

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ABBVIE INC.,

Plaintiff,

v.

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES, *et al.*,

Defendants.

Case No. 1:26-cv-00431 (CJN)

NOTICE

Defendants respectfully notify the Court that the deadline to seek rehearing of the D.C. Circuit's decision in *Teva Pharmaceuticals USA, Inc. v. Kennedy*, __ F.4th __, 2026 WL 2409591 (Aug. 18, 2026), is October 2, 2026. Should the Court determine that a postponement of the September 25, 2026 hearing in this case is warranted, Defendants would not oppose any such postponement until at least the expiration of the October 2, 2026 rehearing deadline. Regardless, Defendants intend to update this Court on or before October 5, 2026 regarding the status of any rehearing petition in *Teva*.

Counsel for Plaintiff has informed counsel for Defendants that Plaintiff opposes any delay of the September 25 hearing date.

Date: September 11, 2026

Respectfully submitted,

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Deputy Assistant Attorney General
Civil Division

MICHELLE R. BENNETT
Assistant Branch Director
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/s/ Stephen M. Pezzi
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