

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

1			
2			
3	NOVO NORDISK INC. and NOVO	)	
4	NORDISK A/S,	)	
		)	
5	Plaintiffs,	)	
		)	C.A. No. 23-101 (CFC)
6	v.	)	
		)	
7	MYLAN PHARMACEUTICALS INC.,	)	
		)	
8	Defendant.	)	
		)	

Wednesday, December 13, 2023  
9:06 a.m.  
Markman Hearing

844 King Street  
Wilmington, Delaware

BEFORE: THE HONORABLE COLM F. CONNOLLY  
United States District Court Judge

APPEARANCES:

MORRIS NICHOLS ARSHT & TUNNELL  
BY: BRIAN P. EGAN, ESQ.  
BY: TRAVIS J. MURRAY, ESQ.

-and-

1 APPEARANCES CONTINUED:

2  
3 GROOMBRIDGE, WU, BAUGHMAN & STONE  
4 BY: NICHOLAS GROOMBRIDGE, ESQ.  
5 BY: JENNY C. WU, ESQ.  
6 BY: NAZ E. WEHRLI, ESQ.  
7 BY: PHILIP S. MAY, ESQ.

8  
9  
10 Counsel for the Plaintiff

11  
12  
13 STAMOULIS & WEINBLATT LLC  
14 BY: STAMATIOS STAMOULIS, ESQ.

15 -and-

16 PERKINS COIE LLP  
17 BY: DAVID L. ANSTAETT, ESQ.  
18 BY: SHANNON M. BLOODWORTH, ESQ.  
19 BY: BRANDON M. WHITE, ESQ.

20  
21  
22 Counsel for the Defendant

23 - - - - -

1           **THE COURT:** Right. And the outstanding term  
2 is the one I did offer a construction on, and -- but I am  
3 troubled by, you know, what looks to be a clear,  
4 unequivocal disavowal or disclaimer in the prosecution  
5 history.

6           I'm struggling with that term. I just want to  
7 go back and think more about it before I make a final  
8 decision. All right?

9           **MR. ANSTAETT:** Would Your Honor like letters  
10 on the dosing regimen term?

11          **THE COURT:** I don't think so.

12          **MR. ANSTAETT:** Okay.

13          **THE COURT:** No.

14          All right. Where are we in the case? Where  
15 are things going?

16          **MR. GROOMBRIDGE:** We are moving along with  
17 discovery, and, you know, the -- this case is following  
18 along behind the Ozempic case, which is set for trial the  
19 last day of September of next year.

20          **THE COURT:** I'm surprised I set a September  
21 trial.

22          **MR. GROOMBRIDGE:** I think it's set, I want to  
23 say September 30th for that case, and then a December  
24 trial for this case. And the decision deadline would  
25 be -- for both, I think, would be in June of '25.

1           **THE COURT:** Okay. I generally don't want to  
2 do trials in September and October. And I think -- so  
3 keep that in mind, those that -- you've all appeared,  
4 everybody here appears before me a lot.

5           So I may move that trial date a little bit.  
6 But anyway, just so you'll know, that's just a scheduling  
7 thing. I don't take August off. I end up doing my  
8 vacation, for some reason it seems like there's a lot of  
9 professional obligations I've had that require my travel  
10 during those two months. So it's just a challenge to do  
11 trials.

12           And my clerks are just coming onboard. So  
13 it's not necessarily the optimal time. I mean,  
14 September 30th is the reportables deadline.

15           So when you put all those factors together, I  
16 just realize I need to shift, and I have been gradually  
17 doing it. So, for what it's worth, keep that in mind  
18 because you guys are all repeat players.

19           All right. Anything else?

20           **MR. GROOMBRIDGE:** Not from us, Your Honor.

21           **MR. ANSTAETT:** Not from us, Your Honor.

22           **THE COURT:** Thank you. Nice to see you all.  
23  
24

25           (The proceedings concluded at 11:34 a.m.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.