

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VIIV HEALTHCARE COMPANY,)
SHIONOGI & CO., LTD., and VIIV)
HEALTHCARE UK (NO. 3) LIMITED,)
)
Plaintiffs,)
)
v.) Civil Action No. 18-224-CFC
)
)
GILEAD SCIENCES, INC.)
)
Defendant.)
)

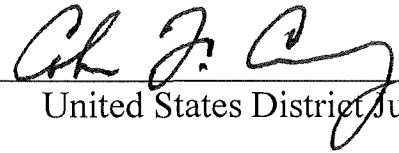
MEMORANDUM ORDER

Pending before me is Defendant Gilead Sciences, Inc.’s motion for summary judgment on the basis that claim 6 of U.S. Patent No. 8,129,385 specifically excludes compounds with bicyclic A-rings. D.I. 253. In its concise statement of material undisputed facts filed in support of its motion, Gilead states that “[t]he terms monocyclic and bicyclic are mutually exclusive.” D.I. 254 ¶ 11. Plaintiffs deny this asserted fact and cite record evidence (i.e, expert deposition testimony) that appears on its face to create a genuine issue about whether the terms monocyclic and bicyclic are mutually exclusive. *See* D.I. 270-5 ¶¶ 16–20.

Because there is a disputed fact that Gilead has said is material to its motion for summary judgment, I will deny the motion. *See Anderson v. Liberty Lobby,*

Inc., 477 U.S. 242, 248 (1986) (holding that summary judgment will not lie if there is a genuine dispute about a material fact).

WHEREFORE, this 6th day of July 2020, Defendant's Motion for Summary Judgment (D.I. 253) is DENIED.



United States District Judge