

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RECKITT BENCKISER)
PHARMACEUTICALS INC., RB)
PHARMACEUTICALS LIMITED, and)
MONOSOL RX, LLC,)

Plaintiffs,)

v.)

WATSON LABORATORIES, INC. and)
ACTAVIS LABORATORIES UT, INC.,)

Defendants.)

C.A. No. 1:13-cv-01674-RGA

Consolidated

REDACTED VERSION DI 399

RECKITT BENCKISER)
PHARMACEUTICALS INC., RB)
PHARMACEUTICALS LIMITED, and)
MONOSOL RX, LLC,)

Plaintiffs,)

v.)

PAR PHARMACEUTICAL, INC., and)
INTELGENX TECHNOLOGIES CORP.)

Defendants.)

C.A. No. 1:14-cv-00422-RGA

PROPOSED JOINT PRETRIAL ORDER

Volume 1

Mary W. Bourke (#2356)
Dana K. Severance (#4869)
Daniel M. Attaway (#5130)
WOMBLE CARLYLE SANDRIDGE & RICE, LLP
222 Delaware Avenue, Suite 1501
Wilmington, DE 19801
Telephone: (302) 252-4320
Facsimile: (302) 252-4330
mbourke@wcsr.com
dseverance@wcsr.com
dattaway@wcsr.com

Counsel for Plaintiffs

OF COUNSEL:

Daniel A. Ladow
James M. Bollinger
Timothy P. Heaton
J. Magnus Essunger
TROUTMAN SANDERS LLP
875 Third Avenue
New York, NY 10022
Telephone: (212) 704-6000
Facsimile: (212) 704-6288
Daniel.ladow@troutmansanders.com
James.bollinger@troutmansanders.com
Timothy.heaton@troutmansanders.com
Magnus.essunger@troutmansanders.com

Charanjit Brahma
TROUTMAN SANDERS LLP
580 California Street
Suite 1100
San Francisco, CA 94104
Telephone: (415) 477-5700
Facsimile: (415) 477-5710
charanjit.brahma@troutmansanders.com

Robert E. Browne, Jr.
TROUTMAN SANDERS LLP
55 West Monroe Street
Suite 3000
Chicago, IL 60603
Telephone: (312) 759-1920

Steven J. Fineman (#4025)
Katharine C. Lester (#5629)
RICHARDS LAYTON & FINGER, P.A.
One Rodney Square
920 N. King Street
Wilmington, DE 19807
Telephone: (302) 651-7700
Facsimile: (302) 651-7701
fineman@rlf.com
lester@rlf.com

*Counsel for Defendants Par Pharmaceutical,
Inc. and IntelGenx Technologies Corp.*

OF COUNSEL:

Daniel G. Brown
LATHAM & WATKINS LLP
885 Third Avenue
New York, NY 10022
Telephone: (212) 906-1200
Facsimile: (212) 751-4864
daniel.brown@lw.com

James K. Lynch
LATHAM & WATKINS LLP
505 Montgomery Street
Suite 2000
San Francisco, CA 94111-6538
Telephone: (415) 391-0600
Facsimile: (415) 395-8095
jim.lynch@lw.com

Terry Kearney
LATHAM & WATKINS LLP
140 Scott Drive
Menlo Park, CA 92025
Telephone: (650) 328-4600
Facsimile: (650) 463-2600
Email: terry.kearney@lw.com

Jennifer Koh
B. Thomas Watson
LATHAM & WATKINS LLP
12670 High Bluff Drive

Facsimile: (312) 759-1939
robert.browne@troutmansanders.com

Puja Patel Lea
TROUTMAN SANDERS LLP
600 Peachtree Street, NE
Suite 5200
Atlanta, GA 30308
Telephone: (404) 885-3000
Facsimile: (404) 885-3900
puja.lea@troutmansanders.com

