No. 23-9

In the Supreme Court of the United States

ASTRAZENECA UK LIMITED, ET AL.,
PETITIONERS,

v.

JOSHUA ATCHLEY, ET AL.,
RESPONDENTS.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

REPLY BRIEF FOR PETITIONERS

KANNON K. SHANMUGAM
JEH C. JOHNSON
PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
2001 K Street, N.W.
Washington, DC 20006
(202) 223-7300

Counsel for Johnson & Johnson, Cilag GmbH International, Ethicon Endo-Surgery, LLC, Ethicon, Inc., Janssen Ortho LLC, Janssen Pharmaceutica NV, Johnson & Johnson (Middle East) Inc., and Ortho Biologics LLC

LISA S. BLATT
Counsel of Record
CHRISTOPHER N. MANNING
SARAH M. HARRIS
MELISSA B. COLLINS
AARON Z. ROPER
WILLIAMS & CONNOLLY LLP
680 Maine Avenue SW
Washington, DC 20024
(202) 434-5000
lblatt@wc.com

Counsel for Pfizer Inc., Pfizer Pharmaceuticals LLC, Pfizer Enterprises SARL, Pharmacia & Upjohn Company LLC, and Wyeth Pharmaceuticals LLC

Additional Counsel Listed on Inside Cover

JESSICA S. CAREY
PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019-6064
United States
(212) 373-3000

Counsel for Johnson & Johnson, Cilag GmbH International, Ethicon Endo-Surgery, LLC, Ethicon, Inc., Janssen Ortho LLC, Janssen Pharmaceutica NV, Johnson & Johnson (Middle East) Inc., and Ortho Biologics LLC

JOHN B. BELLINGER III
DAVID J. WEINER
ARNOLD & PORTER
KAYE SCHOLER LLP
601 Massachusetts Ave., N.W.
Washington, DC 20001
(202) 942-5000

ROBERT REEVES ANDERSON
ARNOLD & PORTER
KAYE SCHOLER LLP
1144 Fifteenth Street,
Suite 3100
Denver, CO 80202-1370
(303) 863-2325

Counsel for GE Healthcare USA Holding LLC, GE Medical Systems Information Technologies, Inc., and GE Medical Systems Information Technologies GmbH

BETH S. BRINKMANN
MAUREEN F. BROWNE
DAVID M. ZIONTS
S. CONRAD SCOTT
COVINGTON & BURLING LLP
One City Center
850 Tenth Street, N.W.
Washington, DC 20001
(202) 662-5312

Counsel for F. Hoffmann-La Roche Ltd

DAVID W. BOWKER
CATHERINE M.A. CARROLL
LEON T. KENWORTHY
DONNA M. FARAG
WILMER CUTLER PICKERING
HALE AND DORR LLP
2100 Pennsylvania Ave., NW
Washington, DC 20037
(202) 663-6000

Counsel for Genentech, Inc. and Hoffmann-La Roche Inc.

PAUL S. MISHKIN
DAVID B. TOSCANO
CRAIG T. CAGNEY
DAVIS POLK & WARDWELL
LLP
450 Lexington Avenue
New York, NY 10017
(202) 450-4292

Counsel for AstraZeneca Pharmaceuticals LP and AstraZeneca UK Limited

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page

Cases:

Statute:

In the Supreme Court of the United States

ASTRAZENECA UK LIMITED, ET AL.,
PETITIONERS,

v.

JOSHUA ATCHLEY, ET AL.,
RESPONDENTS.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

REPLY BRIEF FOR PETITIONERS

Petitioners condemn terrorism and vehemently deny respondents' allegations. But even taking the complaint as pleaded, *Taamneh* demonstrates far more than the required "reasonable probability" that the D.C. Circuit's legal reasoning is incorrect, making this a paradigmatic case to grant, vacate, and remand (GVR). *See Lawrence v. Chater*, 516 U.S. 163, 167 (1996).

The D.C. Circuit below accepted as sufficient to state an Anti-Terrorism Act (ATA) claim allegations of indirect, general support to attackers—namely, doing business with the Iraqi Health Ministry, which respondents allege was coopted by terrorists. Then came this Court's first-ever ATA decision, *Twitter, Inc. v. Taamneh*, 143 S. Ct. 1206 (2023), which holds plaintiffs to a much higher standard. Now, ATA plaintiffs must show that defendants

"consciously and culpably participated" in the specific "act of international terrorism that injured the plaintiffs" "so as to help make it succeed." *Id.* at 1223, 1225 (cleaned up). Accordingly, respondents here must show that petitioners consciously and culpably participated in each of 300-plus attacks spanning 5 years across Iraq. The D.C. Circuit required nothing of the sort.

