

IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

NOVO NORDISK INC., *et al.*,

*Plaintiffs-Appellants,*

*v.*

DOROTHY A. FINK, M.D., Acting Secretary of  
Health & Human Services, *et al.*,

*Defendants-Appellees.*

No. 24-2510

**RESPONSE OF THE UNITED STATES TO MOTION TO EXPEDITE**

The government respectfully submits this response to Novo Nordisk's Motion to Expedite Oral Argument and Decision. While we do not believe the present circumstances warrant expedited resolution, we defer to the Court's discretion in determining the timing of the argument and decision in this case.

Novo's request for expedition was prompted by the government's recent selection of 15 additional drugs for negotiation, including Novo's drug semaglutide. Novo objects to the selection of semaglutide for negotiation but errs in contending that this announcement calls for expedited resolution of this case. Any negotiated prices for these newly

selected drugs will take effect no earlier than January 1, 2027, nearly two years from now. *CMS, HHS Announces 15 Additional Drugs Selected for Medicare Drug Price Negotiations in Continued Effort to Lower Prescription Drug Costs for Seniors* (Jan. 17, 2025), <https://perma.cc/8FG8-SS6S>.

Moreover, Novo's argument that CMS erred in selecting different forms of semaglutide based on aggregate Medicare spending is unreviewable and lacking in merit for the reasons stated in the government's brief. Novo's arguments do not present the kind of exigent or extraordinary circumstances that would justify expedited consideration.

Although we believe that this appeal does not require expedited treatment and is appropriately suited for resolution on the Court's standard schedule, we defer to the Court's judgment as to whether expedition is warranted.

Respectfully submitted,

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/s/ Catherine Padhi

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## CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), I hereby certify 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, 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 230 words, according to the count of Microsoft Word.

/s/ Catherine Padhi  
Catherine Padhi

## CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2025, I electronically filed the foregoing with the U.S. Court of Appeals using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ Catherine Padhi  
Catherine Padhi