

Patterson Belknap Webb & Tyler LLP

1133 Avenue of the Americas New York, NY 10036-6710 212.336.2000 fax 212.336.2222 www.pbwt.com

June 22, 2018

Gregory L. Diskant
Partner
(212) 336-2710
Direct Fax: (212) 336-2947
gldiskant@pbwt.com

Via ECF

The Honorable Mark L. Wolf
U.S. District Court, District of Massachusetts
1 Courthouse Way
Boston, MA 02210

Re: Janssen Biotech Inc. v. Celltrion, Inc. et al, No. 17-cv-11008 (MLW)

Dear Judge Wolf,

We write to inform you that the Supreme Court issued its decision (attached) in *WesternGeco LLC v. Ion Geophysical Corp.* this morning, reversing the Federal Circuit and holding that the patent owner could recover lost profits on overseas sales. Although the Court addressed damages under 35 U.S.C. § 271(f)(2), which is not at issue in this case, we believe that its reasoning necessarily means that foreign lost profits are available under sections 271(a), 271(b), and 271(f)(1), which are at issue here. As a result, Janssen intends to seek leave to amend its damages case to include a claim for foreign lost profits. We respectfully request that the Court hold a telephone or in-person conference next week to address the impact of *WesternGeco* on further proceedings in this matter.

We are available at the Court's convenience.

Respectfully,

/s/ *Gregory L. Diskant*

Gregory L. Diskant

GD:irb

Enclosure