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August 5, 2011

VIA CM/ECF FILING AND HAND DELIVERY

The Honorable Leonard P. Stark
United States District Court, District of Delaware
J. Caleb Boggs Federal Building
844 N. King Street, Room 6100
Wilmington, DE 19801-3556

Re: *Warner Chilcott Company, LLC and Hoffmann-La Roche Inc. v. Teva Pharmaceuticals USA, Inc.* (D. Del. C.A. No. 08-627-LPS and Consolidated Cases)

Dear Judge Stark:

I write on behalf of Plaintiffs Warner Chilcott Company, LLC and Hoffman-La Roche, Inc. ("Plaintiffs") in the above-captioned, related Hatch-Waxman cases involving Once-A-Month[®] Actonel. Plaintiffs request a modification of the Court's January 5, 2011 Amended Consolidated Rule 16 Scheduling Order (Docket No. 125) in order to allow the parties to complete outstanding fact discovery.

The requested one-month extension to complete fact discovery is necessary to allow the parties to respond to the twenty sets of currently outstanding written discovery requests, complete previously-noticed Fed. R. Civ. P. 30(b)(6) depositions of all parties, and complete individual fact witness depositions that have already been noticed, or could be noticed, under the current Scheduling Order.

On Friday, August 5, 2011, all parties negotiated in good faith to resolve this issue without the Court's involvement. However, despite these good faith efforts, the parties have not yet been able to agree to the proposed compromise.

Nonetheless, all parties in the above-captioned cases agree that a one-month extension of the current August 12, 2011 deadline for the completion of fact discovery is necessary. All parties also agree that the proposed modification of the Scheduling Order set forth below is necessary to accommodate this proposed fact discovery extension. This modification would not impact the dates of the pretrial conference or trial as set forth in the current Scheduling Order.

The only dispute before the Court is whether, as four of the defendants propose,¹ the parties may serve additional discovery requests during the proposed extension. Plaintiffs and

¹ Defendants Teva Pharmaceuticals USA, Inc., Apotex, Inc., Apotex, Corp. and Mylan Pharmaceuticals, Inc



Defendant Sun Pharma Global FZE do not believe that the parties should be allowed to propound new discovery requests after the currently scheduled close of fact discovery on August 12, 2011.

Allowing additional discovery requests during the proposed extension is unnecessary and counterproductive. Indeed, the very purpose of the requested extension is to afford the parties time to complete the discovery that has already been noticed to date. Any new discovery requests propounded at this stage of fact discovery likely would necessitate further extensions and modifications of the Scheduling Order. In addition, the four defendants opposing Plaintiffs' request for a limited extension have offered no justification (because none exists) for allowing new discovery requests during the proposed period of extension.

Therefore, Plaintiffs respectfully request the Court modify the Rule 16 Schedule Order as set forth below and prohibit any additional discovery requests that would not be permitted under the Court's current Rule 16 Scheduling Order.

Deadline	Current Date	Proposed Date
Close of fact discovery	8/12/11	9/12/11
Initial Rule 26(a)(2) Expert Reports	9/16/11	10/17/11
Rebuttal expert reports	10/21/11	11/21/11
Reply expert reports	11/18/11	12/19/11
Expert depositions	1/13/12	2/13/12
Dispositive motion briefs	2/24/12	3/26/12
Oppositions briefs to dispositive motions	3/26/12	4/26/12
Reply briefs on dispositive motions	4/10/12	5/10/12
Proposed pretrial order	6/18/12	6/18/12
Pretrial conference	7/2/12	7/2/12
Start of trial	7/23/12	7/23/12

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Respectfully,

/s/ Laura D. Hatcher

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cc: All counsel of record (via e-mail)