

FORM 26. Docketing Statement

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July 2020

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

DOCKETING STATEMENT

Case Number: 20-1933

Short Case Caption: Biogen International GmbH v. Mylan Pharmaceuticals Inc.

Filing Party/Entity: Mylan Pharmaceuticals Inc.

Instructions: Complete each section or check the box if a section is intentionally blank or not applicable. Attach additional pages as needed. Refer to the court's Mediation Guidelines for filing requirements. An amended docketing statement is required for each new appeal or cross-appeal consolidated after first filing.

Case Origin	Originating Number	Type of Case
N.D. W. Va.	1:17-cv-116	patent infringement (ANDA)

Relief sought on appeal: ☐ None/Not Applicable

Mylan seeks affirmance of the district court's ruling that all claims-in-suit are invalid for lack of adequate written description.

Relief awarded below (if damages, specify): ☐ None/Not Applicable

The district court entered a judgment of patent invalidity.

Briefly describe the judgment/order appealed from:

The district court found that the claims that Biogen added to the application in 2011 lacked written-description support in the specification filed in 2007.

Nature of judgment (select one):

Date of judgment: 6/22/20

☐ Final Judgment, 28 USC § 1295☒ Rule 54(b)☐ Interlocutory Order (specify type) _____☐ Other (explain) _____

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Name and docket number of any related cases pending before this court, and the name of the writing judge if an opinion was issued. ☐ None/Not Applicable

Mylan Pharm. Inc. v. Biogen MA Inc., No. 20-1673 (Fed. Cir.).

Issues to be raised on appeal: ☐ None/Not Applicable

Mylan expects Biogen to challenge the district court's ruling that the claims are invalid for lack of written description.

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below
☒ During the pendency of the case below
☐ Following the judgment/order appealed from

If "yes," were the settlement discussions mediated? ☐ Yes ☒ No

If they were mediated, by whom?

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

Explain.

Not amenable given the outcome before the district court and the settlement talks that have already occurred.

Provide any other information relevant to the inclusion of this case in the court's mediation program.

Date: 7/13/20 Signature: /s/Nathan K. Kelley
 Name: Nathan K. Kelley