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February 1, 2018

**VIA ECF**

Honorable Claire C. Cecchi, U.S.D.J.  
U.S. District Court for the District of New Jersey  
Martin Luther King Jr. Bldg. & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

Re: **Immunex Corp., et al. v. Sandoz Inc., et al.**  
**Civil Action No. 16 CV 1118 (CCC)(MF)**

Dear Judge Cecchi:

We, together with Winston & Strawn LLP, represent defendants Sandoz Inc., Sandoz International GmbH and Sandoz GmbH (collectively, "Sandoz") in the above-referenced matter. As the Court may recall, in July 2017 Sandoz sought approval of an amended label for its etanercept product that carved out all psoriatic indications (the "Amended Label"). Please accept this letter advising the Court that on January 28, 2018, the FDA approved the Amended Label. The Amended Label effectively eliminates from this case U.S. Patent Nos. 7,915,225; 8,119,605; and 8,722,631 (*i.e.*, the "Psoriasis Patents").

As Sandoz has previously argued, the Amended Label—now approved, as expected—renders moot Plaintiffs' pending motion for summary judgment (D.I. 225, "Plaintiffs' Motion for Summary Judgment"), which relies exclusively on allegations of infringement on a Sandoz label—a label Sandoz has not been seeking to use since July 2017 and is indeed no longer able to use for launch as it is not the approved label for Sandoz's product. As such, for all the reasons identified in Sandoz's opposition to Plaintiffs' Motion for Summary Judgment because there is no longer a live controversy surrounding Sandoz's pre-amendment label (the sole basis of Plaintiffs' Motion for Summary Judgment), and because Plaintiffs' Motion for Summary Judgment seeks an impermissible advisory opinion, the Court should deny Plaintiffs' pending Motion for Summary Judgment as moot.

Respectfully submitted,

/s/Eric I. Abraham  
ERIC I. ABRAHAM

Cc: All Counsel of Record (via email)