

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UCB, INC., UCB PHARMA GMBH, )  
RESEARCH CORPORATION )  
TECHNOLOGIES, INC. and HARRIS FRC )  
CORPORATION, )  
 )  
Plaintiffs, )  
 )  
v. ) C.A. No. 13-1206 (LPS)  
 ) **CONSOLIDATED**  
ACCORD HEALTHCARE, INC., et al., )  
 )  
Defendants. )

**PLAINTIFFS' RESPONSES TO DEFENDANTS' FIRST SET OF  
JOINT INTERROGATORIES TO PLAINTIFFS NOS. 1-9**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, and the applicable Local Rules of the United States District Court for the District of Delaware, Plaintiffs UCB, Inc., UCB Pharma GmbH (“UCB”), Research Corporation Technologies, Inc. (“RCT”), and Harris FRC Corp. (“Harris”) (collectively “Plaintiffs”) hereby respond to Defendants Accord Healthcare, Inc.; Intas Pharmaceuticals Ltd.; Alembic Pharmaceuticals, Ltd.; Amneal Pharmaceuticals, LLC; Amneal Pharmaceuticals of New York, LLC; Apotex, Inc.; Apotex Corp.; Aurobindo Pharma Ltd.; Aurobindo Pharma USA, Inc.; Breckenridge Pharmaceutical, Inc.; Vennoot Pharmaceuticals, LLC; Glenmark Generics Inc., USA; Glenmark Generics, Ltd.; Hetero USA Inc.; Hetero Labs Limited; Mylan Pharmaceuticals Inc.; Mylan Inc.; Sandoz, Inc.; Sun Pharma Global FZE; Sun Pharmaceutical Industries, Ltd.; Watson Laboratories, Inc. – Florida; Watson Pharma, Inc. (n/k/a Actavis Pharma, Inc.); Actavis, Inc.; Zydus Pharmaceuticals (USA), Inc.; and Cadila Healthcare Limited (collectively “Defendants”) First Set of Joint Set of Interrogatories to Plaintiffs as follows:

**EXHIBIT**  
ACTAVIS, AMNEAL,  
AUROBINDO,  
BRECKENRIDGE,  
VENNOOT, SANDOZ,  
SUN  
IPR2014-01126-1013, p. 1

## GENERAL OBJECTIONS

The following general objections are made to each of the interrogatories, in addition to any objections that are addressed to particular interrogatories:

1. Plaintiffs incorporate by reference their general objections from “Plaintiffs’ Responses to Defendants’ First Set of Joint Requests for Documents and Things to Plaintiffs Nos. 1-45.

2. Plaintiffs object to the interrogatories as premature to the extent that the subject matter of the interrogatories is more properly addressed by other forms of discovery, including expert discovery.

3. Plaintiffs object to the interrogatories as premature to the extent that the Defendants bear the burden of proof regarding the subject matter of the interrogatory. The scheduling order in this case states that “[i]n the absence of agreement among the parties, contention interrogatories, if filed, shall first be addressed by the party with the burden of proof.”

4. Plaintiffs object to the interrogatories to the extent that they seek or require expert testimony. Expert discovery has not yet begun. Plaintiffs reserve the right to supplement these responses following expert discovery and/or as required by the Local and/or Federal Rules.

5. Plaintiffs object to the interrogatories to the extent they seek a response that would reveal information protected from disclosure by the attorney-client privilege, work-product immunity, or any other privilege, protection or immunity. Such information will not be provided in response to Defendants’ requests. Nothing in Plaintiffs’ responses to the interrogatories is intended as, or shall in any way be deemed to operate as, a waiver of any attorney-client privilege, work-product protection, or any other applicable privilege, protection, immunity, claim, defense or objection to which Plaintiffs may be entitled.

6. Consistent with Fed. R. Civ. P. 33(d), Plaintiffs object to providing responses to the interrogatories where the information can be derived from documents that will be produced and the burden of deriving or ascertaining the answer will be substantially the same for either party.

7. Plaintiffs object to providing responses to the interrogatories that request information concerning “each,” “every,” or “all” persons, communications, documents, or the like, on the grounds that providing a response to such interrogatories would be unduly burdensome. When applicable and appropriate, summary information or representative documents may be provided.

