

2021-1876

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

MITSUBISHI TANABE PHARMA CORPORATION, JANSSEN
PHARMACEUTICALS, INC., JANSSEN PHARMACEUTICA NV, JANSSEN
RESEARCH AND DEVELOPMENT LLC, CILAG GMBH INTERNATIONAL,

Plaintiffs - Appellees

v.

ZYDUS PHARMACEUTICALS (USA) INC.,

Defendant - Appellant

*On Appeal from the U.S. District Court for the District of New Jersey in
No. 3:17-cv-05319-FLW-DEA, Hon. Freda L. Wolfson, Judge*

EMERGENCY MOTION TO STAY APPELLATE PROCEEDINGS

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Janssen Research and Development, LLC,
and Cilag GmbH International*

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**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF INTEREST

Case Number: Case No. 2021-1876

Short Case Caption: Mitsubishi Tanabe Pharma Corporation v. Zydus

Filing Party/Entity: Appellee Mitsubishi Tanabe Pharma Corporation.

Instructions: Complete each section of the form. In answering items 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance. **Please enter only one item per box; attach additional pages as needed and check the relevant box.** Counsel must immediately file an amended Certificate of Interest if information changes. Fed. Cir. R. 47.4(b).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: July 20, 2021_____

Signature: /s/ *Eric W. Dittmann*

Name: Eric W. Dittmann

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities.	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities.
Mitsubishi Tanabe Pharma Corporation	None	Mitsubishi Chemical Holdings Corp.

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).		
Max H. Yusem PAUL HASTINGS LLP	Katherine A. Daniel PAUL HASTINGS LLP	
Dana Weir PAUL HASTINGS LLP	Gerard A. Salvatore formerly of PAUL HASTINGS LLP	
Joseph M. O'Malley PAUL HASTINGS LLP	William C. Baton SAUL EWING ARNSTEIN & LEHR LLP	

5. Related Cases. Provide the case titles and numbers of any case known to be pending in this court or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal. Do not include the originating case number(s) for this case. Fed. Cir. R. 47.4(a)(5). See also Fed. Cir. R. 47.5(b).		
<i>MitsubishiTanabe Pharma Corporation et al. v. Dr. Reddy's Laboratories, Inc. et al.,</i>		

Civil Action No. 3:19-cv-18764 (D.N.J.)		
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6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).		
None/Not Applicable		

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF INTEREST

Case Number: Case No. 2021-1876

Short Case Caption: Mitsubishi Tanabe Pharma Corporation v. Zydus

Filing Party/Entity: Appellee Janssen Pharmaceuticals Inc., Janssen
Pharmaceutica NV, Janssen Research and Development LLC, CILAG GMBH
International

Instructions: Complete each section of the form. In answering items 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance. **Please enter only one item per box; attach additional pages as needed and check the relevant box.** Counsel must immediately file an amended Certificate of Interest if information changes. Fed. Cir. R. 47.4(b).

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Date: July 20, 2021_____

Signature: /s/ *Raymond N. Nimrod*

Name: Raymond N. Nimrod

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Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities.	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities.
Janssen Pharmaceuticals, Inc.	None	Johnson & Johnson. No other publicly held corporation owns 10% or more of the stock of Johnson & Johnson.
Janssen Pharmaceutica NV	None	Johnson & Johnson. No other publicly held corporation owns 10% or more of the stock of Johnson & Johnson.
Janssen Research and Development LLC	None	Johnson & Johnson. No other publicly held corporation owns 10% or more of the stock of Johnson & Johnson.
CILAG GMBH International	None	Johnson & Johnson. No other publicly held corporation owns 10% or more of the stock of Johnson & Johnson.

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

Carly Romanowicz Quinn Emanuel Urquhart & Sullivan LLP		
William C. Baton SAUL EWING ARNSTEIN & LEHR LLP		
Matthew Traupman Quinn Emanuel Urquhart & Sullivan LLP		

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None/Not Applicable		

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF INTEREST

Case Number: Case No. 2021-1876

Short Case Caption: Mitsubishi Tanabe Pharma Corporation v. Zydus

Filing Party/Entity: Defendant-Appellant Zydus Pharmaceuticals (USA) Inc.

Instructions: Complete each section of the form. In answering items 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance. **Please enter only one item per box; attach additional pages as needed and check the relevant box.** Counsel must immediately file an amended Certificate of Interest if information changes. Fed. Cir. R. 47.4(b).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: July 20, 2021 _____

Signature: /s/ *Jay R. Deshmukh*

Name: Jay R. Deshmukh

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities.	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities.
Zydus Pharmaceuticals (USA) Inc.	None/Not Applicable	Cadila Healthcare Limited

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).		
<u>Saiber LLC</u> : Sean R. Kelly, Geri L. Albin, and Katherine Ann Escanlar		
<u>Kasowitz Benson Torres LLP</u> : Trevor Welch (no longer with the firm) and Shelley Ivan.		
<u>Arent Fox LLP</u> : Bradford C. Frese, Gary A. Coad, Janine A. Carlan, and Richard J. Berman		

5. Related Cases. Provide the case titles and numbers of any case known to be pending in this court or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal. Do not include the originating case number(s) for this case. Fed. Cir. R. 47.4(a)(5). See also Fed. Cir. R. 47.5(b).		
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None/Not Applicable		

Plaintiffs-Appellees Mitsubishi Tanabe Pharma Corp., Janssen Pharmaceuticals, Inc., Janssen Pharmaceutica NV, Janssen Research and Development, LLC, and Cilag GmbH International (collectively, “Plaintiffs”) and Defendant-Appellant Zydus Pharmaceuticals (USA) Inc. (“Defendant”) to the above-captioned appeal have conditionally agreed to resolve all claims in the district court and in this Court, subject to modification of the judgment in the district court. As a result, Plaintiffs and Defendant hereby jointly move to stay the appeal proceedings, pending an indicative ruling from the district court stating that it would modify the district court’s Orders of March 23, 2021 and April 5, 2021 (“Final Judgment Orders”) accordingly if this Court remands for that purpose.

More specifically, the parties must obtain a modification of the Final Judgment Orders to modify the injunctive provisions therein that are relevant to Zydus. The parties intend to petition the district court for an indicative ruling, that the district court would grant such relief on remand, pursuant to Federal Rules of Civil Procedure 60(b) and 62.1. Assuming the district court grants the parties’ joint motion for an indicative ruling, the parties will then jointly seek dismissal of this appeal pursuant to Federal Rules of Appellate Procedure 42(b) and 12.1.¹

Accordingly, so that the parties may pursue modification of the Final Judgment

¹ If the district court declines to issue the requested relief, the parties will request that the Court lift the stay of appellate proceedings.

Orders without jeopardizing the parties' resolution of this ongoing appeal, the parties respectfully request that the Court stay the above-captioned appeal proceedings, until such time as the district court has acted on the parties' anticipated motion for an indicative ruling to modify the Final Judgment Orders.

Respectfully submitted,

/s/ Eric W. Dittmann

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Respectfully submitted,

/s/ Jay Deshmukh

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Zydus Pharmaceuticals (USA) Inc.*

Respectfully submitted,

/s/ Raymond N. Nimrod

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and Cilag GmbH International*