Rather than defend the D.C. Circuit's reasoning, respondents press new arguments and common-law cites absent from the decision below. Those arguments confirm that *Taamneh* altered the ATA framework, reinforcing that the lower courts should apply *Taamneh* in the first instance.

If the Court does not GVR, plenary review is warranted. The decision below creates two critical circuit splits: (1) a 4-1 split on whether ATA proximate causation requires direct connections between defendants' actions and terrorist attacks, and (2) a 3-1 split on whether, for ATA aiding-and-abetting liability, U.S.-designated foreign terrorist organizations "plan[]" or "authorize[]" every attack by groups they supported and inspired. Respondents highlight factual differences among cases, but their complaint would fail under other circuits' legal rules. This Court should intervene to avoid the "perverse and significant harm" the decision below foretells for international business and development. Chamber Br. 22.

I. The Court Should Grant, Vacate, and Remand

Taamneh's new ATA framework amply warrants a GVR.

1. Respondents (at 1) suggest a GVR is warranted only if the D.C. Circuit's judgment line is irreconcilable with *Taamneh*. But a GVR merely requires "a reasonable probability" that *Taamneh* would alter the D.C. Circuit's decision. *See Lawrence*, 516 U.S. at 167. This case easily

qualifies. Pet. 13-16. *Taamneh* held that ATA aiding-and-abetting liability arises only if defendants "consciously and culpably participated in" the specific "act of international terrorism that injured the plaintiffs" "so as to help make it succeed." 143 S. Ct. at 1223, 1225 (cleaned up). The D.C. Circuit never applied that demanding test and made many of the same analytical errors this Court rejected in *Taamneh*.

First, the D.C. Circuit relied on petitioners' alleged assistance to Jaysh al-Mahdi generally. But *Taamneh* requires aid to specific attacks. Pet. 13-14; Chamber Br. 12-13. Respondents (at 17) excerpt the D.C. Circuit's statement that petitioners allegedly "aided and abetted *th[e] attacks*." But the D.C. Circuit actually said that petitioners allegedly "aided and abetted th[e] attacks *by knowingly providing substantial assistance to Jaysh al-Mahdi*." Pet.App.39a (emphasis added). The D.C. Circuit thus incorrectly reasoned that alleged assistance to Jaysh al-Mahdi supported liability for all 300-plus attacks.

Respondents (at 17-19) contend that *Taamneh* permits ATA liability for "foreseeable risk[s]" and the D.C. Circuit considered these attacks "foreseeable." But under *Taamneh*, across-the-board liability is permissible only for "pervasive and systemic aid." 143 S. Ct. at 1230. Plaintiffs face a "drastically increase[d]" burden absent "a definable nexus between the defendants' assistance and th[e] attack." 143 S. Ct. at 1229. Simply alleging "[a]ny aid" or "funding" cannot carry that burden. *Contra* BIO 16, 18.

Second, the D.C. Circuit "rigidly focused" on the facts and phrasing of *Halberstam v. Welch*, 705 F.2d 472 (D.C. Cir. 1983), another error *Taamneh* repudiated. Pet. 14-15; Chamber Br. 10-11. Respondents (at 22) say the D.C.

Circuit did not treat any *Halberstam* factor as "dispositive" and found that respondents pleaded "knowing[]" and "substantial assistance." The D.C. Circuit's check-the-box march through "the *Halberstam* elements" belies that characterization. Pet.App.26a-37a. By mechanically applying *Halberstam*, the D.C. Circuit sidestepped the fundamental question—whether petitioners "culpably participated" in each attack. *Taamneh*, 143 S. Ct. at 1223 (cleaned up).

Third, contrary to *Taamneh*, the D.C. Circuit analyzed knowledge and substantiality separately rather than considering them "in tandem." Pet. 15; Chamber Br. 8-9. Respondents (at 19) say the D.C. Circuit's opinion considered knowledge and substantiality in the same section and analyzed "state of mind" within "substantial assistance." But on the "knowledge component," the D.C. Circuit merely asked whether petitioners' acts were "in any way accidental." Pet.App.31-32a (citation omitted). The court never considered knowledge and substantiality "relative to one another" as *Taamneh* demands—missing the big picture of whether petitioners, by transacting with the Iraqi Health Ministry, allegedly "sought by their action to make [each attack] succeed." 143 S. Ct. at 1226, 1229 (cleaned up).

