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December 12, 2012

VIA CM/ECF FILING

The Honorable Leonard P. Stark
United States District Court for the District of Delaware
J. Caleb Boggs Federal Building
844 N. King Street, Unit 26, Room 6124
Wilmington, DE 19801-3555

Re: *Warner Chilcott Company, LLC et al. v. Teva Pharmaceuticals USA, Inc.*,
D. Del. No. 08-CV-627 and Consolidated Actions

Dear Judge Stark:

We represent Plaintiffs Warner Chilcott Company, LLC and Hoffmann-La Roche Inc. in the above-referenced action. We respectfully submit this letter on behalf of the Plaintiffs to inform Your Honor that, after consulting with Defendants, we hereby withdraw the portion of Plaintiffs' Motion for Summary Judgment of Infringement ("Motion"), filed June 22, 2012, that seeks summary judgment of contributory infringement with regard to the asserted claims of the '938 patent and claim 9 of the '634 patent. *See* D.I. 333-335 & 368. Defendants were informed that the Plaintiffs would agree to withdraw the described portion of the Motion by letter dated September 14, 2012.

Notwithstanding our withdrawal of the described portion of the Motion, Plaintiffs do not withdraw the portions of their Motion relating to other applicable theories of infringement with respect to the asserted claims; nor do they withdraw their arguments relating to contributory infringement of claim 10 of the '634 patent. In addition, should the Plaintiffs' Motion be denied, Plaintiffs reserve the right to argue any applicable theories of infringement with regard to all of the asserted claims at trial, including contributory infringement of the asserted claims of the '938 patent and claim 9 of the '634 patent.

Accordingly, we respectfully request that the Court consider Plaintiffs' Motion, except for the portions that seek summary judgment of contributory infringement with regard to the asserted claims of the '938 patent and claim 9 of the '634 patent, which are hereby withdrawn.



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Respectfully submitted,

/s/ Frederick L. Cottrell, III

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cc: All Counsel of Record