

FORM 26. Docketing Statement

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July 2020

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

DOCKETING STATEMENT

Case Number: 24-1061

Short Case Caption: Allergan USA, Inc., et al. v. MSN Laboratories Private Limited, et al.

Filing Party/Entity: MSN Pharmaceuticals Inc. and MSN Laboratories Private Limited.

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
Delaware District Court	1:19-cv-01727-RGA	Patent Infringement

Relief sought on appeal: ☐ None/Not Applicable

Affirm the Delaware District Court's Final Judgment in favor of MSN.

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

Final Judgment in favor of MSN as to all infringement claims and MSN's counterclaims for invalidity of U.S. Patent Nos. 11,090,291 and 11,229,627.

Briefly describe the judgment/order appealed from:

After a three day bench trial, the district court found that U.S. Patent Nos. 11,090,291 and 11,229,627 are invalid for lack of written description further dismissed Plaintiffs' claims of patent infringement.

Nature of judgment (select one):

Date of judgment: 10/12/23

☒ 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 decision on invalidity and infringement should be affirmed.

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.

The parties have already engaged in settlement discussions which were unsuccessful.

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

None.

Date: 11/2/23 Signature: /s/ Ronald M. Daignault

Name: Ronald M. Daignault