

NOTE: This order is nonprecedential.

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

**AMARIN PHARMA, INC., AMARIN
PHARMACEUTICALS IRELAND LIMITED,
MOCHIDA PHARMACEUTICAL CO., LTD.,**
Plaintiffs-Appellants

v.

**HIKMA PHARMACEUTICALS USA INC., HIKMA
PHARMACEUTICALS PLC,**
Defendants-Appellees

HEALTH NET LLC,
Defendant

2023-1169

Appeal from the United States District Court for the
District of Delaware in No. 1:20-cv-01630-RGA-JLH, Judge
Richard G. Andrews.

ON PETITION FOR REHEARING EN BANC

2 AMARIN PHARMA, INC. v. HIKMA PHARMACEUTICALS USA INC.

Before MOORE, *Chief Judge*, LOURIE, DYK, PROST, REYNA,
TARANTO, CHEN, HUGHES, STOLL, *Circuit Judges*¹, and
ALBRIGHT.²

PER CURIAM.

O R D E R

Hikma Pharmaceuticals PLC and Hikma Pharmaceuticals USA Inc. filed a petition for rehearing en banc. A response was invited by the court and filed by Amarin Pharma, Inc., Amarin Pharmaceuticals Ireland Limited and Mochida Pharmaceutical Co., Ltd.

Association for Accessible Medicines, Teva Pharmaceuticals USA, Inc., and 15 Scholars of Law and Medicine³ separately requested leave to file briefs as amicus curiae, which the court granted.

The petition was first referred as a petition to the panel that heard the appeal, and thereafter the petition was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

¹ Circuit Judge Newman, Circuit Judge Cunningham, and Circuit Judge Stark did not participate.

² Honorable Alan D Albright, District Judge, United States District Court for the Western District of Texas, sitting by designation

³ Michael Carrier, Thomas Cheng, Jonathan J. Darrow, Charles Duan, William Feldman, Aaron S. Kesselheim, Mark A. Lemley, Yvette Joy Liebesman, Lee Ann Wheelis Lockridge, Tyler Ochoa, Jordan Paradise, Joshua D. Sarnoff, Michael S. Sinha, S. Sean Tu, and Liza Vertinsky

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The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

The mandate of the court will issue October 24, 2024.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

October 17, 2024

Date