

NOTE: This order is nonprecedential.

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

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**NOVARTIS PHARMACEUTICALS CORPORATION,**  
*Plaintiff-Appellee*

v.

**ACCORD HEALTHCARE, INC., AUROBINDO  
PHARMA LTD., AUROBINDO PHARMA USA, INC.,  
DR. REDDY'S LABORATORIES, INC., DR. REDDY'S  
LABORATORIES, LTD., EMCURE  
PHARMACEUTICALS LTD., HERITAGE  
PHARMACEUTICALS INC., GLENMARK  
PHARMACEUTICALS INC., USA, GLENMARK  
PHARMACEUTICALS LIMITED, HETERO USA,  
INC., HETERO LABS LIMITED UNIT-V, HETERO  
LABS LIMITED, MYLAN PHARMACEUTICALS,  
INC., PRINSTON PHARMACEUTICAL INC.,  
STRIDES GLOBAL PHARMA PRIVATE LIMITED,  
STRIDES PHARMA, INC., TORRENT PHARMA  
INC., TORRENT PHARMACEUTICALS LTD.,  
ZYDUS PHARMACEUTICALS (USA) INC., CADILA  
HEALTHCARE LTD., APOTEX INC., APOTEX  
CORP., SUN PHARMACEUTICAL INDUSTRIES,  
LTD., SUN PHARMACEUTICAL INDUSTRIES INC.,  
SUN PHARMA GLOBAL FZE,**  
*Defendants*

**HEC PHARM CO., LTD., HEC PHARM USA INC.,**  
*Defendants-Appellants*

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2021-1070

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Appeal from the United States District Court for the District of Delaware in No. 1:18-cv-01043-KAJ, Circuit Judge Kent A. Jordan.

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**ON PETITION FOR PANEL REHEARING AND  
REHEARING EN BANC**

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Before MOORE, *Chief Judge*, NEWMAN, LOURIE, LINN<sup>1</sup>,  
DYK, PROST, REYNA, TARANTO, CHEN, HUGHES, STOLL, and  
CUNNINGHAM, *Circuit Judges*.<sup>2</sup>

PER CURIAM.

**O R D E R**

Novartis Pharmaceuticals Corporation filed a combined petition for panel rehearing and rehearing en banc.

Law Professors and Civil Procedure Scholars David Hricik, Roger M. Baron, Lonny Hoffman, Jeffrey W. Stempel, Christa Laser, Emil J. Ali, and Dane Ciolino requested leave to file a brief as amici curiae which the court granted.

Intellectual Property Law Professors Martin J. Adelman, Emily Michiko Morris, Adam Mossoff, Kristen Osenga, Mark F. Schultz, Ted Sichelman, and Joshua Kresh also requested leave to file a brief as amici curiae which the court granted.

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<sup>1</sup> Circuit Judge Linn participated only in the decision on the petition for panel rehearing.

<sup>2</sup> Circuit Judge Stark did not participate.

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A response to the petition was invited by the court and filed by HEC Pharm Co., Ltd and HEC Pharm USA Inc. The petition was referred to the panel that heard the appeal, and thereafter the petition for rehearing en banc was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

The mandate of the court will issue September 27, 2022.

FOR THE COURT

September 20, 2022

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court