

April 7, 2021

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

Seth P. Waxman

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

Dear Mr. Harris:

I represent petitioners in this matter, Amarin Pharma, Inc. and Amarin Pharmaceuticals Ireland Limited (“Amarin”). I write to oppose respondents’ motion for a 45-day extension of time to file their brief in opposition.

Amarin filed its petition for certiorari on February 11—51 days before the petition’s due date under the filing period provided by the Court’s order relating to COVID-19. Three amicus briefs supporting the petition were filed shortly thereafter, well in advance of the March 18 deadline. Instead of filing their brief in opposition on March 18, respondents waived response. On March 30, this Court called for response, which is due April 29.

As we informed respondents, their request for a 45-day extension would seriously prejudice Amarin by delaying the Court’s consideration of the petition until after the summer recess. Amarin filed its petition well ahead of its due date precisely to ensure that the case would be conferenced no later than June 2021. Likewise, Amarin was prepared to consent to a 20-day extension as a courtesy, to and including May 18, which would ensure that the Court could consider the petition at two conferences in June.

Respondents have not shown good cause for delaying consideration of this petition past June. Respondents have had Amarin’s petition since February 11 and could have filed their response on March 18 when it was initially due. That their responses are now due April 29, purportedly causing scheduling conflicts, is due to respondents’ own decision to file waivers.

Amarin respectfully requests that the Court not extend respondents’ due date beyond May 18, 2021.

Sincerely,


Seth P. Waxman

cc: Counsel for respondents