

Augsburger, Jennifer L.

From: Arnold, Jeffery <JArnold@CantorColburn.com>
Sent: Monday, July 11, 2016 1:34 PM
To: Reister, Andrea; Ryan, Andrew
Cc: Fox, Harold; Weeks, Dustin B.; Ladow, Daniel A. (Daniel.Ladow@troutmansanders.com)
Subject: RE: IPR2016-01111, -01112, -01113

Hello Andrea,

This message is to recap our meet and confer telephone conference which occurred 6 July 2016. It was surprising that the meet and confer was more akin to a deposition. We had incorrectly anticipated a discussion regarding a motion to seek discovery. Nevertheless, I cooperated to a point in order to explain that Petitioners were not time-barred from filing the respective subject petitions and avoid adding to the board's workload with a time-consuming discovery motion.

During the teleconference, you referenced the footnoted article below and asked if Petitioners had an agreement with Teva and/or Allergan regarding their respective Suboxone-related ANDAs. I stated that the article was speculative regarding the two drugs mentioned therein. Additionally, I stated that I was without authority to confirm or deny that the agreement between Teva and Petitioners includes Teva's and/or Allergan's Suboxone related ANDAs. That position remains unchanged.

You were also informed:

- At the time the respective complaints against Teva and Allergan were filed, Petitioners were neither a real-party-in-interest nor had any control over such litigation, which remains true as of the date of this email. For verification, review the respective Suboxone litigation dockets for mandatory disclosures of real-parties-in-interest. No such document exists identifying Petitioners.
 - In furtherance to the above proffer, on 27 June 2016, Mr. Ladow via email asked for "the name and contact information for the appropriate Dr. Reddy's in-house counsel to whom Indivior's GC, Javier Rodriguez, can direct settlement –related communications." Via 28 June 2016 email, I provided Dr. Anjum Swaroop's contact information and asked if Mr. Rodriguez would be representing both Monosol Rx, LLC and Indivior (Patent Owners) in the proposed communications? In response to Mr. Rodriguez' 29 June 2016 email to Dr. Swaroop requesting a date and time "to discuss ongoing ANDA litigation," Dr. Swroop responded in her 30 June 2016 email that "DRL is not involved in the Suboxone litigation at this time. At this time, DRL is not a real party-in-interest in nor has any control over the current ligation between Indivior and any defendants involving Suboxone." The meeting was scheduled for 5 July 2016, but abruptly canceled without comment by Mr. Rodriguez. You should be able to get these communications directly from Messrs. Ladow and Rodriguez.
- At the time the three IPRs were filed, there was no privity between Teva and/or Allergan or control by DRL over Suboxone ANDA litigation in which Teva and Allergan are respective defendants.
- At the time the three IPRs were filed, there was no agreement of any kind between Teva and/or Allergan and Petitioners with respect to Teva's and/or Allergan's respective Suboxone ANDAs.
- There was no communication between Teva or its counsel and Petitioners or Cantor Colburn regarding Petitioners' three IPR petitions prior to filing.

- As of the date of this email, there has been no such communications directed to the IPR petitions subsequent to filing.
- Teva has no interest in or control over the respective IPRs petitioned by Petitioners.
 - For verification, see the respective IPR petitions identifying Petitioners as the “real-parties-in-interest.”
- You asked if Teva was providing funding for the three IPRs. Petitioners are self-funding the subject IPRs. Neither Teva nor Allergan were or are obligated to fund the subject IPRs on behalf of Petitioners.
 - Again, see the respective IPR petitions identifying Petitioners as the “real-parties-in-interest.”
- Teva provided no guidance on the preparation and filing of Petitioners’ IPR petitions.
- The subject IPR petitions are directed solely by Petitioners, no other party is involved with Petitioners. I believe I said that the “petitions are all Dr. Reddy’s and no one else.”

Please let us know if you disagree with or have anything to add to the above recap. Also, if you have any further questions on this topic, please submit them in writing.

Regards,

Jeff

Jeffery B. Arnold
Partner



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HARTFORD WASHINGTON, D.C. ATLANTA HOUSTON DETROIT

From: Reister, Andrea [<mailto:areister@cov.com>]
Sent: Monday, June 27, 2016 7:43 PM
To: Arnold, Jeffery; Ryan, Andrew
Cc: Fox, Harold; Weeks, Dustin B.
Subject: RE: IPR2016-01111, -01112, -01113

Jeff,

Many thanks for the prompt reply. Let’s plan on 2:00 PM on July 6, 2016. We can use the following conference call information.

1.800.851.0297
Access Code 2402458

Regards,

Andrea G. Reister

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From: Arnold, Jeffery [<mailto:JArnold@CantorColburn.com>]
Sent: Monday, June 27, 2016 4:28 PM
To: Reister, Andrea; Ryan, Andrew
Cc: Fox, Harold; Weeks, Dustin B.
Subject: RE: IPR2016-01111, -01112, -01113

Hello Ms. Reister,

We are available between 2-5 p.m. 6 July to meet and confer. 2 p.m. works for us.

Regards,

Jeff

Jeffery B. Arnold
Partner



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HARTFORD WASHINGTON, D.C. ATLANTA HOUSTON DETROIT

From: Reister, Andrea [<mailto:areister@cov.com>]
Sent: Monday, June 27, 2016 10:29 AM
To: Arnold, Jeffery; Hagerty, Peter; Maxwell, Anne; Ryan, Andrew
Cc: Fox, Harold; Weeks, Dustin B.
Subject: IPR2016-01111, -01112, -01113

Counsel,

We are counsel for the above-noted IPR proceedings, and write regarding a meet and confer to discuss discovery related to Dr. Reddy's Laboratories' "definitive agreement with Teva Pharmaceutical Industries Ltd. (NYSE and TASE: TEVA) and an affiliate of Allergan plc (NYSE: AGN) to acquire a portfolio of eight Abbreviated New Drug Applications (ANDAs) in the U.S. for \$350 million in cash at closing." Press Release, Dr. Reddy's Laboratories Ltd., Dr. Reddy's to acquire product portfolio from TEVA for US Market (June 11, 2016). Analysts have reported that one of "the products Dr. Reddy's acquired [was] related to Indinavir. Dr. Reddy's

dependence treatment Suboxone.”^[1] Whether and how Dr. Reddy’s acquired either Teva’s or Allergan’s (d/b/a Actavis) interest in those ANDAs related to Suboxone is highly relevant to the above-captioned proceeding as both Teva and Actavis are time-barred from initiating this proceeding under 35 U.S.C. § 315(b).

We are available on July 6, 2016, from 2:00 PM to 5:00 PM Eastern time. Please let us know what time works best for you, and we will circulate a dial-in number for the call.

Andrea G. Reister

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^[1] Suryatapa Bhattacharya, *Dr. Reddy’s Buying Eight Drugs From Teva for U.S. Market*, Wall Street Journal, June 13, 2016, <http://www.wsj.com/articles/dr-reddys-buying-eight-drugs-from-teva-for-u-s-market-1465666107>.

^[1] Viswanath Pilla, *Dr Reddy’s to launch 4 products acquired from Teva by FY18*, Livemint, June 14, 2016, <http://www.livemint.com/Companies/ACzQxHrxnV3ClcaJ8XSfNO/Dr-Reddys-to-launch-4-products-acquired-from-Teva-by-FY18.html>.

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