

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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OFFICIAL U. S. REPORTER

*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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