

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

Plaintiffs,

v.

Aurobindo Pharma Limited and
Aurobindo Pharma USA Inc.,

Defendants.

Civil Action No. 14-CV-2497 (PAC)

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

Plaintiffs,

v.

Amneal Pharmaceuticals, LLC,

Defendants.

Civil Action No. 14-CV-2758 (PAC)

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

Plaintiffs,

v.

Mylan Inc. and Mylan Pharmaceuticals
Inc.,

Defendants.

Civil Action No. 14-CV-2647 (PAC)

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

Plaintiffs,

v.

Zydus Pharmaceuticals (USA) Inc., and
Cadila Healthcare Ltd. (dba Zydus Cadila),

Defendants.

Civil Action No. 14-CV-2760 (PAC)

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

Plaintiffs,

v.

Orient Pharma Co., Ltd.,

Defendants.

Civil Action No. 14-CV-2759 (PAC)

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

Plaintiffs,

v.

Sawai USA, Inc., and
Sawai Pharmaceutical Co., Ltd.,

Defendants.

Civil Action No. 14-CV-5575 (PAC)

UNOPPOSED MOTION TO EXTEND DISCOVERY DEADLINE

Plaintiffs Kowa Company, Ltd., Kowa Pharmaceuticals America, Inc., and Nissan Chemical Industries, Ltd., respectfully move that the following discovery deadline set forth under the Civil Case Management Plan and Scheduling Order entered by the Court on October 17, 2014 (*see* ECF No. 43, in Civil Action No. 14-cv-2497) (“10/17/14 Scheduling Order”) in the above-captioned actions be modified as follows:

Event	Current Deadline	Proposed Modified Deadline
• <i>Markman</i> – jointly file a Joint Disputed Claim Terms Chart pursuant to Local Patent Rule 11	April 6, 2015	April 10, 2015

No other dates or deadlines set forth in the 10/17/14 Scheduling Order shall be altered by the present motion. The parties have not previously requested an extension to the foregoing deadline, and have made one previous request for extension of two dates with regard to the 10/17/14 Scheduling Order, which was granted.

Counsel for all defendants have indicated that they do not oppose the present motion.^{1/}

The present motion is necessitated because counsel for the parties have not yet been able to agree on a Joint Disputed Claim Terms Chart as required by the schedule. Counsel for the parties have met and conferred in an attempt to prepare the Chart, but have unable to do so to date. The time for preparing and filing a Joint Disputed Claim Terms Chart was somewhat compressed by the extension of the prior two dates,^{2/} and has been further complicated by the fact that the date for submission of the Chart was inadvertently set for the day after Easter.

^{1/} The Apotex case caption is not included in these papers because no *Markman* issues are in dispute in that case.

^{2/} The reason the time was compressed was as a result of plaintiffs’ consent to the defendants’ request to file the February 27th joint stipulation to move the earlier *Markman* deadlines to accommodate the defendants’ scheduling conflicts. Plaintiffs have been trying for days to get the defendants to consent to file a joint stipulation to move the date which is the subject of this motion. Despite plaintiffs’ previous cooperation and consent to defendants’ previous request to file a joint stipulation, the defendants have refused to join in a corresponding stipulation, thus necessitating the present motion.

The parties are working on scheduling a further meet and confer in an effort to see if any issues can be resolved.

It is respectfully requested that the Court grant the present motion, and move the date for filing a Joint Disputed Claim Terms Chart four days, from April 6, 2015 to April 10, 2015.

Dated: April 3, 2015

Respectfully submitted,

s/David G. Conlin

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CERTIFICATE OF SERVICE

I, David G. Conlin, hereby certify that on this 3rd day of April, 2015, I caused to be served a true and accurate copy of the foregoing Unopposed Motion to Extend Discovery Deadline by first class mail and by email upon:

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