

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF NEW JERSEY

3 SENJU PHARMACEUTICAL CO., LTD.,  
4 BAUSCH & LOMB, INC., and  
5 BAUSCH & LOMB PHARMA CORP.,

6 Plaintiffs,

7 vs.

CIVIL ACTION  
NO. 14-3962 (JBS)

8 METRICS, INC., COASTAL  
9 PHARMACEUTICALS, INC., MAYNE  
10 PHARMA GROUP LIMITED, and  
11 MAYNE PHARMA (USA), INC.

12 Defendants.

13 UNITED STATES COURTHOUSE  
14 ONE JOHN F. GERRY PLAZA  
15 4TH AND COOPER STREETS  
16 CAMDEN, NEW JERSEY 08101  
17 FRIDAY, OCTOBER 3, 2014

18 B E F O R E: THE HONORABLE JEROME B. SIMANDLE  
19 CHIEF JUDGE  
20 UNITED STATES DISTRICT JUDGE

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*United States District Court  
Camden, New Jersey*

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1           DEPUTY CLERK: All rise.

2           THE COURT: Be seated, please.

3           Good morning, everybody. This is the case of Senju  
4 Pharmaceutical Company Limited vs. Metrics Incorporated, et  
5 al. Limited, Civil Action No. 14-3962. And today's the  
6 hearing date on two motions, one is the motion by the  
7 defendants to dismiss for lack of personal jurisdiction and  
8 one is the motion by the plaintiffs for an injunction against  
9 the *inter partes* review.

10           And I'll ask counsel to please enter your appearances  
11 for the record beginning with the plaintiffs.

12           MS. CHUDEREWICZ: Good morning, your Honor.

13           Melissa Chuderewicz from the law firm of Pepper  
14 Hamilton serving today as local counsel for the plaintiffs.  
15 Here with me today, also counsel for the plaintiffs from the  
16 law firm of Finnegan, Henderson, Farabow, Garrett & Dunner are  
17 Charles Lipsey, Mr. Lipsey will be arguing the motion for an  
18 injunction; Justin Hasford, Mr. Hasford will be arguing  
19 defendant's motion to dismiss; Brian Diner and Jessica Lebeis.

20           THE COURT: Welcome.

21           MS. JESKIE: Good morning, your Honor.

22           THE COURT: Ms. Jeskie?

23           MS. JESKIE: Sandra Jeskie on behalf of the  
24 defendants, from Duane Morris. And my partner Matt Gaudet,  
25 Vincent Capuano, and Pat McPherson. Mr. Gaudet will be

1 arguing the motion to dismiss and Mr. Capuano will be arguing  
2 against the motion to enjoin.

3 THE COURT: Okay. Fine. Thank you.

4 Well, you've given me an interesting case here.  
5 Logically I have to determine who I have jurisdiction over  
6 first. Even though that wasn't the order in which the motions  
7 were filed, if I were to entertain an injunction, I have to  
8 make sure that whoever I'm enjoining is under the jurisdiction  
9 with the Court. Hopefully everyone agrees with that  
10 principle.

11 Personal jurisdiction is somewhat in dispute, and the  
12 plaintiffs have sought some personal jurisdiction discovery.  
13 It would seem that with regard to those disputes, that  
14 discovery, upon reading your papers, would be helpful if it's  
15 short and precise and tailored to the issues of personal  
16 jurisdiction. And that then I could permit, you know, a short  
17 round of supplemental briefing on the personal jurisdiction  
18 issues if there remain disputes. If personal jurisdiction is  
19 conceded or if the plaintiff concedes that there is personal  
20 jurisdiction, then that narrows the disputes. And after your  
21 supplemental briefing, then I'd be in a position to decide the  
22 personal jurisdiction motion, and I'd be in a position to  
23 decide the injunction assuming that there is jurisdiction.

24 So in general terms, and I'm open to your suggestions  
25 on this because you've lived with this case now, I think today

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