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VIA ELECTRONIC FILING

Scott S. Harris
Clerk, Supreme Court of the United States
One First Street, N.E.
Washington, DC 20543

Re: ***Novartis Pharmaceuticals Corp. v. HEC Pharm Co., Ltd.*, No. 22A272**

Dear Mr. Harris:

I write in response to Novartis's letter from earlier this evening regarding a TRO entered against Mylan, who is attempting to enter the market before the Federal Circuit's mandate issues, allegedly in violation of its settlement agreement with Novartis.

For context: HEC's counsel were prohibited from attending the sealed proceedings or reviewing the sealed briefing and declarations. We do not know what arguments or evidence were presented, nor whether Novartis continued to incorrectly suggest (as it did originally before this Court) that its patent monopoly will last until 2027.

Nevertheless, it is clear the district court's order is not relevant here. The court merely imposed a TRO "pending the resolution of [Novartis's] Emergency Application" to the Circuit Justice. Order at 2. The Circuit Justice had already entered an interim stay pending resolution of Novartis's application, so it is hardly surprising that the district court also preserved the status quo in the interim. The court's conclusory irreparable harm finding thus merits no weight—particularly absent any accompanying factual findings or record of the evidence considered.

This case is just like *Teva*, *Merck*, and many others: the "extraordinary relief" of a stay is unwarranted because any harm can be remedied with money damages. *See Teva Pharms. USA, Inc. v. Sandoz, Inc.*, 572 U.S. 1301, 1301-02 (2014) (Roberts, C.J., in chambers); *Merck & Cie v. Watson Lab'ys, Inc.*, 136 S. Ct. 2442 (2016) (Roberts, C.J., in chambers); *Pfizer Inc. v. Apotex, Inc.*, No. 06A1131 (June 6, 2007) (Stevens, J., denial without opinion).

I would appreciate your circulating this letter to the Circuit Justice.

Respectfully submitted,

/s/ Peter K. Stris
Peter K. Stris

cc: William M. Jay (by e-mail)