

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
C.A. No. 11-cv-81-LPS

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

Plaintiffs,

v.

APOTEX, INC. and APOTEX CORP.

Defendant.

REDACTED
PUBLIC VERSION

C.A. No. 09-cv-143-LPS
C.A. No. 10-cv-1111-LPS

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

Plaintiffs,

v.

MYLAN PHARMACEUTICALS, INC.

Defendant.

C.A. No. 10-cv-285-LPS
C.A. No. 11-cv-286-LPS

WARNER CHILCOTT COMPANY, LLC, and)
 HOFFMANN-LA ROCHE INC.,)
)
 Plaintiffs,)
)
 v.)
)
 SUN PHARMA GLOBAL FZE,)
)
 Defendant.)
 _____)

C.A. No. 09-cv-61-LPS
 C.A. No. 10-cv-1085-LPS

**DECLARATION OF JACLYN C. LEVY, ESQ. IN SUPPORT OF
 PLAINTIFFS WARNER CHILCOTT COMPANY, LLC AND
 HOFFMANN-LA ROCHE INC.'S BRIEF IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT OF INFRINGEMENT BY DEFENDANT APOTEX**

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Attorneys for Plaintiff Warner Chilcott LLC

Dated: June 22, 2012

I, Jaclyn C. Levy, declare as follows:

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

("Plaintiffs") in the above-captioned action.

2. I am admitted to practice before this Court.

3. I submit this declaration in support of Plaintiffs' Brief In Support of Motion For Summary Judgment of Infringement.

4. Attached hereto as Exhibit A is a true and correct copy of U.S. Patent No. 7,192,938 ("the '938 patent").

5. Attached hereto as Exhibit B is a true and correct copy of U.S. Patent No. 7,718,634 ("the '634 patent").

6. Attached hereto as Exhibit C is a true and correct copy of Amended Opinion, *Hoffmann-La Roche Inc. v. Apotex Corp., et al.*, 07-4582 (consolidated), Docket No. 258 (D. N. J., Sept. 2, 2010).

7. Attached hereto as Exhibit D is a true and correct copy of Nov. 18, 2011 Reply Expert Report of John Bilezikian, M.D.

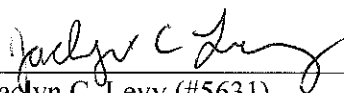
8. Attached hereto as Exhibit E is a true and correct copy of Actonel® Full Prescribing Information, Sections 2.1-2.2 (PGOAM0175599-640).

9. Attached hereto as Exhibit F is a true and correct copy of Apotex Form FDA 356h (AP-RISE0009933-35).

10. Attached hereto as Exhibit G is a true and correct copy of Apotex's Notice of Paragraph IV Certification for the '938 patent, dated January 19, 2009.

11. Attached hereto as Exhibit H is a true and correct copy of Apotex's Notice of Paragraph IV Certification for the '634 patent, dated November 2, 2010.
12. Attached hereto as Exhibit I is a true and correct copy of Apotex ANDA, Section 1.14.3.1, Side By Side Comparison (AP-RISE0009991-99).
13. Attached hereto as Exhibit J is a true and correct copy of Apotex Prescribing Information (AP-RISE0001508-38).
14. Attached hereto as Exhibit K is a true and correct copy of Apotex ANDA Section 1.14.1.1 (AP-RISE0009955-56).
15. Attached hereto as Exhibit L is a true and correct copy of Apotex ANDA, Section 2.3 (AP-RISE0001492).
16. Attached hereto as Exhibit M is a true and correct copy of Apotex Specification and Certificate of Analysis (APRISE0001503-04).
17. Attached hereto as Exhibit N is a true and correct copy of Apotex's letter to FDA re: Amendment – Addition of 150 mg strength Risedronate Sodium Tablets 35 mg, 75 mg and 150 mg Pre-Assigned ANDA Original Application No. 090-877” and attached “Addendum 1 Summary of Amendment” (AP-RISE0009936-42).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed on June 22, 2012 in Wilmington, Delaware.



Jaelyn C. Levy (#5631)

CERTIFICATE OF SERVICE

I hereby certify that, on June 29, 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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