

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NOVO NORDISK INC. and NOVO)
NORDISK A/S,)
)
Plaintiffs,)
) C.A. No. 23-101 (CFC)
v.)
)
MYLAN PHARMACEUTICALS INC.,)
)
Defendant.)
)

Wednesday, December 13, 2023
9:06 a.m.
Markman Hearing

844 King Street
Wilmington, Delaware

BEFORE: THE HONORABLE COLM F. CONNOLLY
United States District Court Judge

APPEARANCES:

MORRIS NICHOLS ARSHT & TUNNELL
BY: BRIAN P. EGAN, ESQ.
BY: TRAVIS J. MURRAY, ESQ.

-and-

1 APPEARANCES CONTINUED:

2
3 GROOMBRIDGE, WU, BAUGHMAN & STONE
4 BY: NICHOLAS GROOMBRIDGE, ESQ.
5 BY: JENNY C. WU, ESQ.
6 BY: NAZ E. WEHRLI, ESQ.
7 BY: PHILIP S. MAY, ESQ.

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10 Counsel for the Plaintiff
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13 STAMOULIS & WEINBLATT LLC
14 BY: STAMATIOS STAMOULIS, ESQ.

15 -and-

16 PERKINS COIE LLP
17 BY: DAVID L. ANSTAETT, ESQ.
18 BY: SHANNON M. BLOODWORTH, ESQ.
19 BY: BRANDON M. WHITE, ESQ.

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21 Counsel for the Defendant
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1 **THE COURT:** Right. And the outstanding term
2 is the one I did offer a construction on, and -- but I am
3 troubled by, you know, what looks to be a clear,
4 unequivocal disavowal or disclaimer in the prosecution
5 history.

6 I'm struggling with that term. I just want to
7 go back and think more about it before I make a final
8 decision. All right?

9 **MR. ANSTAETT:** Would Your Honor like letters
10 on the dosing regimen term?

11 **THE COURT:** I don't think so.

12 **MR. ANSTAETT:** Okay.

13 **THE COURT:** No.

14 All right. Where are we in the case? Where
15 are things going?

16 **MR. GROOMBRIDGE:** We are moving along with
17 discovery, and, you know, the -- this case is following
18 along behind the Ozempic case, which is set for trial the
19 last day of September of next year.

20 **THE COURT:** I'm surprised I set a September
21 trial.

22 **MR. GROOMBRIDGE:** I think it's set, I want to
23 say September 30th for that case, and then a December
24 trial for this case. And the decision deadline would
25 be -- for both, I think, would be in June of '25.

1 **THE COURT:** Okay. I generally don't want to
2 do trials in September and October. And I think -- so
3 keep that in mind, those that -- you've all appeared,
4 everybody here appears before me a lot.

5 So I may move that trial date a little bit.
6 But anyway, just so you'll know, that's just a scheduling
7 thing. I don't take August off. I end up doing my
8 vacation, for some reason it seems like there's a lot of
9 professional obligations I've had that require my travel
10 during those two months. So it's just a challenge to do
11 trials.

12 And my clerks are just coming onboard. So
13 it's not necessarily the optimal time. I mean,
14 September 30th is the reportables deadline.

15 So when you put all those factors together, I
16 just realize I need to shift, and I have been gradually
17 doing it. So, for what it's worth, keep that in mind
18 because you guys are all repeat players.

19 All right. Anything else?

20 **MR. GROOMBRIDGE:** Not from us, Your Honor.

21 **MR. ANSTAETT:** Not from us, Your Honor.

22 **THE COURT:** Thank you. Nice to see you all.
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25 (The proceedings concluded at 11:34 a.m.)

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2 CERTIFICATE OF COURT REPORTER

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4 I hereby certify that the foregoing is a true and

5 accurate transcript from my stenographic notes in the

6 proceeding.

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8 /s/ Bonnie R. Archer
9 Bonnie R. Archer
 Official Court Reporter
 U.S. District Court

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