

United States District Court  
for the  
Southern District of New York  
Related Case Statement

Full Caption of Later Filed Case:

Kowa Company, Ltd.,  
Kowa Pharmaceuticals America, Inc., and  
Nissan Chemical Industries, Ltd.,

Plaintiff

vs.

Amneal Pharmaceuticals, LLC,

Defendant

14 CV 2758

Case Number

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

Kowa Company, Ltd.,  
Kowa Pharmaceuticals America, Inc., and  
Nissan Chemical Industries, Ltd.,

Plaintiff

vs.

Aurobindo Pharma Limited  
and Aurobindo Pharma USA Inc.

Defendant

Case Number

1:14-cv-02497-PAC

## Status of Earlier Filed Case:

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

Open

(If so, set forth procedural status and summarize any court rulings.)

Complaint filed on 4/9/2014.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

Plaintiffs are the holders of a number of patents and an approved New Drug Application ("NDA") with respect to an innovative pharmaceutical product known as Livalo®, which comprises the active ingredient pitavastatin.

Plaintiffs previously have filed, on April 9, 2014, a separate action against Aurobindo Pharma Limited and Aurobindo Pharma USA Inc. in the United States District Court for the Southern District of New York, which was assigned to The Honorable Paul A. Crotty. The prior case (as does this one) seeks relief against the defendants for, inter alia, statutory infringement under 35 U.S.C. § 271(e)(2), inducing infringement under 35 U.S.C. § 271(b), and contributory infringement under 35 U.S.C. § 271(c). The patents at issue in this case are also at issue in the previously-filed case. The previously-filed case also addresses defendants' efforts to make and market a generic version of plaintiffs' Livalo® drug products prior to the expiration of the patents covering those products. It was alleged that the conduct of defendants in Case No. 14 cv 02497 constitutes, inter alia, patent infringement, inducement to infringe, and contributory infringement, and involves the same patents at issue in the instant action against Amneal Pharmaceuticals, LLC.

The instant action thus will involve the same plaintiffs, the same patents, and many of the same facts and issues as the previously-filed action. Because The Honorable Paul A. Crotty has been assigned to the prior case and will be familiar with the facts, the law, and the science related to these patents, it would be in the interest of judicial economy for His Honor to preside over the instant case as well. As a result, it is respectfully submitted that this case should be assigned to The Honorable Paul A. Crotty.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

4/17/2014

Firm: \_\_\_\_\_

EDWARDS WILDMAN PALMER LLP