

Holland & Knight

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October 1, 2018

Via Federal Express

Scott S. Harris
Clerk of the Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

Re: *AIDS Healthcare Foundation, Inc. v. Gilead Sciences, Inc., et al.*, No. 18-182

Dear Mr. Harris:

The Court previously granted Respondents' joint request for a 30-day extension of time to and including October 10, 2018, within which to determine whether to file a response to the petition for writ of certiorari, should Respondents decide to file a response. Respondents Japan Tobacco and Gilead Sciences, Inc. have decided not to respond to the petition for writ of certiorari and hereby waive the right to file a response, unless the Court requests that such response be filed. Enclosed, please find waiver forms executed by counsel for Japan Tobacco and Gilead Sciences, Inc.

Sincerely yours,

HOLLAND & KNIGHT LLP



Laurie Webb Daniel

Cc: Counsel for Petitioner; Counsel for Respondent Gilead Sciences, Inc. (via U.S. mail)

Enclosures

WAIVER

SUPREME COURT OF THE UNITED STATES

Supreme Court Case No. 18-182

AIDS Healthcare Foundation, Inc. v. Gilead Sciences, Inc., et al.
(Petitioner) (Respondent)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check the appropriate boxes:

- Please enter my appearance as Counsel of Record for all respondents.
- There are multiple respondents, and I do not represent all respondents. Please enter my appearance as Counsel of Record for the following respondent(s):

Gilead Sciences, Inc.

- I am a member of the Bar of the Supreme Court of the United States.
- I am not presently a member of the Bar of this Court. Should a response be requested, the response will be filed by a Bar member.

Signature _____

Date: October 1, 2018

(Type or print) Name Gary N. Frischling

Mr. Ms. Mrs. Miss

Firm Irell & Manella

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City & State Los Angeles, CA

Zip 90067

Phone 310-203-7597

Email gfrischling@irell.com

A COPY OF THIS FORM MUST BE SENT TO PETITIONER'S COUNSEL OR TO PETITIONER IF *PRO SE*. PLEASE INDICATE BELOW THE NAME(S) OF THE RECIPIENT(S) OF A COPY OF THIS FORM. NO ADDITIONAL CERTIFICATE OF SERVICE IS REQUIRED.

CC: Daniel Paul Hipskind

WAIVER

SUPREME COURT OF THE UNITED STATES

Supreme Court Case No. 18-182

AIDS Healthcare Foundation, Inc. v. Gilead Sciences, Inc., et al.
(Petitioner) (Respondent)

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Please check the appropriate boxes:

- Please enter my appearance as Counsel of Record for all respondents.
- There are multiple respondents, and I do not represent all respondents. Please enter my appearance as Counsel of Record for the following respondent(s):
Japan Tobacco Inc.

- I am a member of the Bar of the Supreme Court of the United States.
- I am not presently a member of the Bar of this Court. Should a response be requested, the response will be filed by a Bar member.

Signature Laurie Webb Daniel

Date: October 1, 2018

(Type or print) Name Laurie Webb Daniel

Mr. Ms. Mrs. Miss

Firm Holland & Knight LLP

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Phone 404-817-8562 Email laurie.daniel@hklaw.com

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CC: Daniel Paul Hipskind