

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SANOFI-AVENTIS U.S. LLC, SANOFI-
AVENTIS DEUTSCHLAND GMBH, and
SANOFI WINTHROP INDUSTRIE,

Plaintiffs,

v.

MERCK SHARP & DOHME CORP.,

Defendant.

C.A. No. 16-812-RGA-MPT

**DEFENDANT MERCK SHARP & DOHME CORP.'S MOTION FOR SUMMARY
JUDGEMENT OF NONINFRINGEMENT OF U.S. PATENT NOS.
8,603,044; 8,992,486; 8,679,069; 9,526,844; 9,533,105; & 9,604,008**

Pursuant to Federal Rule of Civil Procedure 56, Defendant Merck Sharp & Dohme Corp. ("Merck") hereby moves for summary judgment of noninfringement of 8,603,044; 8,992,486; 8,679,069; 9,526,844; 9,533,105; and 9,604,008 based on patent exhaustion and implied license. The grounds for this motion are set forth in Merck's opening brief submitted herewith.

OF COUNSEL:

Raymond N. Nimrod
Gregory D. Bonifield
John P. Galanek
Amanda Antons
Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
(212) 849-7000

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CONNOLLY GALLAGHER LLP

/s/ Arthur G. Connolly, III
Arthur G. Connolly, III (#2667)
Ryan P. Newell (#4744)
Mary I. Akhimien (#5448)
The Brandywine Building
1000 West Street
Wilmington, DE 19801
(302) 757-7300
aconnolly@connollygallagher.com
rnewell@connollygallagher.com
makhimien@connollygallagher.com

*Attorneys for Defendant
Merck Sharp & Dohme Corp.*