

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MYLAN PHARMACEUTICALS INC.,
MYLAN SPECIALTY L.P., and MYLAN
INC.,

Plaintiffs,

v.

SANOFI-AVENTIS U.S. LLC; SANOFI S.A.;
AVENTIS PHARMA S.A., and SANOFI-
AVENTIS PUERTO RICO INC.,

Defendants.

No. 2:23-cv-00836-MRH

DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT

Defendants Sanofi-Aventis U.S. LLC, Sanofi-Aventis Puerto Rico Inc., Sanofi S.A., and Aventis Pharma S.A.,¹ by and through undersigned counsel, hereby move to dismiss Plaintiffs' Complaint (ECF No. 1) for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). In addition, Sanofi S.A. hereby moves to dismiss Plaintiffs' Complaint for lack of personal jurisdiction pursuant to Rule 12(b)(2). The grounds are set forth in the accompanying memorandum of law. Defendants have conferred with Plaintiffs regarding deficiencies in the Complaint, and Plaintiffs oppose this motion.

WHEREFORE, Defendants respectfully request that the Court grant the motion and dismiss Plaintiffs' Complaint in its entirety with prejudice. A proposed order is attached.

¹ The Complaint incorrectly identifies this defendant as "Aventis Pharma S.A." In December 2020, the form and name of the company changed under French law from a société anonyme ("S.A.") to a société à responsabilité limitée ("S.A.R.L."). Similarly, the Complaint incorrectly uses the name "Sanofi S.A." While that entity is organized under French law as a société anonyme, the corporate designation "S.A." is not part of the entity's name. Nonetheless, for the avoidance of confusion, we refer to the two French defendants by the names used for them in the Complaint: Sanofi S.A. and Aventis Pharma S.A.

Dated: September 15, 2023

Respectfully submitted,

/s/ Aaron Healey

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Defendants.

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PROPOSED ORDER

AND NOW, this _____ day of _____, 2023, IT IS HEREBY ORDERED that Defendants Sanofi-Aventis U.S. LLC, Sanofi-Aventis Puerto Rico Inc., Sanofi S.A., and Aventis Pharma S.A.'s Motion to Dismiss Plaintiffs' Complaint is GRANTED. The Complaint (ECF No. 1) and all claims against Defendants in the above-captioned matter are hereby DISMISSED WITH PREJUDICE.

The Honorable Mark R. Hornak
Chief United States District Judge