

No. 26A356

IN THE
Supreme Court of the United States

ABBVIE, INC.; ALLERGAN, INC.; DURATA THERAPEUTICS, INC.; ABBVIE PRODUCTS, LLC;
APTALIS PHARMA US, INC.; ALLERGAN SALES, LLC; PHARMACYCLICS, LLC,

Applicants,

v.

LIZ MURRILL, IN HER OFFICIAL CAPACITY AS ATTORNEY GENERAL OF LOUISIANA;
LOUISIANA PRIMARY CARE ASSOCIATION,

Respondents.

**APPLICATION FOR A FURTHER EXTENSION OF TIME WITHIN WHICH
TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**

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RULE 29.6 DISCLOSURE STATEMENT

Applicants' corporate disclosure statement from their first Application to Extend the Time to File a Petition for a Writ of Certiorari (Sept. 10, 2026) remains accurate.

TO THE HONORABLE SONIA M. SOTOMAYOR, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES (THE HONORABLE SAMUEL A. ALITO, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE FIFTH CIRCUIT HAVING RECUSED):

Pursuant to this Court's Rules 13.5 and 30.2, Applicants AbbVie, Inc., Allergan, Inc., Durata Therapeutics, Inc., AbbVie Products, LLC, Aptalis Pharma US, Inc., Allergan Sales, LLC, and Pharmacyclics, LLC (collectively, "AbbVie") respectfully apply for a 30-day extension of time, to and including December 4, 2026, within which to file a petition for a writ of certiorari to review the judgment of the U.S. Court of Appeals for the Fifth Circuit in this case. The Court of Appeals issued its original panel opinion on February 9, 2026, but then granted panel rehearing, entered judgment, and denied rehearing en banc on July 6, 2026. App., *infra*, 3a. On September 21, 2026, Justice Sotomayor granted a 30-day extension of time to file a petition for a writ of certiorari, to and including November 4, 2026. Applicants' prior application for an extension of time and the Fifth Circuit's opinion are included in the appendix to this application. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1). This application is timely because it has been filed at least ten days before the date on which the time for filing is due to expire. S. Ct. R. 13.5.

1. As Applicants explained in their first application for an extension of time, App., *infra*, 33a, this case presents important constitutional questions regarding laws recently enacted by nearly half of the States. Those state laws regulate pharmaceutical manufacturers' drug sales within the federal 340B Program, a discount-drug program for certain safety-net healthcare providers. See 42 U.S.C. § 256b. They target only those pharmaceutical manufacturers that participate in the

federal 340B Program, obstruct the methods and objectives Congress selected for the program, and intrude into the federal field of 340B obligations, all in violation of this Court's Supremacy Clause precedents. And they also compel manufacturers to sell their property when they otherwise would not under both federal law and ordinary common-law principles, in violation of the Takings Clause.

2. Applicants respectfully request a further 30-day extension. Additional time remains necessary for counsel to determine whether to file a petition and to prepare a petition that reflects the complexity of this case and would be helpful to the Court. Counsel for Applicants have significant professional obligations during the period in which the petition would otherwise be prepared if Applicants elect to file. Counsel for Appellants are heavily involved in other litigation related to state laws like Louisiana Act 358. Those obligations include appellate briefs in *AbbVie v. Fitch*, No. 26-60527 (5th Cir.) and *AbbVie v. Torrez*, No. 26-2180 (10th Cir.); oral arguments in *AbbVie v. Brown*, No. 24-1939 (4th Cir.) (en banc) and *AbbVie Inc. v. Raoul*, No. 1:26-cv-09523 (N.D. Ill.); trial preparation in *AbbVie Inc. v. Lopez*, No. 1:25-cv-00230 (D. Haw.). Given the importance and complexity of the issues posed by laws like Louisiana Act 358, additional time is warranted. Applicants are not aware of any party that would be prejudiced by a second 30-day extension.

Accordingly, AbbVie respectfully requests that the time to file a petition for a writ of certiorari be extended by 30 days, to and including December 4, 2026.

Respectfully submitted.

/s/ Matthew S. Owen

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