

Exhibit A

Subject: Bayer HealthCare LLC v. Apotex

From: Hache, Guylaine [<mailto:guylaine.hache@katten.com>]

Sent: Tuesday, October 22, 2019 5:34 PM

To: Bowers, Seth <SBowers@wc.com>; Picozzi, Ben <BPicozzi@wc.com>; Genderson, Bruce <BGenderson@wc.com>; Perlman, Adam <APerlman@wc.com>; Grossman, Dov <DGrossman@wc.com>; jblumenfeld@mnat.com; dfahnestock@mnat.com; araucci@mnat.com

Cc: Kouyoumdjian, Philip Y. <pkouyoumdjian@taftlaw.com>; Skinner, Patricia <PSkinner@taftlaw.com>; Mukerjee, Deepro R. <deepro.mukerjee@katten.com>; Soderstrom, Lance A. <lance.soderstrom@katten.com>; Malik, Jitty <jitty.malik@katten.com>; Janusz, Joe <joe.janusz@katten.com>; Kenneth Dorsney <kdorsney@morrisjames.com>; elarson@morrisjames.com

Subject: Bayer HealthCare LLC v. Apotex

Counsel –

In light of Dr. Myerson's testimony yesterday, Apotex is amending its contested facts to assert that all of the asserted claims of the '107 patent are invalid for lack of enablement because the specification fails to enable the full scope of the claims. A redline of Apotex's amendments is attached.

Regards,

Guylaine Haché, Ph.D.

Associate

Katten

Katten Muchin Rosenman LLP
525 W. Monroe Street | Chicago, IL 60661-3693
direct +1.312.902.5619 mobile +1.312.343.7138
guylaine.hache@katten.com | katten.com

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Exhibit B

Subject: Bayer HealthCare LLC v. Apotex

From: Soderstrom, Lance A. <lance.soderstrom@katten.com>

Sent: Friday, October 25, 2019 5:28 PM

To: Picozzi, Ben <BPicozzi@wc.com>; Hache, Guylaine <guylaine.hache@katten.com>; Bowers, Seth <SBowers@wc.com>; Genderson, Bruce <BGenderson@wc.com>; Perlman, Adam <APerlman@wc.com>; Grossman, Dov <DGrossman@wc.com>; jblumenfeld@mnat.com; dfahnestock@mnat.com; araucci@mnat.com

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Subject: RE: Bayer HealthCare LLC v. Apotex

Counsel -

I'm not sure we understand your email. Dr. Myerson's testimony was clear. According to him, the specification does not enable a POSA to practice the full scope of the asserted claims. That defense is from Dr. Myerson's deposition testimony on Monday. Contrary to the email below, Apotex, not Bayer, would be unfairly prejudiced if Dr. Myerson's testimony may not be used to challenge the asserted claims. **Apotex does not intend to submit any of its own expert evidence in furthering Dr. Myerson's concession.** We can raise this with the Court next week or during the pretrial conference.

Lance A. Soderstrom

Partner

Katten

Katten Muchin Rosenman LLP

575 Madison Avenue | New York, NY 10022-2585

direct +1.212.940.6330 mobile +1.810.252.4827

lance.soderstrom@katten.com | katten.com

From: Picozzi, Ben <BPicozzi@wc.com>

Sent: Wednesday, October 23, 2019 7:52 PM

To: Hache, Guylaine <guylaine.hache@katten.com>; Bowers, Seth <SBowers@wc.com>; Genderson, Bruce <BGenderson@wc.com>; Perlman, Adam <APerlman@wc.com>; Grossman, Dov <DGrossman@wc.com>; jblumenfeld@mnat.com; dfahnestock@mnat.com; araucci@mnat.com

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Subject: RE: Bayer HealthCare LLC v. Apotex

EXTERNAL EMAIL – EXERCISE CAUTION

Counsel,

Apotex's attempt to introduce a new non-enablement defense on the eve of trial is inconsistent with Apotex's disclosure obligations and unfairly prejudices Bayer. Please confirm that Apotex will not attempt to advance the defenses referenced in your email at trial. If Apotex refuses, we intend to raise the issue with the Court.

Regards,

Ben Picozzi

Associate | Williams & Connolly LLP

725 Twelfth Street, N.W., Washington, DC 20005

(P) 202-434-5266 | (F) 202-434-5029

bpicozzi@wc.com | www.wc.com

From: Hache, Guylaine [<mailto:guylaine.hache@katten.com>]

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Counsel –

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