Jeffrey B. Elikan
Jeffrey Lerner
Erica N. Andersen
Ashley Kwon
COVINGTON & BURLING LLP
One CityCenter
850 Tenth St. NW
Washington, DC 20001
202.662.6000
jelikan@cov.com
jlerner@cov.com
eandersen@cov.com
akwon@cov.com

*Counsel for Plaintiff Reckitt Benckiser
Pharmaceuticals Inc. & RB Pharmaceuticals
Limited*

James F. Hibey
Timothy C. Bickham
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington DC 20036
Telephone: (202) 429-3000
Facsimile: (202) 429-3902
jhibey@steptoe.com
tbickham@steptoe.com

David L. Hecht
Cassandra A. Adams
STEPTOE & JOHNSON LLP
1114 Avenue of the Americas
New York, NY 10036

San Diego, CA 92130
Telephone: (858) 523-5400
Facsimile: (858) 523-5450
jennifer.koh@lw.com
thomas.watson@lw.com

Emily C. Melvin
Brenda L. Danek
LATHAM & WATKINS LLP
330 North Wabash Avenue
Suite 2800
Chicago, IL 60611
Telephone: (312) 876-7700
Facsimile: (312) 993-9767
emily.melvin@lw.com
brenda.danek@lw.com

*Counsel for Defendants Par
Pharmaceutical Inc. and IntelGenx
Technologies Corp.*

Telephone: (212) 506-3905
Facsimile: (212) 506-3950
dhecht@step toe.com
cadams@step toe.com

Counsel for Plaintiff MonoSol Rx, LLC

John C. Phillips, Jr. (#110)
Megan C. Haney (#5016)
PHILLIPS, GOLDMAN & SPENCE, P.A.
1200 North Broom Street
Wilmington, DE 19806
Telephone: (302) 655-4200
Facsimile: (302) 655-4210
jcp@pgslaw.com
mch@pgslaw.com

*Counsel for Defendants Watson Laboratories,
Inc. and Actavis Laboratories UT, Inc.*

OF COUNSEL:

Melinda K. Lackey
WINSTON & STRAWN LLP
1111 Louisiana, 25th Floor
Houston, TX 77002
Telephone: (713) 651-2600
Facsimile: (713) 651-2700
mlackey@winston.com

Stephen Smerek
David P. Dalke
Jason C. Hamilton
WINSTON & STRAWN LLP
333 S. Grand Ave., Suite 3800
Los Angeles, CA 90071
Telephone: (213) 615-1700
Facsimile: (213) 615-1750
ssmerek@winston.com
ddalke@winston.com

OF COUNSEL:

George C. Lombardi
Michael K. Nutter
Tyler G. Johannes
WINSTON & STRAWN LLP
35 West Wacker Drive
Chicago, IL 60601
Telephone: (312) 558-5600
Facsimile: (312) 558-5700
glombard@winston.com
mnutter@winston.com
tjohannes@winston.com

*Counsel for Defendants Watson Laboratories,
Inc. and Actavis Laboratories UT, Inc.*

TABLE OF CONTENTS

	Page
I. Nature of the Case and Pleadings (L.R. 16.3(1)).....	1
II. Jurisdiction (L.R. 16.3(2))	2
III. Admitted Facts (L.R. 16.3(3)).....	2
IV. Disputed Facts (L.R. 16.3(4))	2
V. Issues of Law (L.R. 16.3(5)).....	3
VI. Exhibits (L.R. 16.3(6)).....	3
VII. Witnesses (L.R. 16.3(7)).....	7
VIII. Brief Statement of Intended Proofs (L.R. 16.3(8-9)).....	10
IX. Amendments to Pleadings (L.R. 16.3(11)).....	11
X. Certification of Settlement Discussions (L.R. 16.3(12))	11
XI. Miscellaneous Issues (L.R. 16.3(13)).....	11
A. In Limine Motions	11
B. Expected Duration and Scope of Trial.....	11
C. Type of Trial	12
D. Order of Proof.....	12
E. Protective Order and Corporate Representatives in Courtroom	13
XII. Order To Control Course of Action	13

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.