

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

BIOGEN, INC.,

Appellant,

v.

PFIZER, INC.,

Appellee.

No. 19-1364

NOTICE OF INTERVENTION BY THE UNITED STATES

Pursuant to 28 U.S.C. § 2403(a) and this Court's order directing the United States to inform the Court whether it intends to intervene in this appeal, the government respectfully provides this notice of its intervention in this appeal. "In any action . . . in a court of the United States to which the United States . . . is not a party, wherein the constitutionality of any Act of Congress affecting the public interest is drawn into question, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene . . . for argument on the question of constitutionality." 28 U.S.C. § 2403(a). Appellant notified the Court that the above-captioned appeal "questions the constitutionality of an Act of Congress." Fed. R.

App. P. 44(a). On January 10, 2019, this Court certified the fact of appellant's constitutional challenge to the Attorney General and ordered the government to notify the Court within 30 days whether the United States intends to intervene. That deadline was extended to March 21, 2019.

The United States hereby provides this notice to exercise its statutory right to intervene in this appeal under 28 U.S.C. § 2403(a) to defend the constitutionality of the Act of Congress that appellant challenges.

Respectfully submitted,

s/ Dennis Fan

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CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2019, I electronically filed the foregoing with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Dennis Fan

DENNIS FAN

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), I hereby certify that this motion complies with the requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Book Antiqua font, a proportionally spaced font, and that it complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A), because it contains 216 words, according to the count of Microsoft Word.

s/ Dennis Fan

DENNIS FAN