

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

TEVA PHARMACEUTICALS	)	
INTERNATIONAL GMBH and	)	
TEVA PHARMACEUTICALS USA, INC.,	)	
	)	
Plaintiffs,	)	Case No. 1:18-cv-12029-ADB
	)	
v.	)	
	)	
ELI LILLY AND COMPANY,	)	
	)	
Defendant.	)	

**DEFENDANT ELI LILLY AND COMPANY’S MOTION *IN LIMINE* NO. 1  
REGARDING JUDICIAL ESTOPPEL**

Pursuant to Local Rule 7.1, Defendant Eli Lilly and Company (“Lilly”) respectfully moves (1) to preclude Plaintiffs Teva Pharmaceuticals International GmbH and Teva Pharmaceuticals USA, Inc. (“Teva”) under the doctrine of judicial estoppel from introducing arguments, evidence, or testimony contradicting positions it prevailed on when defending the patents-in-suit during related IPR proceedings; and (2) to hold these positions as established facts for purposes of this case. The grounds for the motion are fully set forth in Lilly’s memorandum in support of this motion, and the declaration of Marta Garcia Daneshvar in support of Lilly’s motion with accompanying exhibits, filed concurrently with this motion.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(d), Lilly requests oral argument on this motion.

Dated: September 16, 2022

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**LOCAL RULE 7.1 CERTIFICATION**

I hereby certify that, pursuant to Local Rule 7.1, counsel for Lilly conferred with counsel for Teva and attempted in good faith to resolve or narrow the issues presented in this motion. The parties conferred via telephone at least on August 17, 2022 and by email at least on August 19 and 23, 2022. Teva opposes this motion.

*/s/Andrea L. Martin*  
Andrea L. Martin, Esq.

**CERTIFICATE OF SERVICE**

I, Andrea L. Martin, 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 September 16, 2022.

*/s/Andrea L. Martin*  
Andrea L. Martin, Esq.