

No. 25A-____

IN THE
Supreme Court of the United States

MERCK SHARP & DOHME CORPORATION,

Applicant,

v.

DORIS ALBRECHT, ET AL.,

Respondents.

**APPLICATION FOR AN EXTENSION OF TIME
TO FILE A PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court and Circuit Justice for the Third Circuit:

1. Pursuant to Supreme Court Rules 13.5, 22, and 30, Applicant Merck Sharp & Dohme Corporation respectfully requests a 30-day extension of time, up to and including March 19, 2025, to file a petition for a writ of certiorari to the U.S. Court of Appeals for the Third Circuit, seeking review of that court's September 20, 2024 decision in *In re Fosamax (Alendronate Sodium) Products Liability Litigation*, 118 F.4th 322 (3d Cir. 2024). The decision below is attached as Appendix A. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254.

2. Applicant timely petitioned for panel rehearing. The panel denied rehearing on November 19, 2024. The order denying Applicant's petition for panel rehearing is attached as Appendix B.

3. The time to file a petition for a writ of certiorari will otherwise expire on February 17, 2025. This Application is timely because it has been filed more than ten days prior to the date on which the time for filing is due to expire.

4. Applicant has good cause for an extension of time. This petition involves complex and important issues relating to the test for impossibility preemption set forth by this Court at an earlier stage of the same litigation, in *Merck Sharp & Dohme Corp. v. Albrecht*, 587 U.S. 299 (2019). Given its experience and expertise in this area, including representing Applicant before this Court in *Albrecht*, Jones Day is well positioned to evaluate and prepare a petition that will assist this Court in reviewing the case. The quality of any petition would greatly benefit from an extension of time to allow Jones Day to further develop the arguments in this case and to complete the requisite research and writing.

WHEREFORE, Applicant respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari for 30 days, up to and including March 19, 2025.

January 16, 2025

Respectfully submitted,

/s/ Yaakov M. Roth
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CERTIFICATE OF SERVICE

As required by Supreme Court Rule 29.5, I, Yaakov M. Roth, a member of the Supreme Court Bar, hereby certify that one copy of the attached Application for an Extension of Time to File a Petition for a Writ of Certiorari to the United States Court of Appeals for the Third Circuit, was served on January 16, 2025, via electronic mail and by the United Parcel Service on:

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