Fourth, the D.C. Circuit unduly discounted petitioners' "undisputed lack of intent to support" terrorism. Pet. 15-16; Chamber Br. 12. Respondents (at 20-21) contend common-law cases permit aiding-and-abetting liability without specific intent. But under *Taamneh*, lack of intent is entitled to "great[] weight," 143 S. Ct. at 1229—yet the D.C. Circuit gave it none. Respondents (at 21-22) alternatively contend that petitioners, global medical companies, possessed "terrorist intent." The D.C. Circuit rightly never endorsed that baseless accusation. *See* Pet.App.34a-36a.

2. Respondents spend most of their brief inventing new rationales for why their complaint survives *Taamneh*—thereby underscoring the need for a GVR. Respondents (at 15-17, 20-22) cite common-law authorities that appear nowhere below. And respondents (at 14) interpret *Taamneh* as sharply distinguishing inaction from "affirmative misconduct," a rationale absent from the D.C. Circuit's decision. Those new theories are appropriately directed to the lower courts on remand.

Regardless, respondents' new arguments fail. Respondents (at 11) note that *Taamneh* requires "culpable conduct" and that "bribing terrorists is, of course, culpable." But respondents ignore that the defendants must "culpably *participate[] in the tort at issue*," *i.e.*, "the act of international terrorism that injured the plaintiffs." 143 S. Ct. at 1225, 1230 (emphasis added). Defendants can be liable for all of a group's attacks (as respondents seek) only when the defendants "so systemically and pervasively assist[]" the attacker as "to aid and abet every single … attack." *Id.* at 1228. Respondents ignore that standard, which the D.C. Circuit never applied.

Respondents (at 12-14) cast *Taamneh* as narrowly barring ATA liability only for "passive nonfeasance," not "affirmative misconduct." *Taamneh* imposed no such bright-line rule. The *Taamneh* defendants' alleged "passive" aid just necessitated a particularly "strong showing of assistance and scienter." *Id.* at 1227. *Taamneh* never equates "affirmative misconduct" with aiding and abetting. Respondents (at 13) also imply that *Taamneh* treated affirmative acts differently because *Taamneh* rejected out of hand "bare-bones" allegations that Google shared perhaps $50 with ISIS. *Taamneh* treated those meritless allegations separately because the Ninth Circuit did, *id.* at 1230, not because a different legal rule applies.

Respondents (at 14) claim *Taamneh* "endorsed liability" here by saying that "some set of allegations involving aid to a known terrorist group would justify holding a secondary defendant liable for all of the group's actions." Respondents elide *Taamneh*'s words—that the Court merely could not "rule out the possibility" of such cases. *Id.* at 1228. And *Taamneh*'s example was a narcotics distributor who potentially aided narcotics distribution by shipping doctors *400 times* ordinary quantities of morphine. *Direct Sales Co. v. United States*, 319 U.S. 703, 706 (1943) (cited at 143 S. Ct. at 1228). Petitioners' alleged 10% volume discounts on, *e.g.*, cancer medicine, are hardly analogous in alleging culpable participation in terrorism. *See* Third Am. Compl. ¶ 312.

Respondents (at 14) incorrectly claim the United States' *Taamneh* amicus brief "explicitly support[ed] respondents' claims here." Instead, citing the decision below, that brief observed that "courts have found [the ATA's] knowing-and-substantial assistance requirement more easily met where defendants engaged in transactions outside the regular course of business." *Taamneh* U.S. Br. 22. That description of how lower courts handled one ATA element pre-*Taamneh* does not bless this complaint, much less foretell how this Court's ensuing reasoning in *Taamneh* would affect the D.C. Circuit's.

3. Procedurally, respondents (at 23) object that *Taamneh* "will not change the outcome of this litigation" because the decision below "rests on two independent grounds." But respondents' direct-liability and state-law claims are not "independent grounds." This Court routinely GVRs when—as here—an intervening decision affects one of multiple claims. *E.g.*, *Eagleson v. St. Anthony Hosp.*, 143 S. Ct. 2634 (2023); *Rocket Mortg., LLC v. Alig*, 142 S. Ct. 748 (2022). Whether 1,250-plus respondents'

aiding-and-abetting claims proceed is plainly a change in "the outcome of this litigation."

