

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 25-5425

September Term, 2025

FILED ON: AUGUST 18, 2026

TEVA PHARMACEUTICALS USA, INC., ET AL.,
APPELLANTS

v.

ROBERT F. KENNEDY, JR., IN HIS OFFICIAL CAPACITY AS SECRETARY OF HEALTH AND HUMAN
SERVICES AND MEHMET OZ, IN HIS OFFICIAL CAPACITY AS ADMINISTRATOR OF THE CENTERS FOR
MEDICARE & MEDICAID SERVICES,
APPELLEES

Appeal from the United States District Court
for the District of Columbia
(No. 1:25-cv-00113)

Before: HENDERSON, CHILDS and PAN, *Circuit Judges*

J U D G M E N T

This cause came to be heard on the record on appeal from the United States District Court for the District of Columbia and was argued by counsel. On consideration thereof, it is

ORDERED and **ADJUDGED** that the District Court's grant of summary judgment be affirmed in part and reversed in part, and Teva Pharmaceuticals USA, Inc.'s challenge to the Centers for Medicare & Medicaid Services' "bona fide" marketing requirement be remanded for the district court to consider in the first instance, in accordance with the opinion of the court filed herein this date.

Per Curiam

FOR THE COURT:
Clifton B. Cislak, Clerk

BY: /s/

Daniel J. Reidy
Deputy Clerk

Date: August 18, 2026

Opinion for the court filed by Circuit Judge Childs.