

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ASTRAZENECA PHARMACEUTICALS LP,

Plaintiff,

v.

XAVIER BECCERA, *et al.*,

Defendants.

CASE NO.: 1:21-CV-00027-LPS

NOTICE

Defendants hereby respectfully notify the Court and other parties to this action that the United States Department of Health and Human Services' Office of the General Counsel has withdrawn Advisory Opinion 20-06 on Contract Pharmacies under the 340B Program. *See* Notice of Withdrawal (June 18, 2021), attached as Ex. 1. The withdrawal of the Advisory Opinion should not be interpreted as a concession that Defendants agree with the Court's holdings, including its determination that the Advisory Opinion is reviewable. Rather, the Advisory Opinion was withdrawn "in an effort to avoid confusion and unnecessary litigation, in recognition of the narrow function the Opinion was intended to serve." Notice of Withdrawal at 1. It is Defendants' position that such withdrawal renders claims challenging the Advisory Opinion moot.

Dated: June 18, 2021

Respectfully submitted,

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