Regardless, *Taamneh* undercuts respondents' entire complaint, not just their ATA aiding-and-abetting claims. *Taamneh* "seriously undermines" the D.C. Circuit's direct-liability holding because aiding-and-abetting and proximate-causation principles both limit liability, not just in the abstract, but for actions too attenuated from an injury. Pet. 16; Chamber Br. 14-15; *contra* BIO 23. Indeed, respondents (at 18, 26) implicitly acknowledge the overlap by citing proximate-causation cases on aiding and abetting and citing *Taamneh* on proximate causation. Without ATA claims, respondents' complaint will be dismissed; the district court has said it will decline supplemental jurisdiction over state-law claims. Pet.App.81a.

Respondents (at 24) contend that "remand would create needless delay and cost" in this six-year-old case. Respondents omit that they filed the operative complaint (after three amendments) in 2020, two years before the decision below. Far more "needless delay and cost" would ensue from letting this sprawling, 1,250-plaintiff case proceed under an incorrect legal framework. Judicial economy counsels getting the law right now, not after cumbersome discovery. Regardless, this Court routinely GVRs long-pending cases. *E.g.*, *Diece-Lisa Indus. v. Disney Store USA*, 143 S. Ct. 2634 (2023) (11-year-old case); *Klein v. Or. Bureau of Lab. & Indus.*, 143 S. Ct. 2686 (2023) (10-year-old case).

II. Alternatively, the Court Should Grant Plenary Review

Absent a GVR, this Court should grant certiorari to review two of the D.C. Circuit's holdings that create circuit splits and threaten serious foreign-policy consequences.

A. The Proximate-Causation Question on Direct ATA Liability Warrants Review

Circuits are split 4-1 on whether ATA proximate causation requires direct connections between defendants and terrorist attacks. The Second, Sixth, Seventh, and Ninth Circuits require direct connections; the D.C. Circuit does not. Pet. 17-19.

Respondents (at 26-28) highlight factual differences with the Second and Seventh Circuit cases. Those involve Iran; this involves the Iraqi Health Ministry. And those "defendants' resources never even reached the relevant terrorist group."

But respondents' complaint would fail under those circuits' *legal* standard. Iran's intervening role defeated proximate causation because Iran does not "exist solely to perform terrorist acts." *Kemper v. Deutsche Bank AG*, 911 F.3d 383, 392 (7th Cir. 2018); *see Rothstein v. UBS AG*, 708 F.3d 82, 97 (2d Cir. 2013). Respondents (at 27) equate the Health Ministry with Jaysh al-Mahdi, but their complaint conceded that the Ministry performed legitimate health-care functions and thus did not exist solely to perform terrorist acts. Pet. 19. Respondents' claims would thus fail in the Second and Seventh Circuits.

As for the Sixth and Ninth Circuits, respondents (at 26) note that the Sixth Circuit considered a "lone-wolf" attack. But that court nonetheless held that "some direct relation" is required. *Crosby v. Twitter, Inc.*, 921 F.3d 617, 624 (6th Cir. 2019) (citation omitted). Respondents (at 26) describe the Ninth Circuit case as lacking "any connection" between defendants "and the terrorist attack." But respondents have the same problem. They labor to connect petitioners to Jaysh al-Mahdi, but never attempt to tie petitioners to actual attacks. *Supra* p. 3.

Respondents (at 27) say "[p]etitioners cite no case dismissing causation allegations when the defendants' resources reached the responsible terrorist group." But in *Fields*, Twitter "provi[ded] communication equipment to ISIS," which carried out the attack. *Fields v. Twitter, Inc.*, 881 F.3d 739, 742, 749 (9th Cir. 2018).

As for the D.C. Circuit, respondents (at 26) claim the decision below considered directness by equating Health Ministry business with "deal[ing] with [Jaysh al-Mahdi] directly." But that quote merely summarizes the Health Ministry's alleged relationship with Jaysh al-Mahdi. Pet.App.7a. The D.C. Circuit's actual proximate-causation analysis asked whether the alleged assistance was a "substantial factor" in "reasonably foreseeable" injuries—not whether the injury was direct. Pet.App.40a (citation omitted). By contrast, other circuits require a direct connection to terrorist *attacks*, not groups.

The D.C. Circuit's approach also contravenes this Court's "repeated[]" holding that proximate causation requires "directness." *Bank of Am. Corp. v. City of Miami*, 581 U.S. 189, 203 (2017). Respondents (at 25-26) suggest "the ATA's purposes" demand a looser standard. But this Court has required directness everywhere from the Fair Housing Act to RICO. *Id.* There is no basis for a "different standard for proximate causation" under the ATA. *Fields*, 881 F.3d at 746; Pet. 19-20.

