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February 5, 2016

VIA ECF & FEDEX

The Honorable Douglas E. Arpert, U.S.M.J.
United States District Court
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: *Helsinn Healthcare S.A., et al. v. Hospira, Inc.*
Civil Action No. 15-2077 (MLC)(DEA)

Helsinn Healthcare S.A., et al. v. Fresenius Kabi USA, LLC, et al.
Civil Action No. 15-7015 (MLC)(DEA)

Helsinn Healthcare S.A., et al. v. Fresenius Kabi USA, LLC, et al.
Civil Action No. 15-7378 (MLC)(DEA)

Dear Judge Arpert:

This firm, together with Paul Hastings LLP and Loeb & Loeb LLP, represents Plaintiffs Helsinn Healthcare S.A. and Roche Palo Alto LLC (collectively, "Plaintiffs") in the above-captioned matters. We write with the consent of all parties pursuant to Your Honor's instructions during the January 26, 2016 Rule 16 teleconference in these matters.

Enclosed is a proposed Order of Consolidation and Scheduling Order to which the parties have agreed and which, subject to Your Honor's approval, will consolidate these matters for purposes of discovery. If the enclosed Order of Consolidation and Scheduling Order meets with Your Honor's approval, the parties respectfully request that Your Honor sign and have it entered on the respective dockets.

Thank you for Your Honor's kind attention to these matters.

Respectfully yours,

Charles M. Lizza

cc: All counsel (via e-mail)

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HELSINN HEALTHCARE S.A. and
ROCHE PALO ALTO LLC,

Plaintiffs,

v.

HOSPIRA, INC. and HOSPIRA
WORLDWIDE, INC.,

Defendants.

Civil Action No. 15-2077 (MLC)(DEA)

(Filed Electronically)

HELSINN HEALTHCARE S.A. and
ROCHE PALO ALTO LLC,

Plaintiffs,

v.

FRESENIUS KABI USA, LLC, EMCURE
PHARMACEUTICALS LIMITED, and
EMCURE PHARMACEUTICALS USA,
INC.,

Defendants.

Civil Action No. 15-7015 (MLC)(DEA)

(Filed Electronically)

HELSINN HEALTHCARE S.A. and
ROCHE PALO ALTO LLC,

Plaintiffs,

v.

FRESENIUS KABI USA, LLC, EXELA
PHARMA SCIENCES, LLC, EXELA
PHARMSCI, INC. and EXELA
HOLDINGS, INC.,

Defendants.

Civil Action No. 15-7378 (MLC)(DEA)

(Filed Electronically)

ORDER OF CONSOLIDATION AND SCHEDULING ORDER

THIS MATTER having come before the Court for a scheduling conference pursuant to Rule 16 of the Federal Rules of Civil Procedure on January 26, 2016; and

WHEREAS, Helsinn Healthcare S.A. (“Helsinn”) and Roche Palo Alto LLC (“Roche”) (collectively, “Plaintiffs”) initiated Civil Action No. 15-2077 (MLC)(DEA) alleging infringement of United States Patent Nos. 7,947,724 (“the ’724 patent”), 7,947,725 (“the ’725 patent”), 7,960,424 (“the ’424 patent”), 8,598,219 (“the ’219 patent”), and 8,729,094 (“the ’094 patent”) by Defendants Hospira, Inc. and Hospira Worldwide, Inc. (collectively “Hospira”) by Hospira, Inc.’s submission of Abbreviated New Drug Application (“ANDA”) No. 207005 to the U.S. Food and Drug Administration for approval to engage in the commercial manufacture, use, sale, or offer for sale within the United States, or importation into the United States, of generic palonosetron hydrochloride intravenous products;

WHEREAS, Helsinn and Roche initiated Civil Action No. 15-7015 (MLC)(DEA) alleging infringement of the ’724 patent, the ’725 patent, the ’424 patent, the ’219 patent, and the ’094 patent by Defendant Fresenius Kabi USA, LLC’s (“Fresenius Kabi”) submission of ANDA Nos. 206802 and 206801 and Defendants Emcure Pharmaceuticals Limited, and Heritage Pharma Labs Inc.’s (formerly known as Emcure Pharmaceuticals USA, Inc.) (collectively, “Emcure”) submission of ANDA No. 202951 to the U.S. Food and Drug Administration for approval to engage in the commercial manufacture, use, sale, or offer for sale within the United States, or importation into the United States, of generic palonosetron hydrochloride intravenous products;

WHEREAS, Helsinn and Roche initiated Civil Action No. 15-7378 (MLC)(DEA) alleging (1) infringement of United States Patent No. 9,125,905 (“the ’905 patent”) by Defendants Exela Pharma Sciences, LLC (“Exela Pharma”), ExelaPharmSci, Inc. (“ExelaPharmSci”), and

Exela Holdings, Inc.'s ("Exela Holdings") (together with Exela Pharma and ExelaPharmSci, "Exela") submission of NDA No. 207963 to the U.S. Food and Drug Administration for approval to engage in the commercial manufacture, use, sale, or offer for sale within the United States, or importation into the United States, of generic palonosetron hydrochloride intravenous products; and (2) infringement of the '724 patent, the '905 patent, and United States Patent Nos. 8,518,981 ("the '981 patent"), 8,598,218 ("the '218 patent"), and 9,066,980 ("the '980 patent") by Fresenius Kabi's submission of NDA No. 208109 to the U.S. Food and Drug Administration for approval to engage in the commercial manufacture, use, sale, or offer for sale within the United States, or importation into the United States, of generic palonosetron hydrochloride intravenous products;

WHEREAS, Helsinn and Roche are no longer asserting infringement of the '905 patent against Fresenius Kabi in Civil Action No. 15-7378 (MLC)(DEA);

WHEREAS, there are common patents and common issues of fact and law with respect to some defendants and some of the actions;

WHEREAS, there are no common patents or common accused products with respect to Exela and any of the other defendants or actions; and

WHEREAS, consolidation of these actions through discovery may conserve the resources of the parties and the Court, and good cause exists to consolidate these actions for purposes of discovery;

IT IS on this _____ day of _____, 2016, HEREBY ORDERED that:

1. Civil Action Nos. 15-2077 (MLC)(DEA), 15-7015 (MLC)(DEA), and 15-7378 (MLC)(DEA) are consolidated pursuant to Federal Rule of Civil Procedure 42 for discovery purposes only;
2. Civil Action No. 15-2077 (MLC)(DEA) is designated as the lead case;

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