

No. 18-

In the
Supreme Court of the United States

ALLERGAN SALES, LLC,

Petitioner,

v.

SANDOZ INC., ALCON LABORATORIES, INC., ALCON RESEARCH, LTD.,

Respondents.

**APPLICATION OF ALLERGAN SALES, LLC FOR EXTENSION
OF TIME TO FILE PETITION FOR A WRIT OF CERTIORARI
TO THE U.S. COURT OF APPEALS FOR THE FEDERAL
CIRCUIT**

To the Honorable John G. Roberts, Jr., Chief Justice of the
Supreme Court and Circuit Justice for the Federal Circuit:

Pursuant to Supreme Court Rules 13.5, 22, and 30, Applicant
Allergan Sales, LLC (“Allergan”) respectfully requests a 30-day
extension of time, up to and including Thursday, July 26, 2018, to file a
petition for a writ of certiorari to the U.S. Court of Appeals for the
Federal Circuit, seeking review of that court’s decision in *Allergan, Inc.
v. Sandoz Inc.*, Nos. 2017-1499, -1500, -1558, -1559. The Federal
Circuit issued its decision on December 22, 2017. A copy of that
decision is attached as Exhibit A. On January 22, 2018, Allergan filed
a petition for panel and en banc rehearing, which the Federal Circuit

denied on March 28, 2018. A copy of that decision is attached as Exhibit B. The jurisdiction of this Court in this case will be invoked under 28 U.S.C. § 1254(1), and the time to file a petition for a writ of certiorari will otherwise expire on Tuesday, June 26, 2018. This Application for Extension of Time is timely because it has been filed more than ten days prior to the date on which the time for filing the petition is to expire.

Allergan has good cause for an extension of time. During the current period for preparing a petition, counsel for Allergan have substantial preexisting commitments in the month of June, including:

- a. A claim construction and preliminary injunction hearing in *Allergan Sales, LLC v. Sandoz, Inc.*, No. 2:17-cv-10129-WHW-CLW (D.N.J.) on June 13;
- b. Briefing on a motion to dismiss in *Allergan Sales, LLC v. Sandoz, Inc.*, No. 2:17-cv-10129-WHW-CLW (D.N.J.), including a reply brief due on June 25;
- c. Substantial fact discovery in *Allergan Sales, LLC v. Sandoz, Inc.*, No. 2:17-cv-10129-WHW-CLW (D.N.J.) throughout the month of June; and
- d. Substantial fact discovery, including infringement contentions and responses to invalidity contentions due June 22, in multi-defendant case *Sumitomo*

*Dainippon Pharma Co., Ltd. v. Aurobindo Pharma
Ltd. et al.*, No. 2:18-cv-02620-SRC-CLW (D.N.J.)

WHEREFORE, in light of these substantial commitments throughout the month of June, Allergan respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari for 30 days, to and including July 26, 2018.

Dated: June 5, 2018

Respectfully submitted,

FISH & RICHARDSON P.C.

/s/ Jonathan E. Singer

Jonathan E. Singer

*Counsel for Applicant
ALLERGAN SALES, LLC*

CERTIFICATE OF SERVICE

As required by Supreme Court Rule 29.5, I, Jonathan E. Singer, a member of the Supreme Court Bar, hereby certify that one copy of the attached Application was served on June 5, 2018, via electronic mail and by Federal Express on:

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Date: June 5, 2018

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