

Laura D. Hatcher  
302-651-7589  
Hatcher@rlf.com

March 21, 2011

VIA HAND AND CM/ECF

The Honorable Leonard P. Stark  
United States District Court, District of Delaware  
J. Caleb Boggs Federal Building  
844 N. King Street, Unit 26, Room 6124  
Wilmington, DE 19801-3556

Re: *Warner Chilcott Company, LLC v. Teva Pharmaceuticals USA, Inc.*, No. 08-CV-627-LPS; *The Procter & Gamble Company v. Sun Pharma Global, Inc.*, No. 09-CV-061-GMS; *Warner Chilcott Company, LLC v. Apotex, Inc.*, No. 09-CV-143-LPS; *Warner Chilcott Company, LLC v. Mylan Pharmaceuticals Inc.*, No. 10-CV-285-LPS; *Warner Chilcott Company, LLC v. Sun Pharma Global, Inc.*, No. 10-CV-1085-LPS; *Warner Chilcott Company, LLC v. Apotex, Inc.*, No. 10-CV-01111-LPS; *Warner Chilcott Company, LLC v. Teva Pharmaceuticals USA, Inc.*, No. 11-CV-00081-LPS; *Warner Chilcott Company, LLC v. Mylan Pharmaceuticals Inc.*, No. 11-CV-00236-UNA

Dear Judge Stark:

Pursuant to the Court's request, I write on behalf of all parties in the above-captioned, related Hatch-Waxman cases involving Actonel® (risedronate sodium) tablets, 150 mg. As your Honor is aware, four of these cases have been consolidated at the parties' request for all pre-trial purposes per order of the Court dated November 1, 2010 (C.A. No. 08- 627-LPS, D.I. 105) and are proceeding under this Court's January 5, 2011 Amended Consolidated Rule 16 Scheduling Order (C.A. No. 08-627-LPS, D.I. 123). The already consolidated actions are:

- *Warner Chilcott Company, LLC v. Teva Pharmaceuticals USA, Inc.*, C.A. No. 08-627-LPS ("the Teva '938 Action");
- *The Procter & Gamble Company v. Sun Pharma Global, Inc.*, C.A. No. 09-061-LPS ("the Sun '938 Action");
- *Warner Chilcott Company, LLC v. Apotex, Inc.*, C.A. No. 09-143-LPS ("the Apotex '938 Action"); and
- *Warner Chilcott Company, LLC v. Mylan Pharmaceuticals Inc.*, C.A. No. 10-285-LPS ("the Mylan '938 Action").

Over the last several months, Plaintiffs have received additional Paragraph IV certification notices from the Defendants in all four cases regarding an additional patent – U.S. Patent No. 7,718,634 ("the '634 patent") – which was more recently listed in the Orange Book

■ ■ ■

One Rodney Square ■ 920 North King Street ■ Wilmington, DE 19801 ■ Phone: 302-651-7700 ■ Fax: 302-651-7701

The Honorable Leonard P. Stark  
March 21, 2011  
Page 2

for the Actonel® (risedronate sodium) tablets, 150 mg product to which the Defendants' generic drug applications pertain. The '634 patent is in the same patent family as U.S. Patent No. 7,192,938 ("the '938 patent"), which is asserted in the first four consolidated actions. The four actions alleging infringement of the '634 patent are:

- *Warner Chilcott Company, LLC v. Sun Pharma Global, Inc.*, C.A. No. 10-1085-LPS ("the Sun '634 Action");
- *Warner Chilcott Company, LLC v. Apotex, Inc.*, C.A. No. 10-01111-LPS ("the Apotex '634 Action");
- *Warner Chilcott Company, LLC v. Teva Pharmaceuticals USA, Inc.*, C.A. No. 11-00081-LPS ("the Teva '634 Action"); and
- *Warner Chilcott Company, LLC v. Mylan Pharmaceuticals Inc.*, C.A. No. 11-00236-UNA ("the Mylan '634 Action").

With infringement suits filed against each Defendant under the '634 patent, the parties agree that, in an effort to conserve both the parties' and the Court's resources and to promote efficiency, it makes sense to consolidate actions under the '634 patent with the existing consolidated litigation. The parties also agree that it would be sensible and efficient to proceed under the terms of the January 5, 2011 Amended Consolidated Rule 16 Scheduling Order, which, when proposed, was intended to be applied at the appropriate time to all of the above-captioned cases.

Accordingly, the parties respectfully request that the Court consolidate for all pretrial purposes the above-captioned actions related to the '634 patent with the already-consolidated cases relating to the '938 patent, placing all the cases under the terms of January 5, 2011 Amended Consolidated Rule 16 Scheduling Order. A proposed order reflecting the parties' agreement and the terms of January 5, 2011 Amended Consolidated Rule 16 Scheduling Order is being filed contemporaneously herewith.

Should Your Honor wish, the parties would, of course, be happy to avail themselves for a teleconference to discuss these matters at the Court's convenience.

Respectfully submitted,



Laura D. Hatcher (#5098)  
hatcher@rlf.com

cc: All Counsel of Record (via e-mail)