

Kowa Company, Ltd. et al. v. Aurobindo Pharma Limited et al.,
Civil Action No. 14-CV-2497 (PAC) (and related cases)

**Exhibit 6 to Supplemental Declaration of
Thomas R. Burns, dated June 10, 2015, in
support of Defendants' Joint Responsive
Claim Construction Brief**

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: 14-CV-2497
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: 500 Pearl Street
: New York, New York
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: October 6, 2014
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TRANSCRIPT OF CIVIL CAUSE FOR INITIAL CONFERENCE
BEFORE THE HONORABLE PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE

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(Appearances continue on next page.)

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1 MR. CONLIN: Well, if you want to discuss the details
2 of the various disagreements and stuff I would ask my partner
3 Kathleen Carr to talk to the court on those.

4 THE COURT: Okay, Ms. Carr.

5 MS. CARR: Thank you, Your Honor. I think we have
6 some good news in that we've worked hard --

7 THE COURT: We thrive on good news here. There's not
8 enough of it.

9 MS. CARR: So we have managed to come to agreement
10 with the defendants on many of the dates. So that's -- that
11 was some substantial progress and some substantial work
12 involved to try to get there. So we have a general framework
13 that I think is agreed upon and if I misspeak which I don't
14 intend to I welcome the defendants to point that out but --

15 So we have an agreed initial disclosure statement of
16 October 20th and running the proposed schedule we have
17 submitted and the proposed case management plan we've got
18 agreement on fact discovery closing October 5, 2015 and we've
19 also got agreement on expert discovery. In large part we've
20 got expert discovery closing on March 11, 2016 with some dates
21 in advance of that about exchange of expert reports, opening
22 reports on December 15, 2015. Responsive expert reports
23 January 29, 2016 and then reply expert reports February 15,
24 2016.

25 So we think generally the framework is agreed among

1 the parties. Also we have an agreed suggested final pretrial
2 submission date of April 25, 2016.

3 We do have disagreement on a few discrete aspects of
4 the discovery approach in the case, Your Honor. One of those
5 areas of disagreement I think is the concept of contention
6 interrogatories. It's our understanding that in the Southern
7 District the contention interrogatories come towards the end
8 of the case once things are fully vetted, the parties
9 understand where they're at and that kind of thing, and so we
10 believe that the appropriate time for contention
11 interrogatories would be near the close of fact discovery.
12 It's my understanding that the defendants would like to
13 advance some interrogatory practice as far as infringement
14 contentions and invalidity contentions.

15 I understand, Your Honor, under the local patent
16 rules there's some reference to infringement contentions and
17 invalidity contentions but the case we have here is a little
18 bit different from the ordinary kind of standard patent case
19 where you'd see that type of thing maybe early on in a case.
20 In this particular type of case there's Hatch-Waxman standing
21 to bring suit based on Paragraph 4 filings but then in the
22 course of discovery the plaintiffs will need to have access to
23 the defendant's Andis [Ph.], do the analysis of the Andis
24 involved experts and go through the whole course of review of
25 documents and that kind of thing over the course of time and

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