

FORM 26. Docketing Statement

Form 26 (p. 1)
July 2020

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

DOCKETING STATEMENT

Case Number: 21-1262

Short Case Caption: Sanofi-Aventis Deutschland GmbH v. Mylan Pharmaceuticals Inc.

Filing Party/Entity: Appellant Sanofi-Aventis Deutschland GmbH

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
District of New Jersey	17-09105-SRC-CLW	Patent Infringement

Relief sought on appeal: ☐ None/Not Applicable

Reverse, or at a minimum, vacate the District Court's judgment entered on November 2, 2020 (Dkt. 628), together with all underling rulings in favor of Defendants and against Sanofi, including the Court's Opinion and Order of March 9, 2020, on Counts 1, 2, 3, 4, and 6 of Sanofi's Amended Complaint and Counterclaim Counts 1, 2, 3, 4, 6, 8, 11, and 12 of Mylan GmbH's Answer to the Amended Complaint.

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

Judgment that U.S. Patent No. 9,526,844 B2 is not infringed; and judgment that claims 21, 22, 25, and 30 of U.S. Patent No. 9,526,844 B2 are invalid for failure to meet the written description requirement.

Briefly describe the judgment/order appealed from:

Judgment that U.S. Patent No. 9,526,844 B2 is not infringed; and judgment that claims 21, 22, 25, and 30 of U.S. Patent No. 9,526,844 B2 are invalid for failure to meet the written description requirement.

Nature of judgment (select one):

Date of judgment: 11/2/2020

☒ Final Judgment, 28 USC § 1295

☐ Rule 54(b)

☐ Interlocutory Order (specify type) _____

☐ Other (explain) _____

FORM 26. Docketing Statement

Form 26 (p. 2)
July 2020

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

Sanofi-Aventis Deutschland v. Mylan Pharmaceuticals Inc., Appeal Nos. 20-1871, 20-2029, 20-2032, 20-2033, 20-2034, 20-2159, 20-2066, 20-2068, 20-2069, 20-2071, 20-2139, 20-2144

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

Whether the District Court erred in finding Defendant did not infringe U.S. Patent No. 9,526,844 B2; and whether claims 21, 22, 25, and 30 of U.S. Patent No. 9,526,844 B2 are invalid for failure to meet the written description requirement.

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?

Hon. Cathy L. Waldor, Magistrate Judge, U.S. District Court for the District of New Jersey, facilitated settlement discussions between Sanofi and Mylan.

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

Explain.

Settlement would not provide the relief Sanofi seeks, which is a judgment that U.S. Patent No. 9,526,844 B2 is infringed; and a judgment that claims 21, 22, 25, and 30 of U.S. Patent No. 9,526,844 B2 are not invalid for failure to meet the written description requirement.

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

Date: 11/19/20 Signature: /s/ Adam B. Banks

Name: Adam B. Banks