

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ABBVIE INC. and ABBVIE
BIOTECHNOLOGY LTD,

Plaintiffs,

v.

ALVOTECH HF.

Defendant.

Case No. 1:21-cv-02258

Case No. 1:21-cv-02899

Hon. John Z. Lee

Magistrate Judge M. David Weisman

**PLAINTIFFS' MOTION TO STRIKE DEFENDANT'S FINAL INVALIDITY AND
UNENFORCEABILITY CONTENTIONS**

Pursuant to Local Patent Rules 2.3 and 3.1, Plaintiffs AbbVie Inc. and AbbVie Biotechnology Ltd (collectively, "AbbVie") respectfully move this Court to strike Defendant Alvotech hf.'s ("Alvotech") final invalidity and unenforceability contentions and for related relief, specifically:

1. Strike Alvotech's February 11, 2022 Final Invalidity Contentions, and require Alvotech to serve modified contentions within a week of the Court's Order that: (a) include no more than 25 total prior art references; (b) remove the grounds and references cited for U.S. Patent Nos. 6,805,686, 9,085,619, and 11,167,030 that were not in Alvotech's September 2021 Initial Invalidity Contentions; and remove the inequitable conduct contentions against U.S. Patent Nos. 9,187,559 and 9,512,216 and the misuse contentions that have not been specifically pleaded; and
2. Reset the deadline for AbbVie's Final Validity and Enforceability Contentions until three weeks after Alvotech serves Final Invalidity and Unenforceability Contentions that are in compliance with paragraph 1 above.

The basis for this motion is set forth in the memorandum filed concurrently herewith.

Dated: February 18, 2022

Respectfully submitted,

/s/ Michael A. Morin

Sean M. Berkowitz (ARDC No. 6209701)

Brenda Danek (ARDC No. 6315056)

sean.berkowitz@lw.com

brenda.danek@lw.com

LATHAM & WATKINS LLP

330 North Wabash Avenue, Suite 2800

Chicago, Illinois 60611

Telephone: (312) 876-7700

Facsimile: (312) 993-9767

Michael A. Morin (ARDC No. 6229902)

David P. Frazier (*pro hac vice*)

Tara D. Elliott (*pro hac vice*)

Ashley M. Fry (*pro hac vice*)

Benjamin J. Behrendt (*pro hac vice*)

Will Orlady (*pro hac vice*)

michael.morin@lw.com

david.frazier@lw.com

tara.elliott@lw.com

ashley.fry@lw.com

benjamin.behrendt@lw.com

will.orldady@lw.com

LATHAM & WATKINS LLP

555 Eleventh Street, N.W., Suite 1000

Washington, D.C. 20004-1304

Telephone: (202) 637-2200

Facsimile: (202) 637-2201

Arlene L. Chow (*pro hac vice*)

Herman H. Yue (*pro hac vice*)

arlene.chow@lw.com

herman.yue@lw.com

LATHAM & WATKINS LLP

1271 Avenue of the Americas

New York, NY 10020

Telephone: (212) 906-1200

Facsimile: (212) 751-4864

Michael Seringhaus (*pro hac vice*)

Eneda Hoxha (*pro hac vice*)
Linfong Tzeng (*pro hac vice* pending)
michael.seringhaus@lw.com
eneda.hoxha@lw.com
linfong.tzeng@lw.com
LATHAM & WATKINS LLP
140 Scott Drive
Menlo Park, CA 94025
Telephone: (650) 328-4600
Facsimile: (650) 463-2600

Gabrielle LaHatte (*pro hac vice*)
gabrielle.lahatte@lw.com
LATHAM & WATKINS LLP
505 Montgomery Street
Suite 2000
San Francisco, CA 94111
Telephone: (415) 391-0600
Facsimile: (415) 395-8095

Yi Sun (*pro hac vice*)
yi.sun@lw.com
LATHAM & WATKINS LLP
12670 High Bluff Drive
San Diego, CA 92130
Telephone: (858) 523-5400
Facsimile: (858) 523-5450

William B. Raich (*pro hac vice*)
Charles T. Collins-Chase (*pro hac vice*)
Kassandra M. Officer (*pro hac vice*)
Cecilia Sanabria (*pro hac vice*)
Jennifer H. Roscetti (*pro hac vice*)
Rachael P. Dippold (*pro hac vice*)
Yieyie Yang (*pro hac vice*)
william.raich@finnegan.com
charles.collins-chase@finnegan.com
kassandra.officer@finnegan.com
cecilia.sanabria@finnegan.com
jennifer.roschetti@finnegan.com
rachael.dippold@finnegan.com
yieyie.yang@finnegan.com
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 New York Ave., N.W.
Washington, D.C. 20001

Telephone: (202) 408-4000
Facsimile: (202) 408-4400

Oulu Wang (*pro hac vice*)
lulu.wang@finnegan.com
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
2 Seaport Lane
Boston, MA 02210
Telephone: (617) 646-1600
Facsimile: (617) 646-1666

*Counsel for Plaintiffs AbbVie Inc.
and AbbVie Biotechnology Ltd*