B. The Aiding-and-Abetting Question Warrants Review

This Court should also review whether U.S.-designated foreign terrorist organizations "plan[]" or "authorize[]" every attack carried out by groups they generally support or inspire.

The circuits are split 3-1. The Sixth, Ninth, and Eleventh Circuits require attack-specific planning or authorization; the D.C. Circuit alone accepts general support and inspiration. Pet. 20-22.

Respondents (at 30-31) note that other circuits' cases involve "lone-wolf shooters." That factual distinction is irrelevant; those circuits adopted different *legal* rules, requiring the U.S.-designated foreign terrorist organization to "kn[o]w about" or "authorize[] the attack beforehand." *Colon v. Twitter, Inc.*, 14 F.4th 1213, 1222 (11th Cir. 2021); *Gonzalez v. Google LLC*, 2 F.4th 871, 911 (9th Cir. 2021). General support like training manuals or instructions to "kill Americans" does not suffice. *Gonzalez*, 2 F.4th at 911-12; *Crosby*, 921 F.3d at 620. As respondents (at 29-30) admit, the D.C. Circuit instead equated "weaponry, training, and knowledge" with "plann[ing]" and a declared "religious duty to attack Americans" with "authoriz[ation]." This complaint would fail in other circuits for the vast majority of attacks.[1]

The decision below departs from the ATA's text, which requires that a designated foreign terrorist organization plan or authorize the specific attack. Pet. 22-23. Respondents (at 31) seemingly agree that "generalized support and encouragement" are inadequate. Respondents (at 31-32) say their "detailed" complaint alleges more, including "geographical connections between Hezbollah's presence and the attacks"; "Hezbollah's planning role … in attacks using" particular weapons; and "religious, personal, and operational authority over Jaysh al-

[1] Respondents (at 30) highlight that Hezbollah allegedly jointly committed 22 of 300-plus attacks. Petitioners have not disputed the "committed, planned, or authorized" element for those attacks at the pleading stage (although these claims fail other elements). Pet.App.20a-21a. The problem is the 90% *other*, non-Hezbollah-committed attacks.

Mahdi." But the "geographical connections" were encouragement to attack entire Iraqi regions. Third Am. Compl. ¶ 403. The weapon-specific "planning" was teaching Jaysh al-Mahdi to use those weapons. Pet.App.25a-26a. And the "authority" was "a *fatwa* declaring a religious duty to attack Americans" and Jaysh al-Mahdi soldiers' "fealty to Hezbollah." Pet.App.26a. That is the same "generalized support and encouragement" respondents concede fails.

C. The Decision Below Will Damage U.S. Interests and Warrants Review Now

The D.C. Circuit's decision carries "significant negative consequences" for businesses and nonprofits alike. Chamber Br. 18-19. Rather than risk liability and "significant reputational harm," entities will "de-risk" and avoid conflict zones—undermining U.S. foreign-policy objectives. Chamber Br. 20; Pet. 23-25.

Respondents (at 33) quip that it is not "difficult" to "refrain from knowingly funding terrorists." But as amici explain, it is "practically impossible" to eliminate all counterparty risk in warzones, and de-risking "is already happening." Chamber Br. 19-20. While knowing material support to attacks by undesignated terrorists is a crime, BIO 33, that statute limits what support counts, including a "medicine" exclusion. 18 U.S.C. § 2339A(b)(1). The D.C. Circuit's decision reaches far more legitimate business.

Respondents (at 33) discount policy problems because Hezbollah allegedly co-committed 22 at-issue attacks, and companies could still be liable for those. But the D.C. Circuit's proximate-causation holding applies to *all* attacks and equates transacting with the Iraqi government with directly causing attacks. While the D.C. Circuit's planning-or-authorization holding does not apply to the less than 10% of attacks Hezbollah allegedly co-committed, at

most 35 respondents might have claims for those attacks. Pet.App.21a. Instead, 1,250-plus respondents sued.

The ATA's expansive venue provision risks nationalizing the D.C. Circuit's outlier rules. Pet. 25-26. Respondents (at 33-34) disclaim forum-shopping concerns because only 3 of 17 recent ATA cases were filed in the District of Columbia. But respondents' 3 D.C. cases include 1,731 plaintiffs, yet assert venue based on 1 or 2 plaintiffs' D.C. residence.[2] The cases elsewhere involve far fewer plaintiffs where plaintiffs' lawyers presumably could not manufacture D.C. venue.[3] Left standing after *Taamneh*, the invitation for forum shopping will only grow.

