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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 KOWA PHARMACEUTICALS AMERICA,
4 INC., et al.,

5 Plaintiffs,

6 v.

14 Civ. 2758 (PAC)
14 Civ. 5575 (PAC)
14 Civ. 7934 (PAC)
15 Civ. 3935 (PAC)

8 AMNEAL PHARMAEUTICALS, LLC, et
9 al.,

10 Defendants.

11 New York, N.Y.
12 January 19, 2017
9:30 a.m.

13 Before:

14 HON. PAUL A. CROTTY,

15 District Judge

16 APPEARANCES

17 MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO, P.C.
Attorneys for Plaintiffs Kowa and Nissan

18 BY: KATHLEEN B. CARR
19 DAVID G. CONLIN
JENNIFER L. DEREKA
20 PETER J. CUOMO

21 MADDOX EDWARDS, PLLC
Attorneys for Defendant Amneal

22 BY: STEVEN A. MADDOX
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23 FLEMMING ZULACK WILLIAMSON ZAUDERER, LLP
Attorneys for Defendant Sawai

24 BY: CRAIG S. KESCH
-and-

25 SUGHRUE MION, PLLC
Attorneys for Defendant Sawai

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1 BY: MICHAEL DZWONCZKY AZY S. KOKABI

2 APPEARANCES
3 (Continued)

4 KELLEY DRYE & WARREN, LLP
Attorneys for Defendant Lupin
5 BY: DOUGLASS C. HOCHSTETLER
CONSTANTINE KOUTSOUBAS

6 ALSO PRESENT:

7 ANDY CEPREGI, technician
8 GEOFF ROBERTS, technician
BRIAN SPARKS, technician

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1 (Trial resumed)

2 THE COURT: Before we resume with the excitement of
3 reading depositions, with regard to Mr. Maddox's letter of
4 January 7 and the response of Mr. Conlin of January 19, the
5 objection raised by Kowa is sustained.

6 When you are reading the depositions -- who are the
7 readers? Come on up. Would you please state the deponent, who
8 the deponent works for and who is conducting the examination.

9 MR. RUTKOWSKI: Yes. I am, your Honor.

10 THE COURT: I know you are, but the party conducting
11 the examination, the role that you're playing, you have to
12 disclose it.

13 MR. RUTKOWSKI: As a brief housekeeping matter, for
14 the four deposition transcript excerpts we read in yesterday,
15 at this time we'd like to move in exhibits corresponding with
16 those.

17 THE COURT: Tell me what they are.

18 MR. RUTKOWSKI: I will, your Honor. For the Sawai
19 deponent Mami Katsumoto, Exhibits PTX-0143, PTX-0720 and
20 PTX-0714.

21 THE COURT: Any objection? They are received in
22 evidence.

23 (Plaintiff's Exhibits 0143, 0720 and 0714 received in
24 evidence)

25 MR. RUTKOWSKI: Thank you. For the Apotex deponent

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1 Kiran Krishnan, nothing at this time, your Honor; those are
2 have already been entered elsewhere.

3 THE COURT: OK.

4 MR. RUTKOWSKI: For the Apotex defendant
5 Balasubramanyam Nataraj, Exhibits PTX-0072, PTX-0103.

6 THE COURT: Any objection? They are received in
7 evidence.

8 (Plaintiff's Exhibits 0072 and 0103 received in
9 evidence)

10 MR. RUTKOWSKI: Thank you, your Honor. For the Apotex
11 deponent Ramachandra Reddy, Exhibits PTX-0077, PTX-0086,
12 PTX-0045 and PTX-0065.

13 THE COURT: Any objections? Those exhibits are
14 received in evidence.

15 (Plaintiff's Exhibits 0077, 0086, 0045 and 0065
16 received in evidence)

17 MR. RUTKOWSKI: Thank you, your Honor. At this point
18 we will be resuming with the deposition of G.P. Sing, an
19 employee of Lupin.

20 THE COURT: G.P. Sing?

21 MR. RUTKOWSKI: G.P. Sing, correct, your Honor.

22 THE COURT: What page is he in?

23 MR. RUTKOWSKI: He is tab 4 -- 5. And we will start
24 on page 4, your Honor.

25 "G.P. SING, called as a witness, having been duly

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1 sworn by the notary public, was examined and testified as
2 follows:"

3 Skipping ahead to page 51:

4 "Q. So, again, looking at Exhibit 6, on the second page there
5 is a similar statement to what we just discussed about
6 polymorphism wherein the first point it talks about certain
7 types of crystalline forms of pitavastatin calcium as per
8 literature, and then in the second bullet it talks about
9 Annexure I. Do you see that?

10 "A. Yes.

11 "Q. Then on the next page it says -- it provides further
12 details of Lupin's pitavastatin calcium. Do you see that?

13 "A. Yes.

14 "Q. It says that the polymorph is substantially amorphous,
15 correct?

16 "A. Yes.

17 "Q. Then it describes a method of preparation. Do you see
18 that?

19 "A. Yes.

20 "Q. And in the box for method of preparation it says, prepared
21 from pitavastatin tertiary butyl ester by first forming the
22 corresponding sodium salt followed by treatment with aqueous
23 calcium acetate and stirring for three to four hours. The
24 isolated material is dried at 65 to 70 degrees Celsius till
25 water content is no more than four percent. This form contains

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