8. Plaintiffs object on relevance grounds to the production of information, documents, and things dated or created after July 6, 2004, except to the extent such items are dated after July 6, 2004 and concern ownership of the patent-in-suit, infringement, asserted secondary indicia of non-obviousness (if Plaintiffs assert such considerations) and/or communications with the FDA regarding IND Nos. 57939, 68407 and/or NDA Nos. 022253, 022254, and 022255.

9. Plaintiffs object to the interrogatories, including but not limited to the “Definitions” and “Instructions” of the interrogatories, insofar as they impose any obligation beyond that contained under Federal, Local, and other applicable rules.

10. Plaintiffs object to each interrogatory to the extent it seeks information that is publicly available and equally accessible to Defendants.

11. Plaintiffs expressly reserve the right to rely, at any time including trial, upon subsequently discovered information or information omitted from the specific responses set forth below as a result of mistake, oversight or inadvertence.

12. Plaintiffs object to each interrogatory that requests more than one category of information. Each subpart will be counted as a separate interrogatory.

13. Discovery relating to this action is in its very early stages and Plaintiffs' investigation of the facts is continuing. Thus, the responses to these interrogatories are based on currently available information and Plaintiffs reserve the right to amend and/or supplement these responses as discovery proceeds. Further, Plaintiffs' responses to the interrogatories are made without prejudice to Plaintiffs' right to introduce any and all documents and other evidence of any kind in future proceedings in this action.

14. Plaintiffs have responded to the interrogatories as they interpret and understand each of them. If Defendants subsequently asserts an interpretation of any of the interrogatories that differs from Plaintiffs' understanding, Plaintiffs reserve the right to supplement their objections and/or responses.

15. Any statement that Plaintiffs will identify documents does not constitute a representation that Plaintiffs possess any such documents, or that such documentation exists, and is not to be construed as an admission with respect to any issue in this action.

16. Any individuals listed in response to Defendants' interrogatories can be contacted through Fitzpatrick, Cella, Harper & Scinto.

## **RESPONSES TO JOINT REQUESTS FOR DOCUMENTS AND THINGS**

### **INTERROGATORY NO. 1:**

For each asserted claim of the '551 Patent, describe in full and informative detail the conception, diligent reduction to practice, and actual reduction to practice (if any) of the claimed subject matter, including the first conception of the compound known as 2-acetamido-N-benzyl-3-methoxypropionamide or N-benzyl-2-acetamido-3-methoxypropionamide. This description should include without limitation the alleged dates and locations of any such conception, diligent reduction to practice, and actual reduction to practice, the individuals involved and each of their respective roles and pieces of work, any witnesses, the surrounding circumstances, and any supporting documents and/or other evidence.

## **RESPONSE TO INTERROGATORY NO.1:**

Plaintiffs object to this interrogatory as overly broad, unduly burdensome, and as seeking information that is neither relevant to any claim or defense in this action nor reasonably calculated to lead to the discovery of admissible evidence. For example, Plaintiffs object to “pieces of work” and “surrounding circumstances” as vague and ambiguous and, to the extent it is understood, as overly broad and unduly burdensome. Plaintiffs also object to the description of “any witnesses” as overly broad and unduly burdensome and as seeking information that is neither relevant to any claim or defense in this action nor reasonably calculated to lead to the discovery of admissible evidence.

Plaintiffs further object to this interrogatory as premature and/or is not relevant to nor reasonably calculated to lead to the discovery of admissible evidence because Defendants have not made of record any fact that makes the conception and reduction to practice of the subject matter of the '551 Patent relevant.

Plaintiffs object to this interrogatory to the extent it seeks information protected from discovery by the attorney-client privilege, work product immunity or any other applicable privilege or immunity.

Plaintiffs object to this interrogatory as premature to the extent that fact discovery has only just commenced and is not scheduled to be completed until January 15, 2015.

Plaintiffs also object to this interrogatory to the extent that it seeks premature expert testimony—under the Scheduling order in this case, rebuttal expert reports are not due until May 4, 2015 and expert discovery will not be completed until July 16, 2015.

Plaintiffs further object to this interrogatory as, consistent with Fed. R. Civ. P. 33(d), the information can be derived from documents which will be produced and the burden of deriving or ascertaining the answer will be substantially the same for either party. Plaintiffs also

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