

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SANOFI-AVENTIS U.S., LLC,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

XAVIER BECERRA, in his official
capacity as Secretary of Health and
Human Services,¹

DANIEL J. BARRY, in his official
capacity as Acting General Counsel of the
United States Department of Health and
Human Services,

HEALTH RESOURCES AND
SERVICES ADMINISTRATION,

DIANA ESPINOSA, in her official
capacity as Acting Administrator of the
Health Resources and Services
Administration,

Defendants.

Civil Action No. 3:21-cv-634

Chief Judge Freda L. Wolfson

**NOTICE OF APPEAL TO
THE U.S. COURT OF APPEALS
FOR THE THIRD CIRCUIT**

¹ The Second Amended Complaint named this official's predecessor as a Defendant. ECF No. 78. Where, as here, "a public officer who is a party in an official capacity ... ceases to hold office while the action is pending," "[t]he officer's successor is automatically substituted as a party. Later proceedings should be in the substituted party's name" Fed. R. Civ. P. 25(d).

Notice is hereby given that Sanofi-Aventis U.S. LLC, Plaintiff in the above-named case, hereby appeals to the United States Court of Appeals for the Third Circuit from the Order (ECF No. 111) of the United States District Court for the District of New Jersey entered in this case on November 5, 2021, and from all underlying and related findings, orders, decisions, rulings, and opinions, including but not limited to the Opinion (ECF No. 110) of the United States District Court for the District of New Jersey also entered in this case on November 5, 2021.

Dated: November 19, 2021

Respectfully submitted,

s/ Jennifer L. Del Medico

Jennifer L. Del Medico

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Counsel for Plaintiff-Appellant

Sanofi-Aventis U.S. LLC

CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2021, a copy of Plaintiff's Notice of Appeal to the United States Court of Appeals for the Third Circuit was filed with the Clerk of the Court by using the CM/ECF system. I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated: November 19, 2021

s/ Jennifer L. Del Medico

Jennifer L. Del Medico

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