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May 19, 2015

The Honorable Leonard P. Stark
United States District Court
844 North King Street
Wilmington, Delaware 19801

VIA ELECTRONIC FILING

Re: *Meda Pharmaceuticals Inc. and Cipla Ltd. v. Apotex Inc. and Apotex Corp.*,
C.A. No. 14-1453-LPS

Dear Chief Judge Stark:

I am writing on behalf of Plaintiffs regarding the April 13, 2015 Scheduling Order entered by the Court (D.I. 18) setting trial for March 16, 2017. We respectfully request a call with the Court to seek Your Honor's guidance as to the possibility of obtaining a trial date earlier than March 16, 2017 for the reasons set forth below.

This is a Hatch-Waxman case. Defendant Apotex is subject to a 30-month stay of FDA approval of its generic product, until April 28, 2017. To avoid a preliminary injunction motion, the parties in their Proposed Scheduling Order (D.I. 15) requested a 5-day trial to commence on November 14, 2016, intending to provide the Court sufficient time to render a decision prior to April 28, 2017. Having a decision prior to the end of the 30-month stay would eliminate the need to burden the Court with the significant time and effort of adjudicating a motion for preliminary injunction (in addition to the 5-day trial).

In the entered Scheduling Order, however, the Court set trial to begin March 16, 2017 and end on March 24, 2017 (presumably because the Court has no trial availability between November 2016 and March 2017). Plaintiffs are concerned that the current trial date will not allow the parties sufficient time to complete post-trial briefing and, more importantly, provide the Court with sufficient time to render a decision following the March 16, 2017 trial by the expiration of the 30-month stay on April 28, 2017.

To avoid the possibility of an "at-risk" launch, and to avoid burdening the Court with a preliminary injunction motion in the midst of trial, Plaintiffs respectfully request a trial date earlier than November 2016 in the event that the Court has availability; or revising the current schedule so that the parties are "trial ready" by the summer of 2016 should the Court have any last-minute availability at that time. Plaintiffs recognize and appreciate that Your Honor has many pending cases and it is our intention to both reduce the burden on the Court as well as the expense on the parties with an earlier adjudication of this case—again, subject to the Court's discretion and availability.

We have contacted Defendants, who declined our proposal for a date earlier than the originally requested date. Defendants also have declined our request that they agree to forego launch until the Court has had an opportunity to issue its trial decision based upon the current March 2017 trial date.

We respectfully thank the Court for its consideration of this matter.

Respectfully,

/s/ Steven J. Balick

Steven J. Balick (#2114)

SJB/nlm

cc: All counsel of record (via electronic mail)