

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA**

ELI LILLY AND COMPANY  
Lilly Corporate Center  
893 Delaware Street  
Indianapolis, IN 46225

and

LILLY USA, LLC  
1500 South Harding Street  
Indianapolis, IN 46221,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity  
as Secretary of Health & Human Services,  
Office of the Secretary  
200 Independence Avenue, SW  
Washington, D.C. 20201,

DANIEL J. BARRY, in his official capacity  
as Acting General Counsel of Health & Human  
Services  
Office of the General Counsel  
200 Independence Avenue, SW  
Washington, D.C. 20201,

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES  
200 Independence Avenue, SW  
Washington, D.C. 20201,

DIANA ESPINOSA, in her official capacity  
as Acting Administrator of the Health  
Resources and Services Administration  
5600 Fishers Lane  
Rockville, MD 20852,

and

HEALTH RESOURCES AND SERVICES  
ADMINISTRATION  
5600 Fishers Lane  
Rockville, MD 20852,

Defendants.

No. 1:21-cv-81-SEB-MJD

*Document Electronically Filed*

**PLAINTIFFS' NOTICE OF  
APPEAL**

**NOTICE OF APPEAL**

Notice is hereby given that Eli Lilly and Company and Lilly USA, LLC, plaintiffs in the above-named case, hereby appeal to the United States Court of Appeals for the Seventh Circuit from the Partial Final Judgment (ECF No. 145) entered in this case on October 29, 2021, and from all underlying and related findings, orders, decisions, rulings, and opinions, including but not limited to the Order (ECF No. 144) also entered in this case on October 29, 2021.

Dated: November 10, 2021

Respectfully submitted,

s/John C. O'Quinn

John C. O'Quinn, P.C.\*

Matthew S. Owen\*

Matthew D. Rowen\*

KIRKLAND & ELLIS LLP

1301 Pennsylvania Avenue N.W.

Washington, D.C. 20004

(202) 389-5000

john.oquinn@kirkland.com

matt.owen@kirkland.com

matthew.rowen@kirkland.com

Andrew A. Kassof, P.C.\*

Diana M. Watral\*

KIRKLAND & ELLIS LLP

300 North LaSalle

Chicago, IL 60654

(312) 862-2000

andrew.kassof@kirkland.com

diana.watral@kirkland.com

\* Admitted *pro hac vice*

Andrea Roberts Pierson

Brian J. Paul

Nicholas B. Alford

FAEGRE DRINKER BIDDLE & REATH LLP

300 N. Meridian Street, Suite 2500

Indianapolis, IN 46204

(317) 237-0300

andrea.pierson@faegredrinker.com

brian.paul@faegredrinker.com

nicholas.alford@faegredrinker.com

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on **November 10, 2021**, a copy of the foregoing was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the court's electronic filing system. Parties may access this filing through the court's system.

/s/ John C. O'Quinn  
John C. O'Quinn  
Attorney for Plaintiffs