

**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

TEVA'S MOTION FOR POST-TRIAL RELIEF

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, Plaintiffs Teva Pharmaceuticals International GmbH and Teva Pharmaceuticals USA, Inc. (together, "Teva") move for the following post-trial relief:

- Supplemental lost profits and reasonable royalty damages pursuant to 35 U.S.C. § 284 for the period from July 1, 2022 through October 31, 2022;
- Enhanced damages pursuant to 35 U.S.C. § 284;
- An ongoing royalty pursuant to 35 U.S.C. § 283 to be applied to Lilly sales of Emgality® in the United States occurring from November 1, 2022 through the expiration of the Zeller patents;
- Taxable costs under 28 U.S.C. § 1920;
- Attorneys' fees pursuant to 35 U.S.C. § 285;
- Pre-judgment interest for the period from October 1, 2018 through December 30, 2022; and
- Post-judgment interest pursuant to 28 U.S.C. § 1961.

A proposed final judgment reflecting this relief is attached hereto as **Exhibit A**.

This Motion is supported by the following concurrently-filed documents:

- Memorandum in Support of Teva's Motion for Post-Trial Relief;

- Declaration of Robert Frederickson III in Support of Teva's Motion for Post-Trial Relief;
- Declaration of Lisa J. Cameron on behalf of Teva Pharmaceuticals International GmbH and Teva Pharmaceuticals USA, Inc.;
- Teva's Bill of Costs (Form AO-133); and
- Declaration of Robert Frederickson III in Support of Teva's Bill of Costs.

REQUEST FOR ORAL ARGUMENT

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

Dated: January 27, 2023

Respectfully Submitted,

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LR 7.1(a)(2) CERTIFICATION

I, Robert Frederickson III, 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/ Robert Frederickson III
Robert Frederickson III

CERTIFICATE OF SERVICE

I, Robert Frederickson III, hereby certify that a copy of the foregoing document, filed under seal with the Clerk's office of the United States District Court for the District of Massachusetts, will be sent electronically to all counsel of record on January 27, 2023.

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