



**U.S. Department of Justice**  
Civil Division, Appellate Staff  
950 Pennsylvania Ave. NW, Rm. 7513  
Washington, DC 20530

---

Maxwell A. Baldi  
maxwellbaldi@usdoj.gov

(202) 532-0211

May 18, 2026

VIA CM/ECF

Clifton Cislak, Clerk  
United States Court of Appeals for the D.C. Circuit  
E. Barrett Prettyman U.S. Courthouse  
333 Constitution Ave., NW  
Washington, DC 20001

Re: *Teva Pharmaceuticals USA, Inc. v. Kennedy*, No. 25-5425

Dear Mr. Cislak:

Pursuant to Federal Rule of Appellate Procedure 28(j), we write to notify the Court of recent developments in parallel litigation.

Many drug manufacturers raised constitutional challenges to the Medicare Drug Price Negotiation Program; every court to reach the merits of those challenges has rejected them. On May 18, 2026, the Supreme Court denied six petitions for writs of certiorari asking the Court to take up those challenges. *See AstraZeneca Pharms. LP v. Kennedy*, No. 25-348; *Janssen Pharms. Inc. v. Kennedy*, No. 25-749; *Bristol Myers Squibb Co. v. Kennedy*, No. 25-751; *Novo Nordisk Inc. v. Kennedy*, No. 25-761; *Boehringer Ingelheim Inc. v. HHS*, No. 25-799; and *Novartis Pharms. Corp. v. Kennedy*, No. 25-902. Each of petitions presented the same due process arguments that plaintiffs raise here with respect to their innovative drugs. *See* Opening Br. 50-51

This Court should affirm the judgment of the district court.

Respectfully submitted,

*/s/ Maxwell A. Baldi*

Maxwell A. Baldi

cc: All counsel of record (by CM/ECF)