

Nos. 2019-1650, 2019-1770

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

AMGEN INC.,
Plaintiff-Appellant,

v.

WATSON LABORATORIES, INC., ACTAVIS PHARMA, INC.,
Defendants-Appellees,

CIPLA LIMITED, CIPLA USA INC.
Defendants-Amici Curiae,

AMNEAL PHARMACEUTICALS LLC, AMNEAL PHARMACEUTICALS OF NEW YORK
LLC, CADILA HEALTHCARE LTD., DBA ZYDUS CADILA, PIRAMAL HEALTHCARE UK
LIMITED, SUN PHARMA GLOBAL FZE, SUN PHARMACEUTICAL INDUSTRIES, INC.,
SUN PHARMACEUTICAL INDUSTRIES, LTD., ZYDUS PHARMACEUTICALS (USA) INC.,
Defendants.

On appeal from the United States District Court for the District of Delaware,
Case No. 1:16-cv-00855-MSG

JOINT MOTION TO DISMISS APPEALS AS TO WATSON

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Pursuant to Fed. R. App. P. 42(b) and Fed. Cir. R. 27(f), Plaintiff-Appellant Amgen Inc. and Defendants-Appellees Watson Laboratories, Inc. and Actavis Pharma Inc. (collectively, “Watson”) jointly move the Court to dismiss the above-captioned appeals (Nos. 2019-1650 and 2019-1770). Good cause exists to grant this request because the parties are effectuating their January 2, 2019 Litigation Settlement Agreement in order to avoid further litigation costs and the accompanying uncertainty of continuing this litigation. Accordingly, the parties respectfully ask the Court to dismiss these appeals, with each party to bear its own fees and costs.

Date: July 8, 2020

Respectfully submitted,

By: /s/ Geoffrey P. Eaton

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APPELLANT'S CERTIFICATE OF INTEREST

Counsel for Plaintiff-Appellant Amgen Inc. certifies the following:

1. The full name of every party represented by me is:

Amgen Inc.

2. The names of the real parties in interest represented by me are:

See response to number 1.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the parties represented by me are:

None.

4. The names of all law firms, and the partners or associates, that appeared for the party represented by me in the trial court or are expected to appear in this Court and who are not already listed on the docket for the current case are:

Venable LLP (formerly, Fitzpatrick, Cella, Harper & Scinto)
Frederick C. Millett, Erica L. Norey, Gabrielle Markeson, James R. Tyminski,
Robert S. Pickens, Rosanna W. Gan, Kathryn E. Easterling, Una Fan, Katherine Y.
Kim

Morris, Nichols, Arsht & Tunnell LLP
Jack B. Blumenfeld, Maryellen Noreika

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 is:

Counsel for Amgen is aware of a case before the U.S. District Court for the District of Delaware that may be directly affected by the Court's decision here: *Cipla Ltd. v. Amgen Inc.*, C.A. No. 19-cv-44, filed January 8, 2019. That dispute concerns settlement agreements regarding the '405 patent.

/s/ Bradford J. Badke

Bradford J. Badke

APPELLEE'S CERTIFICATE OF INTEREST

Counsel for Defendant-Appellee Watson Laboratories, Inc. certifies the following:

1. Full name of party represented by us:

Watson Laboratories, Inc. and Actavis Pharma Inc.

2. Name of any real party in interest not identified in response to question 3:

Watson Laboratories, Inc. and Actavis Pharma Inc.

3. Parent corporations and publicly held companies that own 10% or more of the stock in the party:

Watson Laboratories is an indirect wholly-owned subsidiary of Teva Pharmaceuticals USA, Inc., which is an indirect wholly-owned subsidiary of Teva Pharmaceutical Industries Ltd., which is a publicly traded company. Teva Pharmaceutical Industries Ltd. is the only publicly traded company that owns 10% or more of the stock of Teva Pharmaceuticals USA, Inc. and Watson Laboratories. Actavis Pharma is an indirect wholly-owned subsidiary of Teva Pharmaceuticals USA, Inc., which is an indirect wholly-owned subsidiary of Teva Pharmaceutical Industries Ltd., which is a publicly traded company. Teva Pharmaceutical Industries Ltd. is the only publicly traded company that owns 10% or more of the stock of Teva Pharmaceuticals USA, Inc. and Actavis Pharma.

4. The names of all law firms and the partners and associates that have appeared for the party now represented by us in the agency or are expected to appear for the

party in this court are (and who have not or will not enter an appearance in this case):

From Shaw Keller LLP: John W. Shaw, David, M. Fry, Karen E. Keller;
from Haynes & Boone LLP: Elizabeth M. Crompton, John W. Bateman, and C.
Kyle Musgrove; from Winston & Strawn LLP: Elizabeth E. Grden.

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 appeals.

Amgen Inc. v. Amneal Pharmaceuticals LLC et al., 1:16-cv-00853-MSG
(D.N.J.).

/s/ Geoffrey P. Eaton

Geoffrey P. Eaton

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of July, 2020, I caused the foregoing document to be electronically filed with the Clerk of the Court for the U.S. Court of Appeals for the Federal Circuit using the appellate CM/ECF system, which will send notice of such filing to all registered CM/ECF users.

/s/ Bradford J. Badke

Bradford J. Badke