
From: Krumplitsch, Susan
Sent: Wednesday, January 17, 2018 2:53 PM
To: Mao, Philip
Subject: FW: Vimovo Case II- Mylan's Counterclaims on the '698 Patent
Attachments: Stipulation to Dismiss Case II 698 patent Counterclaims_Mylan REDLINE to....docx

From: Swanson, Robert D. (Perkins Coie) [mailto:RSwanson@perkinscoie.com]
Sent: Wednesday, February 15, 2017 8:45 AM
To: Pfifferling, Danielle <Danielle.Pfifferling@finnegan.com>; Artiles, Guillermo <gartiles@mccarter.com>; DNJ Litigation - JEF <HW@McCarter.com>; Scordino, Ellen <escordino@cooley.com>; jeff.gritton@bakerbotts.com; Monroe, James <james.monroe@finnegan.com>; stephen.hash@bakerbotts.com; Krumplitsch, Susan <skrumplitsch@cooley.com>; Roorda, Jeanette <Jeanette.Roorda@finnegan.com>; shannon.kidd@bakerbotts.com
Cc: Gregory.Miller@rivkin.com; Nancy.Delpizzo@rivkin.com; Gene.Kang@rivkin.com; EsoNaproxen@perkinscoie.com
Subject: RE: Vimovo Case II- Mylan's Counterclaims on the '698 Patent

Danielle,

Please see the attached redline of our edits to your redline. Our understanding of the local rules and the scheduling orders in both cases is that we were required to serve our invalidity contentions on the '698 patent on April 15, 2016 in Case II and February 14, 2017 in Case III, which is what we have done. Please notify Mylan by COB tomorrow whether Plaintiffs will oppose the stipulation, and if so, on what basis. If Plaintiffs disagree with our understanding of the local rules and the scheduling orders, we intend to let the Court know that Plaintiffs oppose dismissal of the counterclaims at issue without prejudice (and thus oppose litigation of the claims in the most efficient manner, and in the cases Plaintiffs chose to litigate them), on the basis that Mylan complied with the scheduling order and local patent rules in Case III.

Best,
Rob

Robert Swanson | Perkins Coie LLP

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** Admission to DC pending

From: Pfifferling, Danielle [mailto:Danielle.Pfifferling@finnegan.com]
Sent: Tuesday, February 14, 2017 5:30 PM
To: Swanson, Robert D. (WDC); Artiles, Guillermo; DNJ Litigation - JEF; 'Scordino, Ellen'; jeff.gritton@bakerbotts.com; Monroe, James; stephen.hash@bakerbotts.com; Krumplitsch, Susan; Roorda, Jeanette; shannon.kidd@bakerbotts.com
Cc: Gregory.Miller@rivkin.com; Nancy.Delpizzo@rivkin.com; Gene.Kang@rivkin.com; *Eso-Naproxen
Subject: RE: Vimovo Case II- Mylan's Counterclaims on the '698 Patent

Dear Rob,

Attached is a redlined version of the draft stipulation for Mylan's consideration.

Kind Regards,

Danielle

Danielle C. Pfifferling

Attorney at Law

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

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FINNEGAN

From: Swanson, Robert D. (Perkins Coie) [<mailto:RSwanson@perkinscoie.com>]

Sent: Monday, February 13, 2017 12:16 PM

To: Artilles, Guillermo; DNJ Litigation - JEF; Pfifferling, Danielle; 'Scordino, Ellen'; jeff.gritton@bakerbotts.com; Monroe, James; stephen.hash@bakerbotts.com; Krumpitsch, Susan; Roorda, Jeanette; shannon.kidd@bakerbotts.com

Cc: Gregory.Miller@rivkin.com; Nancy.Delpizzo@rivkin.com; Gene.Kang@rivkin.com; EsoNaproxen@perkinscoie.com

Subject: RE: Vimovo Case II- Mylan's Counterclaims on the '698 Patent

Counsel, Mylan would also appreciate a response on the draft stipulation we circulated a week ago.

Thanks,
Rob

Robert Swanson | Perkins Coie LLP

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** Admission to DC pending

From: Swanson, Robert D. (WDC)

Sent: Friday, February 10, 2017 11:36 AM

To: 'Artilles, Guillermo'; 'DNJ Litigation - JEF'; 'Pfifferling, Danielle'; 'Scordino, Ellen'; 'jeff.gritton@bakerbotts.com'; 'Monroe, James'; 'stephen.hash@bakerbotts.com'; 'Krumpitsch, Susan'; 'Roorda, Jeanette'; 'shannon.kidd@bakerbotts.com'

Cc: 'Gregory.Miller@rivkin.com'; 'Nancy.Delpizzo@rivkin.com'; 'Gene.Kang@rivkin.com'; *Eso-Naproxen

Subject: RE: Vimovo Case II- Mylan's Counterclaims on the '698 Patent

Counsel,

Do Plaintiffs object to Mylan's draft stipulation? Please let us know as soon as possible, and if so, please provide times Plaintiffs are available to meet and confer.

Thanks,
Rob

Robert Swanson | Perkins Coie LLP

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2

From: Swanson, Robert D. (WDC)
Sent: Monday, February 06, 2017 8:05 AM
To: 'Artiles, Guillermo'; DNJ Litigation - JEF; 'Pffifferling, Danielle'; 'Scordino, Ellen'; jeff.gritton@bakerbotts.com; Monroe, James; stephen.hash@bakerbotts.com; Krumpitsch, Susan; Roorda, Jeanette; shannon.kidd@bakerbotts.com
Cc: Gregory.Miller@rivkin.com; Nancy.Delpizzo@rivkin.com; Gene.Kang@rivkin.com; *Eso-Naproxen
Subject: Vimovo Case II- Mylan's Counterclaims on the '698 Patent

Counsel,

As you are aware, Mylan filed counterclaims related to the '698 patent in Vimovo case II. However, given that Plaintiffs asserted the '698 patent and the related '208 patent against Mylan in the Vimovo III case, it would be more efficient for the parties and the court to litigate those patents together in the Vimovo III case. To that end, we have attached a draft stipulation to dismiss Mylan's counterclaim in case II. Please let us know by COB Wednesday if Plaintiffs agree.

Best,
Rob

Robert Swanson | Perkins Coie LLP

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