

THE UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

WARNER CHILCOTT COMPANY, LLC and	)
HOFFMANN-LA ROCHE INC.,	)
	)
Plaintiffs,	)
	)
v.	)
	)
TEVA PHARMACEUTICALS USA, INC.,	)
	)
Defendant.	)
_____	)

C.A. No. 08-627-LPS

(CONSOLIDATED)

**REDACTED -  
PUBLIC VERSION**

**DECLARATION OF PETER L. GIUNTA  
IN SUPPORT OF DEFENDANTS' REPLY BRIEF IN SUPPORT OF THEIR MOTION  
FOR SUMMARY JUDGMENT OF INVALIDITY FOR OBVIOUSNESS  
UNDER 35 U.S.C. § 103**

I am the same Peter L. Giunta, who submitted the Declaration of Peter L. Giunta In Support of Defendants' Motion for Summary Judgment of Invalidity for Obviousness Under 35 U.S.C. § 103, in this case on June 22, 2012. I am still an attorney at law admitted to practice in the States of New York and New Jersey, and an Associate at Kenyon & Kenyon LLP, counsel for Teva Pharmaceuticals USA, Inc. in these consolidated cases. I make this certification in support of Defendants' Reply Brief In Support of Summary Judgment of Invalidity for Obviousness Under 35 U.S.C. § 103.

1. Attached as Exhibit 4\* is a true and correct copy of excerpts from the transcript of the March 20-21, 2012 deposition of Dr. David Y. Mitchell in *Warner Chilcott Company, LLC and Hoffmann-La Roche Inc. v. Teva Pharmaceuticals USA, Inc.*, Civ. No. 08-627 (LPS) (D. Del.) and related cases.

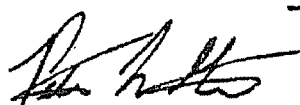
\* Please note that the exhibit numbers continue from my previous declaration D.I. 332.

2. Attached as Exhibit 5 is a true and correct copy of excerpts from the transcript of the February 28, 2012 deposition of Dr. John P. Bilezikian in *Warner Chilcott Company, LLC and Hoffmann-La Roche Inc. v. Teva Pharmaceuticals USA, Inc.*, Civ. No. 08-627 (LPS) (D. Del.) and related cases.

3. Attached as Exhibit 6 is a true and correct copy of excerpts from the transcript of the August 31, 2011 deposition of April Mitchell in *Warner Chilcott Company, LLC and Hoffmann-La Roche Inc. v. Teva Pharmaceuticals USA, Inc.*, Civ. No. 08-627 (LPS) (D. Del.) and related cases.

4. Attached as Exhibit 7 is a true and correct copy of defendants' exhibit 637 from the March 30, 2012 deposition of Dr. David Mitchell, an article by Cremers, S., et al., "Pharmacokinetics/Pharmacodynamics of Bisphosphonates: Use for Optimisation of Intermittent Therapy for Osteoporosis," 44 CLIN. PHARM. 551 (2005) ("Cremers 2005").

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on this 17<sup>th</sup> day of August 2012 in New York, NY.



---

Peter L. Giunta

**CERTIFICATE OF SERVICE**

I, Karen L. Pascale, Esquire, hereby certify that on August 24, 2012, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF (which will send notification that such filing is available for viewing and downloading to all registered counsel), and in addition caused true and correct copies of the foregoing document to be served upon the following counsel of record in the manner indicated:

**By E-Mail:**

Frederick L. Cottrell, III [cottrell@rlf.com]

Steven J. Fineman [sfineman@rlf.com]

Jaclyn C. Levy [levy@rlf.com]

**RICHARDS, LAYTON & FINGER, P.A.**

One Rodney Square

Wilmington, DE 19801

*Counsel for Plaintiffs*

William F. Lee [william.lee@wilmerhale.com]

Hollie L. Baker [hollie.baker@wilmerhale.com]

Vinita Ferrera [vinita.ferrera@wilmerhale.com]

Allen C. Nunnally [Allen.Nunnally@wilmerhale.com]

Christopher R. Noyes [christopher.noyes@wilmerhale.com]

**WILMER CUTLER PICKERING HALE AND DORR LLP**

60 State Street

Boston, MA 02109

*Counsel for Plaintiff Warner Chilcott Company LLC*

David B. Bassett [david.bassett@wilmerhale.com]

**WILMER CUTLER PICKERING HALE AND DORR LLP**

399 Park Avenue

New York, NY 10022

*Counsel for Plaintiff Warner Chilcott Company LLC*

Mark E. Waddell [mwaddell@loeb.com]

Joshua H. Harris [jharris@loeb.com]

**LOEB & LOEB LLP**

345 Park Avenue

New York, NY 10154

*Counsel for Plaintiff Hoffman-La Roche Inc.*

Richard L. Horwitz [rhorwitz@potteranderson.com]  
David E. Moore [dmoore@potteranderson.com]  
**POTTER ANDERSON & CORROON LLP**  
6th Floor, Hercules Plaza  
1313 N. Market Street  
P.O. Box. 951  
Wilmington, DE 19801  
*Counsel for Defendants Apotex, Inc. and Apotex Corp.*

Steven E. Feldman [steven.feldman@huschblackwell.com]  
Hartwell P. Morse, III [hartwell.morse@huschblackwell.com]  
Louise T. Walsh [louise.walsh@huschblackwell.com]  
Sherry L. Rollo [sherry.rollo@huschblackwell.com]  
Philip D. Segrest, Jr. [Philip.Segrest@huschblackwell.com]  
**HUSCH BLACKWELL SANDERS WELSH & KATZ LLP**  
120 South Riverside Plaza, 22nd Floor  
Chicago, IL 60606  
*Counsel for Defendants Apotex, Inc. and Apotex Corp.*

John C. Phillips, Jr. [jcp@pgslaw.com]  
Megan C. Haney [mch@pgslaw.com]  
**PHILLIPS, GOLDMAN & SPENCE, P.A.**  
1200 North Broom Street  
Wilmington, DE 19806  
*Counsel for Defendant Sun Pharma Global, Inc.*

Eric C. Cohen [eric.cohen@kattenlaw.com]  
Jeremy C. Daniel [jeremy.daniel@kattenlaw.com]  
**KATTEN MUCHIN ROSENMAN LLP**  
525 West Monroe Street  
Chicago, IL 60661-3693  
*Counsel for Defendant Sun Pharma Global, Inc.*

Richard K. Herrmann [rherrmann@morrisjames.com]  
Mary B. Matterer [mmatterer@morrisjames.com]  
**MORRIS JAMES LLP**  
500 Delaware Avenue, Suite 1500  
Wilmington, DE 19801-1494  
*Counsel for Defendant Mylan Pharmaceuticals, Inc.*

Edgar H. Haug [EHaug@flhlaw.com]  
Robert E. Colletti [RColletti@flhlaw.com]  
Richard E. Parke [RParke@flhlaw.com]  
**FROMMER LAWRENCE & HAUG LLP**  
745 Fifth Avenue  
New York, NY 10151 USA  
*Counsel for Defendant Mylan Pharmaceuticals, Inc.*

*/s/ Karen L. Pascale*

Karen L. Pascale (No. 2903) [kpascale@ycst.com]

**YOUNG CONAWAY STARGATT & TAYLOR LLP**

Rodney Square

1000 North King Street

Wilmington, Delaware 19801

Telephone: 302-571-6600

*Attorneys for Defendant*

*Teva Pharmaceuticals USA, Inc.*