

IN THE SUPREME COURT OF THE UNITED STATES

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No. 21-757

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AMGEN INC., AMGEN MANUFACTURING LIMITED, AMGEN USA, INC.,

*Petitioners,*

v.

SANOFI, AVENTISUB LLC, REGENERON PHARMACEUTICALS INC.,  
SANOFI-AVENTIS U.S., LLC,

*Respondents.*

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UNOPPOSED MOTION FOR LEAVE TO  
DISPENSE WITH PREPARATION OF A JOINT APPENDIX

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Pursuant to Supreme Court Rule 26.8, petitioners respectfully seek leave to dispense with the requirement of a joint appendix in this case. Respondents agree that a joint appendix is not necessary and concur in the filing of this motion.

The question presented in the petition is whether enablement is governed by the statutory requirement that the specification teach those skilled in the art to “make and use” the claimed invention, 35 U.S.C. § 112, or whether it must instead enable those skilled in the art “*to reach the full scope of claimed embodiments*” without undue experimentation—*i.e.*, to cumulatively identify and make all or nearly all embodiments of the invention without substantial “time and effort.” The opinions of the court of appeals and the district court are included in the appendix to

the petition for a writ of certiorari. In our view, no other portion of the record merits such special attention as to warrant the preparation and expense of a joint appendix, and preparation of a joint appendix would not materially assist the Court's consideration of the case.

Respectfully submitted.



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