

April 6, 2021

Scott S. Harris
Clerk of the Court
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

**Re: No. 20-1119, *Amarin Pharma, Inc., et al., v. Hikma
Pharmaceuticals USA Inc., et al.***

Dear Mr. Harris:

On behalf of all respondents in the above-captioned case, we write to request a 45-day extension of time to file our brief in opposition to the petition for certiorari, to and including June 14, 2021 (the 45th day falls on Sunday, June 13). This is the first extension of time that respondents have requested. We have conferred with counsel for petitioners (“Amarin”) and understand that they consent to a 20-day extension but oppose a longer extension.

There is good cause for granting the requested 45-day extension in full. Respondents’ counsel have multiple preexisting scheduling conflicts that limit their ability to prepare the brief in opposition without the requested extension, including a trial in *Certain Movable Barrier Operator Systems and Components Thereof*, No. 337-TA-1209 (U.S.I.T.C.), beginning April 28 (with post-trial briefing due May 19 and 28), and a trial in *Sanofi-Aventis U.S. LLC v. Actavis LLC*, No. 20-804 (D. Del.), beginning May 24. Respondents’ counsel also have multiple hearings scheduled, and briefs due, during the next two months in other litigation matters.

We are not aware of any reason why Amarin would be prejudiced by the requested extension. The U.S. Court of Appeals for the Federal Circuit denied Amarin’s petition for rehearing on November 4, 2020, yet Amarin waited more than three months, until February 11, 2021, to file its petition for certiorari. Amarin did not seek to stay the Federal Circuit’s mandate, nor did it seek to enjoin respondents from launching their accused generic drug products that are the subject of this patent infringement lawsuit. In fact, respondents Hikma Pharmaceuticals USA Inc. and Hikma Pharmaceuticals International Limited launched their accused generic product on November 5. More than three weeks later, on November 30, Amarin brought a new lawsuit against Hikma alleging that its generic drug product infringes another

set of patents, yet Amarin has not sought a preliminary injunction, nor has it otherwise sought to expedite the case, which remains in the initial pleadings stage. See *Amarin Pharma, Inc. v. Hikma Pharms. USA Inc.*, No. 20-1630 (D. Del.). Amarin's actions thus belie any claim of urgency or prejudice.

Thank you for your attention to this matter.

Sincerely,

/s/ Charles B. Klein
Charles B. Klein

cc: Seth P. Waxman
Constance S. Huttner