

FORM 26. Docketing Statement

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July 2020

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

DOCKETING STATEMENT

Case Number: 2023-1164Short Case Caption: AstraZeneca AB v. Mylan Pharmaceuticals Inc.Filing Party/Entity: AstraZeneca AB; AstraZeneca Pharmaceuticals LP

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
D. Ct. (N.D.W. Va.)	18-cv-193; 19-cv-203	Patent

Relief sought on appeal: ☐ None/Not Applicable

Reversal of the District Court's judgment.

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

The District Court found the asserted claims of U.S. Patent No. 10,166,247 invalid for lack of enablement and lack of written description, pursuant to 35 U.S.C. § 112.

Briefly describe the judgment/order appealed from:

As stated in the Notice of Appeal, Plaintiffs-Appellants appeal from the Final Judgment (ECF No. 607) and other "orders, decisions, rulings, findings, and conclusions underlying and related to that judgment," including the November 9, 2022 Memorandum Opinion and Order Following Bench Trial (ECF No. 606) and the March 22, 2022 Order Granting Defendants' Motion to Strike (ECF No. 521).

Nature of judgment (select one):

Date of judgment: 11/9/22☒ 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

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

Whether the District Court's judgment should be reversed.

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?

N/A

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

Explain.

The parties' current positions preclude settlement.

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

None.

Date: 11/21/22 Signature: /s/ David I. Berl

Name: David I. Berl