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March 28, 2019

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

VIA ELECTRONIC FILING

Re: *Bayer Healthcare LLC, et al. v. Teva Pharms. USA, Inc. et al.,*
C.A. No. 16-1221-LPS (Consolidated)

Dear Chief Judge Stark:

The Plaintiffs (“Bayer”) and the Apotex Defendants in the above-referenced matter write to request the scheduling of a discovery teleconference.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in a verbal meet-and-confer by telephone on the following date: March 26, 2019.

Delaware Counsel: Anthony Raucci (for Bayer) and Kenneth Dorsney (for Apotex);

Lead Counsel: Dov Grossman, Seth Bowers, and Ben Picozzi (for Bayer); and Phil Kouyoumdjian and Ian Scott (for Apotex).

The parties were unable to resolve the dispute during this meet-and-confer. The dispute requiring judicial attention is listed below:

Whether relief is warranted where Plaintiffs have requested unexpired samples of Apotex’s ANDA product to test for infringement but Apotex only has expired product.¹

¹ Apotex states that it is providing expired ANDA product to Plaintiffs’ experts. Bayer will respond concerning this point in its letter brief.

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Counsel for the parties are available at the Court's convenience should Your Honor have any questions.

Respectfully,

/s/ Anthony Raucci

Anthony Raucci

cc: Clerk of Court (by hand delivery)
All Counsel of Record (by e-mail)