

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

MYLAN PHARMS. INC. ET AL,)	
)	
Plaintiffs,)	
)	2:23-cv-00836
v.)	
)	
SANOFI-AVENTIS U.S. LLC ET AL,)	
)	
Defendants.)	

**ORDER GRANTING IN PART, DENYING IN PART AND HOLD DECISION IN
ABEYANCE IN PART DEFENDANTS’ MOTION TO DISMISS (ECF No. 49)**

AND NOW, for the reasons set forth in the Court’s Opinion of this date, the Court HEREBY DENIES IN PART and GRANTS IN PART the Defendants’ Motion to Dismiss for Failure to State a Claim, (ECF No. 49). That Motion to Dismiss on the basis of “shotgun pleading” is DENIED. The Court DENIES the Motion to Dismiss on all other grounds except as to Mylan’s allegation of a Sherman Section 2 violation based solely on a “product hop” theory. As to that specific argument, the Motion is GRANTED WITHOUT PREJUDICE and with leave to amend. As set out in this Court’s Opinion of this date, this dismissal does not preclude Mylan from using the “product hop” theory as a component of an aggregate theory of anticompetitive conduct, whether or not it further amends as authorized by this Order. Mylan is nonetheless granted a 30-day period for leave to amend its pleading as to that one issue only, or to file a Notice that it does not intend to so amend.

Disposition of the Motion to Dismiss on jurisdictional grounds as to Sanofi S.A. is DEFERRED as follows. There shall be a period of jurisdictional discovery of 120 days as to Defendants’ contention that the Court lacks personal jurisdiction over Sanofi S.A. Disposition of the Motion to Dismiss that claim shall be HELD IN ABEYANCE during the period of that

jurisdictional discovery and is subject to further disposition. All Defendants, other than Sanofi S.A., shall file their Answers to the Complaint within 45 days of the date of this Order, except that if Mylan files an Amended Complaint as to the single issue as set forth above, then the date for the filing of the Answers noted above (or a Rule 12 Motion as to the single issue for which amendment is authorized and an Answer to all other matters) shall be extended to 21 days after the filing of such Amended Complaint.

The parties shall also confer and file a Joint Status Report within 21 days of this Order setting forth their detailed plan for the referenced jurisdictional discovery. The Court will enter a separate Order relative to the Initial Case Management Report and Order.

SO ORDERED this 27th day of January, 2026.

s/ Mark R. Hornak

Mark R. Hornak
United States District Judge