

IN THE SUPREME COURT OF THE UNITED STATES

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No. 24-889

HIKMA PHARMACEUTICALS USA INC., ET AL., PETITIONERS

v.

AMARIN PHARMA, ET AL.

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ON WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

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MOTION OF THE UNITED STATES FOR LEAVE TO  
PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE  
AND FOR DIVIDED ARGUMENT

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Pursuant to Rules 28.4 and 28.7 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves for leave to participate in the oral argument in this case as amicus curiae supporting petitioners and requests that the United States be allowed ten minutes of argument time. Petitioners consent to this motion and have agreed to cede ten minutes of argument time to the United States. Accordingly, if this motion is granted, the argument time would be divided as follows: 20 minutes for petitioners, 10 minutes for the United States, and 30 minutes for respondents.

This case concerns whether respondents have adequately alleged that the manufacturer of a generic drug unlawfully induced medical professionals to infringe method-of-use patents held by a

brand-name drug manufacturer. The United States has substantial interests in encouraging manufacturers to bring lower-cost generic drugs quickly to market, and in lowering prescription-drug prices paid by federal programs such as Medicare, Medicaid, and the Veterans Health Administration. At the same time, the United States has a substantial interest in the patent protections available to drugmakers that identify new therapeutic uses for established products. At the invitation of the Court, the United States filed a brief as amicus curiae at the petition stage of this case. At the merits stage, the United States filed a brief as amicus curiae supporting petitioners.

The United States regularly presents oral argument as amicus curiae in cases concerning patent law. See, e.g., Amgen Inc. v. Sanofi, 598 U.S. 594 (2023); Minerva Surgical, Inc. v. Hologic, Inc., 594 U.S. 559 (2021); Helsinn Healthcare S.A. v. Teva Pharms. USA, Inc., 586 U.S. 123 (2019); WesternGeco LLC v. ION Geophysical Corp., 585 U.S. 407 (2018); Life Techs. Corp. v. Promega Corp., 580 U.S. 140 (2017); Samsung Elecs. Co. v. Apple Inc., 580 U.S. 53 (2016); Halo Elecs., Inc. v. Pulse Elecs., Inc., 579 U.S. 93 (2016); Kimble v. Marvel Entm't, LLC, 576 U.S. 446 (2015); Caraco Pharm. Labs., Ltd. v. Novo Nordisk A/S, 566 U.S. 399 (2012). The United States has also presented oral argument in cases concerning the scope of secondary liability under other statutes. See, e.g., Cox Commc'ns, Inc. v. Sony Music Entm't, No. 24-171 (argued Dec. 1, 2025); Twitter, Inc. v. Taamneh, 598 U.S. 471 (2023). We

therefore believe that the United States' participation in oral argument in this case would be of material assistance to the Court.

Respectfully submitted.

D. JOHN SAUER  
Solicitor General  
Counsel of Record

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