

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WARNER CHILCOTT COMPANY, LLC, and
HOFFMANN-LA ROCHE INC.,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC.

Defendant.

C.A. No. 08-cv-627-LPS, 11-cv-81-LPS

**REDACTED
PUBLIC VERSION**

WARNER CHILCOTT COMPANY, LLC, and
HOFFMANN-LA ROCHE INC.,

Plaintiffs,

v.

APOTEX, INC. and APOTEX CORP.

Defendant.

C.A. No. 09-cv-143-LPS

WARNER CHILCOTT COMPANY, LLC, and
HOFFMANN-LA ROCHE INC.,

Plaintiffs,

v.

MYLAN PHARMACEUTICALS, INC.

Defendant.

C.A. No. 10-cv-285-LPS

| | | |
|-----------------------------------|---|--------------------|
| WARNER CHILCOTT COMPANY, LLC, and |) | |
| HOFFMANN-LA ROCHE INC., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | C.A. No. 09-61-LPS |
| |) | |
| SUN PHARMA GLOBAL FZE, |) | |
| |) | |
| Defendant. |) | |

**DECLARATION OF JACLYN C. LEVY, ESQ. IN SUPPORT
OF PLAINTIFFS WARNER CHILCOTT COMPANY, LLC AND HOFFMANN-LA
ROCHE INC.’S OPPOSITION TO DEFENDANTS’ MOTION FOR SUMMARY
JUDGMENT OF INVALIDITY UNDER 35 U.S.C. § 112 FOR INADEQUATE WRITTEN
DESCRIPTION AND FAILURE TO ENABLE THE FULL SCOPE OF THE CLAIMS**

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Dated: May 11, 2012

I, Jaclyn C. Levy, Esq., declare:

1. I am an attorney with the law firm of Richards, Layton & Finger, P.A., counsel representing Plaintiffs Warner Chilcott Company, LLC, and Hoffmann-La Roche, Inc.

2. I am admitted to practice before this Court.

3. I submit this declaration in support of Plaintiffs' Opposition to Defendants' Motion For Summary Judgment of Invalidity Under 35 U.S.C. § 112 For Inadequate Written Description and Failure to Enable the Full Scope of the Claims.

4. Attached hereto as Exhibit 1 is a true and correct copy of the November 18, 2011 Opening Expert Report of Dr. John Bilezikian.

5. Attached hereto as Exhibit 2 is a true and correct copy of the December 11, 2006 Amendment to U.S. Patent No. 7,192,938.

6. Attached hereto as Exhibit 3 is a true and correct copy of the October 14, 2009 Amendment to U.S. Patent No. 7,718,634 ("634 Patent").

7. Attached hereto as Exhibit 4 is a true and correct copy of the December 18, 2009 Office Action in the Prosecution History of the '634 Patent.

8. Attached hereto as Exhibit 5 is a true and correct copy of excerpts of the Deposition of Pamela Schofield, taken June 29, 2011.

9. Attached hereto as Exhibit 6 is a true and correct copy of the Declaration of Dr. John Bilezekian in support of Plaintiffs' Opposition to Defendants' Motion for Summary Judgment dated May 11, 2012.

10. Attached hereto as Exhibit 7 is a true and correct copy of the January 24, 2012 Rebuttal Expert Report of Dr. John Bilezikian.

11. Attached hereto as Exhibit 8 is a true and correct copy of the May 11, 2012 Supplemental Reply Expert Report of Dr. John Bilezikian.

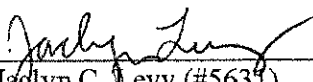
12. Attached hereto as Exhibit 9 is a true and correct copy of an article referenced as *NIH Consensus Development Panel on Osteoporosis Prevention, Diagnosis, and Therapy*, 285 J. OF THE AM. MED. ASSOC. 785 (2001).

13. Attached hereto as Exhibit 10 is a true and correct copy of excerpts of the deposition of Dr. John Bilezikian, taken April 22, 2011.

14. Attached hereto as Exhibit 11 is a true and correct copy of an article referenced as Turner, *Animal Models of Osteoporosis – Necessity and Limitations*, 1 EUR. CELLS AND MATERIALS (2001).

15. Attached hereto as Exhibit 12 is a true and correct copy of an article referenced as Buckingham, *Osteopenic effects of forelimb immobilisation in horses*, The Veterinary Record (1991).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. Executed this 11th day of May, 2012 in Wilmington, Delaware.


Jaclyn C. Levy (#5631)

CERTIFICATE OF SERVICE

I hereby certify that, on May 17, 2012, I electronically filed the foregoing document with the Clerk of Court using CM/ECF, which will send notification of such filing(s), and have sent a true and correct copy by electronic mail to the following:

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