Finally, respondents (at 34-35) urge delay because this case is at the motion-to-dismiss stage. But ATA discovery is costly and requires navigating complicated armed conflicts abroad. Chamber Br. 19-20. This Court's only ATA opinions rejected liability in the motion-to-dismiss posture. *Taamneh*, 143 S. Ct. at 1217; *Gonzalez v. Google LLC*, 143 S. Ct. 1191, 1192 (2023). This complaint should be dismissed too.

---

[2] Compl. ¶ 63, *Chand v. MTN Irancell Telecomms. Servs.*, No. 22-cv-830 (D.D.C. filed Mar. 27, 2022) (1 of 605 plaintiffs lives in D.C.); Compl. ¶ 64, *Davis v. MTN Grp.*, No. 22-cv-829 (D.D.C. filed Mar. 27, 2022) (2 of 260 plaintiffs); Am. Compl. ¶ 44, *Schmitz v. Ericsson Inc.*, No. 22-cv-2317 (D.D.C. filed Aug. 5, 2022) (2 of 866 plaintiffs).

[3] *E.g.*, *Sotloff v. Qatar Charity*, No. 22-cv-80726 (S.D. Fla. filed May 13, 2022) (3 plaintiffs); *Weinschenck v. United States*, No. 22-cv-1150 (S.D. Ind. filed June 6, 2022) (1 plaintiff); *Long v. MTN Grp.*, No. 23-cv-5705 (E.D.N.Y. filed July 28, 2023) (4 plaintiffs).

CONCLUSION

The petition should be granted, the court of appeals' judgment vacated, and the case remanded in light of *Taamneh*. Alternatively, the petition should be granted for plenary consideration.

Respectfully submitted,

KANNON K. SHANMUGAM
JEH C. JOHNSON
PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP
2001 K Street, N.W.
Washington, DC 20006
(202) 223-7300

JESSICA S. CAREY
PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019-6064
United States
(212) 373-3000

Counsel for Johnson & Johnson, Cilag GmbH International, Ethicon Endo-Surgery, LLC, Ethicon, Inc., Janssen Ortho LLC, Janssen Pharmaceutica NV, Johnson & Johnson (Middle East) Inc., and Ortho Biologics LLC

LISA S. BLATT
Counsel of Record
CHRISTOPHER N. MANNING
SARAH M. HARRIS
MELISSA B. COLLINS
AARON Z. ROPER
WILLIAMS & CONNOLLY LLP
680 Maine Avenue SW
Washington, DC 20024
(202) 434-5000
lblatt@wc.com

Counsel for Pfizer Inc., Pfizer Pharmaceuticals LLC, Pfizer Enterprises SARL, Pharmacia & Upjohn Company LLC, and Wyeth Pharmaceuticals LLC

BETH S. BRINKMANN
MAUREEN F. BROWNE
DAVID M. ZIONTS
S. CONRAD SCOTT
COVINGTON & BURLING LLP
One City Center
850 Tenth Street, N.W.
Washington, DC 20001
(202) 662-5312

Counsel for F. Hoffmann-La Roche Ltd

DAVID W. BOWKER
CATHERINE M.A. CARROLL
LEON T. KENWORTHY
DONNA M. FARAG
WILMER CUTLER PICKERING
HALE AND DORR LLP
2100 Pennsylvania Ave., NW
Washington, DC 20037
(202) 663-6000

Counsel for Genentech, Inc. and Hoffmann-La Roche Inc.

JOHN B. BELLINGER III
DAVID J. WEINER
ARNOLD & PORTER
KAYE SCHOLER LLP
601 Massachusetts Ave., N.W.
Washington, DC 20001
(202) 942-5000

ROBERT REEVES ANDERSON
ARNOLD & PORTER
KAYE SCHOLER LLP
1144 Fifteenth Street,
Suite 3100
Denver, CO 80202-1370
(303) 863-2325

Counsel for GE Healthcare USA Holding LLC, GE Medical Systems Information Technologies, Inc., and GE Medical Systems Information Technologies GmbH

PAUL S. MISHKIN
DAVID B. TOSCANO
CRAIG T. CAGNEY
DAVIS POLK & WARDWELL LLP
450 Lexington Avenue
New York, NY 10017
(202) 450-4292

Counsel for AstraZeneca Pharmaceuticals LP and AstraZeneca UK Limited

SEPTEMBER 6, 2023