

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

SANOFI-AVENTIS U.S., LLC,

*Plaintiff,*

*v.*

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,

XAVIER BECERRA, in his official  
capacity as Secretary of Health and  
Human Services,<sup>1</sup>

DANIEL J. BARRY, in his official  
capacity as Acting General Counsel of the  
United States Department of Health and  
Human Services,

HEALTH RESOURCES AND  
SERVICES ADMINISTRATION,

DIANA ESPINOSA, in her official  
capacity as Acting Administrator of the  
Health Resources and Services  
Administration,

*Defendants.*

Civil Action No. 3:21-cv-634

Chief Judge Freda L. Wolfson

**NOTICE OF APPEAL TO  
THE U.S. COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

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<sup>1</sup> The Second Amended Complaint named this official's predecessor as a Defendant. ECF No. 78. Where, as here, "a public officer who is a party in an official capacity ... ceases to hold office while the action is pending," "[t]he officer's successor is automatically substituted as a party. Later proceedings should be in the substituted party's name . . . ." Fed. R. Civ. P. 25(d).

Notice is hereby given that Sanofi-Aventis U.S. LLC, Plaintiff in the above-named case, hereby appeals to the United States Court of Appeals for the Third Circuit from the Order (ECF No. 111) of the United States District Court for the District of New Jersey entered in this case on November 5, 2021, and from all underlying and related findings, orders, decisions, rulings, and opinions, including but not limited to the Opinion (ECF No. 110) of the United States District Court for the District of New Jersey also entered in this case on November 5, 2021.

Dated: November 19, 2021

Respectfully submitted,

*s/ Jennifer L. Del Medico*

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Jennifer L. Del Medico

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*Sanofi-Aventis U.S. LLC*

## CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2021, a copy of Plaintiff's Notice of Appeal to the United States Court of Appeals for the Third Circuit was filed with the Clerk of the Court by using the CM/ECF system. I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated: November 19, 2021

*s/ Jennifer L. Del Medico*

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