

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

**SANOFI-AVENTIS U.S. LLC, SANOFI-AVENTIS
DEUTSCHLAND GMBH, SANOFI WINTHROP
INDUSTRIE,**
Plaintiffs-Appellants

v.

**MYLAN GMBH, BIOCON LTD., BIOCON
RESEARCH LTD., BIOCON SDN.BHD, BIOCON
S.A.,**
Defendants-Appellees

2021-1262

Appeal from the United States District Court for the
District of New Jersey in No. 2:17-cv-09105-SRC-CLW,
Judge Stanley R. Chesler.

SUA SPONTE

Before DYK, CLEVINGER, and TARANTO, *Circuit Judges*.
PER CURIAM.

O R D E R

Sanofi-Aventis U.S. LLC, Sanofi-Aventis Deutschland GmbH, Sanofi Winthrop Industrie (collectively, “Sanofi”) filed a patent infringement suit against Mylan GmbH, Biocon Ltd., Biocon Research Ltd., Biocon Sdn.Bhd., and Biocon S.A. (collectively, “Mylan”) in the District Court for the District of New Jersey asserting Mylan infringed claims 21, 22, 25, and 30 of Sanofi’s U.S. Patent No. 9,526,844 (“the ’844 Patent”). The district court found no infringement of the asserted claims and that the asserted claims are invalid for lack of written description. Sanofi appeals.

We affirmed today in a related appeal, *Sanofi-Aventis U.S. LLC, et al. v. Mylan GmbH, et al.*, No. 2020-2068, the final written decision by the U.S. Patent Trial and Appeal Board in IPR2018-01680 holding that claims 21–30 of the ’844 Patent would have been unpatentable as anticipated and/or obvious. Accordingly, Sanofi’s appeal from the district court’s ruling is moot.

IT IS ORDERED THAT:

Sanofi’s appeal in Appeal No. 2021-1262 is dismissed as moot.

FOR THE COURT

December 29, 2021
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court