

NOTE: This order is nonprecedential.

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

In Re ENTRESTO (SACUBITRIL/VALSARTAN)

NOVARTIS PHARMACEUTICALS CORPORATION,
Plaintiff-Appellant

v.

**TORRENT PHARMA INC., TORRENT
PHARMACEUTICALS LTD.**
Defendants

NOVARTIS PHARMACEUTICALS CORPORATION,
Plaintiff-Appellant

v.

**ALEMBIC PHARMACEUTICALS LIMITED,
ALEMBIC PHARMACEUTICALS INC.,**
Defendants

NOVARTIS PHARMACEUTICALS CORPORATION,
Plaintiff-Appellant

v.

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TORRENT PHARMA INC.

**MSN PHARMACEUTICALS, INC., MSN
LABORATORIES PRIVATE LTD., MSN LIFE
SCIENCES PRIVATE LTD.,**
Defendants-Appellees

**HETERO USA, INC., HETERO LABS LIMITED,
HETERO LABS LIMITED UNIT-III,**
Defendants

2023-2218, 2023-2220, 2023-2221

Appeals from the United States District Court for the District of Delaware in Nos. 1:19-cv-01979-RGA, 1:19-cv-02021-RGA, 1:19-cv-02053-RGA, 1:19-cv-02053-RGA, and 1:20-md-02930-RGA, Judge Richard G. Andrews.

ON MOTION AND PETITION

Before LOURIE, PROST, and REYNA, *Circuit Judges*.

PER CURIAM.

O R D E R

On January 10, 2025, the panel denied Novartis Pharmaceuticals Corporation's motions at ECF Nos. 63 and 105 seeking to enjoin, pending appeal, MSN Pharmaceuticals, Inc., MSN Laboratories Private Ltd., and MSN Life Sciences Private Ltd. (collectively, "MSN") from marketing and sale of a generic version of Entresto®. ECF No. 109. Novartis then filed this combined motion for reconsideration, panel rehearing, and rehearing en banc, seeking an injunction "until issuance of the mandate." ECF No. 115 at 23. The panel directed a response and temporarily enjoined MSN while it considered the motion. ECF Nos. 120,

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121. MSN opposes reconsideration. ECF No. 123. Novartis moves for leave to file a reply, ECF No. 124, which MSN also opposes, ECF No. 125.

Based on further consideration of Novartis's request, in view of the more developed arguments in the reconsideration papers, we grant reconsideration and enjoin MSN, until issuance of the mandate in these appeals, from commercial marketing and sale of their generic version of Entresto®. Novartis has stated that it is willing to "post an appropriate bond to protect MSN at least through issuance of this Court's mandate," ECF No. 124-2 at 10.

Accordingly,

IT IS ORDERED THAT:

(1) Novartis's motion to file a reply is granted. ECF No. 124-2 is accepted for filing.

(2) Novartis's motion for reconsideration is granted such that ECF No. 109 is vacated and ECF Nos. 63 and 105 are granted to the extent that MSN Pharmaceuticals, Inc., MSN Laboratories Private Ltd., and MSN Life Sciences Private Ltd. are enjoined, until issuance of the mandate in these appeals, from commercial marketing and sale of their generic version of Entresto®.

(3) Novartis is directed to file a bond in the district court in an amount, and subject to terms and conditions,

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deemed appropriate by the district court.

(4) The petition for rehearing is moot.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

January 21, 2025
Date