

Nos. 18-2414, 19-1086

**United States Court of Appeals
for the Federal Circuit**

AMGEN INC.,

Plaintiff-Appellant,

v.

AMNEAL PHARMACEUTICALS LLC, AMNEAL PHARMACEUTICALS OF
NEW YORK LLC, PIRAMAL HEALTHCARE UK LIMITED,

Defendants-Appellees,

ZYDUS PHARMACEUTICALS (USA) INC., CADILA HEALTHCARE LTD.,
dba Zydus Cadila,

Defendants-Cross-Appellants.

Appeal from the United States District Court for the District of Delaware in
Case No. 16-853-MSG, Judge Mitchell S. Goldberg.

**RESPONSE BRIEF OF CROSS-APPELLANTS ZYDUS
PHARMACEUTICALS (USA) INC. AND CADILA HEALTHCARE LTD.,
DBA ZYDUS CADILA IN RESPONSE TO THIS COURT'S ORDER OF
MARCH 16, 2020**

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March 30, 2020

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UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Amgen Inc. v. **Amneal Pharmaceuticals LLC**

Case No. **2018-2414**

CERTIFICATE OF INTEREST

Counsel for the:

(petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)

Zydus Pharmaceuticals (USA) Inc. and Cadila Healthcare Ltd., dba Zydus Cadila

certifies the following (use "None" if applicable; use extra sheets if necessary):

1. Full Name of Party Represented by me	2. Name of Real Party in interest (Please only include any real party in interest NOT identified in Question 3) represented by me is:	3. Parent corporations and publicly held companies that own 10% or more of stock in the party
Zydus Pharmaceuticals (USA) Inc.,	N/A	Cadila Healthcare Limited
Cadila Healthcare Ltd. (d/b/a Zydus Cadila)	N/A	None

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court (**and who have not or will not enter an appearance in this case**) are:

Prickett, Jones & Elliott, P.A.: J. Clayton Athey

Phillips, Goldman, McLaughlin & Hall, P.A.: John C. Phillips, Jr. and David A. Bilson

FORM 9. Certificate of Interest

Form 9
Rev. 10/17

5. The title and number of any case known to counsel to be pending in this or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal. *See* Fed. Cir. R. 47.4(a)(5) and 47.5(b). (The parties should attach continuation pages as necessary).

Amgen Inc. v. Accord Healthcare, Inc., No. 1:18-cv-00956-MSG (D. Del.)

03/30/2020

Date

/s/ Steven A. Maddox

Signature of counsel

Steven A. Maddox

Printed name of counsel

Please Note: All questions must be answered

cc: Counsel of Record

Reset Fields

Defendants-Cross-Appellants Zydus Pharmaceuticals (USA) Inc. and Cadila Healthcare Ltd., dba Zydus Cadila (“Zydus”) submits this response to the Court’s Order of March 16, 2020, inviting Zydus, among others, to respond to the petition for rehearing filed by Appellant Amgen Inc. in this matter.

Zydus respectfully submits that the panel’s decision was confusing as to its application of the law of both literal infringement and infringement under the doctrine of equivalents. Zydus further suggests that the panel’s decision will create uncertainty, especially with respect to the doctrine of equivalents, as well as the extent to which a court may apply its own technical expert opinion against an accused infringer, where that court’s expert opinion is contrary to that of the patentee’s proffered expert opinion, and indeed contrary to any other technical expert’s opinion in a case consolidated for trial.

Respectfully submitted,

MADDOX EDWARDS, PLLC

Dated: March 30, 2020

By: */s/ Steven A. Maddox*
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PROOF OF SERVICE

I hereby certify that on March 30, 2020, one copy of the foregoing **CORRECTED CONFIDENTIAL PRINCIPAL AND RESPONSE BRIEF OF CROSS-APPELLANTS ZYDUS PHARMACEUTICALS (USA) INC. AND CADILA HEALTHCARE LTD., DBA ZYDUS CADILA** was filed electronically using the CM/ECF system.

Dated: March 30, 2020

/s/ Steven A. Maddox

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