey with Finnegan Henderson for Defendant Eli Lilly and

1 Company. As well as I am joined by my colleagues from  
2 Finnegan Henderson, Mr. William Raich, Danielle Duszczyszyn.  
3 In the back of the room, Ryan O'Quinn, Yoonjin Lee --

4 MS. MARTIN: Good morning, Your Honor. Andrea  
5 Martin from Burns & Levinson.

6 MR. LIPSEY: We'll try to make do with a smaller  
7 number. I'm sorry, also Mr. Mark Stewart from Eli Lilly is  
8 here.

9 THE COURT: It's hard not to think of the saying  
10 how many lawyers does it take to screw in a light bulb,  
11 right?

12 So I'm happy to do this today in any order or any  
13 way that you want if you've given it any thought.

14 MR. KLINE: We have thoughts, Your Honor. With  
15 respect -- two of the motions are Teva's motions. The Motion  
16 for Summary Judgment regarding Judicial Estoppel informs --  
17 impacts many of the rest of the arguments that I think the  
18 Court would hear today, so we'd like to go first on that.  
19 With respect to -- and at any moment that it's appropriate,  
20 we can do the Motion for Summary Judgment of Known Equitable  
21 Conduct.

22 With regard to Lilly's motions, I'm sure Lilly will  
23 have a view. It's our view, Your Honor -- if we could have  
24 the screen just a moment for our side. It's our view,  
25 Your Honor, that the Court perhaps need not hear Lilly's

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