

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

Before the Honorable David Shaw
Administrative Law Judge

In the Matter of

CERTAIN STRONTIUM-RUBIDIUM
RADIOISOTOPE INFUSION SYSTEMS,
AND COMPONENTS THEREOF
INCLUDING GENERATORS

Inv. No. 337-TA-1110

COMPLAINANT BRACCO DIAGNOSTICS INC.'S RESPONSES TO
RESPONDENTS JUBILANT DRAXIMAGE, INC.'S, JUBILANT
PHARMA LIMITED'S, AND JUBILANT LIFE SCIENCES'
FOURTH SET OF INTERROGATORIES (No. 68)

Pursuant to the United States International Trade Commission's Rule of Practice and Procedure, 19 C.F.R. §§ 210.27 and 210.29 Complainant Bracco Diagnostics Inc. ("Bracco"), by its attorneys, hereby objects and responds to Respondents Jubilant DraxImage, Inc.'s, Jubilant Pharma Limited's, and Jubilant Life Sciences' (collectively "Respondents" or "Jubilant") Third Set of Interrogatories (No. 68) (the "Interrogatories" or, individually, the "Interrogatory") to Bracco as follows:

PRELIMINARY STATEMENT

All Responses are submitted as presently advised, and without prejudice to Bracco's right to modify, amend, revise, correct, supplement, add to or clarify such Responses at the appropriate time.

Bracco has not completed its discovery, investigation, research, and trial preparation. The following Responses are based solely on the information that is presently available and specifically known to Bracco. The following Responses are given without prejudice to Bracco's

right to produce evidence of any subsequently-discovered facts. Bracco reserves the right to supplement the following Responses and to change any and all Responses therein as additional facts are ascertained, analyses are made, legal research is completed and contentions are made. Bracco's Responses are subject to the Protective Order (Order No. 1).

By providing responses to these Interrogatories, Bracco does not waive any objections it may have on the grounds of relevance, authenticity, admissibility, attorney-client privilege, attorney work product, and/or any other privilege or immunity. Bracco expressly reserves the right, at any time, to object to the wording, implication, and/or characterization of any response to an Interrogatory. Finally, Bracco's objections as set forth herein are made without prejudice to Bracco's right to assert any additional or supplemental objections should Bracco discover additional grounds for such objections.

GENERAL OBJECTIONS

Bracco responds and objects to Jubilant's Interrogatories as set forth below. The following General Objections shall be applicable to, and shall be incorporated by reference in, Bracco's response to each Interrogatory, whether or not mentioned expressly in any particular response. Bracco does not waive any of its General Objections by stating specific responses and objections to any particular Interrogatory or by failing to repeat a General Objection.

1. Bracco objects to Jubilant's Instructions and Definitions to the extent that they attempt to impose upon Bracco any obligations different from or in addition to those imposed by the United States International Trade Commission's Rules of Practice and Procedure or the Ground Rules in this Investigation. Bracco further objects to Jubilant's Instructions and Definitions to the extent that they seek to embrace information and/or documentation outside of the possession, custody or control of Bracco.

2. Bracco objects to Jubilant's Interrogatories to the extent they seek disclosure of information protected by the attorney-client privilege, work-product doctrine or any other applicable privileges. Bracco hereby asserts such privileges and immunities to the extent that they are implicated by each Interrogatory, and excludes privileged and protected information from its responses. Any disclosure of such information is inadvertent and is not intended to waive privilege. An objection asserting that an Interrogatory seeks privileged information should not be construed as a representation that such information exists or existed. Such objection indicates only that the Interrogatory is of such a scope that it could embrace privileged subject matter.

3. Bracco objects to Jubilant's Interrogatories to the extent that they require the premature disclosure of expert testimony and/or expert analysis in advance of their respective deadlines governing this Investigation.

4. Bracco objects to Jubilant's Interrogatories to the extent that they seek information beyond the scope of the United States International Trade Commission's Rules of Practice and Procedure; seek discovery that is unreasonably cumulative or duplicative; are unduly burdensome and oppressive; and may otherwise be construed to require responses beyond those required by the United States International Trade Commission's Rules of Practice and Procedure.

5. Bracco objects to Jubilant's Interrogatories to the extent that they seek information and/or documents that are: (i) obtainable by Jubilant from other sources that are more convenient, less burdensome, less expensive; (ii) publicly available or otherwise is readily available to Jubilant; and/or (iii) already in Jubilant's knowledge, possession and/or control because such information has been produced, or will be produced by Bracco.

6. Bracco objects to Jubilant's Interrogatories to the extent they seek information not relevant to the issues raised in this Investigation, proportional to the needs of this Investigation, or relevant to the subject matter of this action. Nothing herein shall be construed as an admission by Bracco respecting the admissibility or relevance of any fact, or as an admission of the truth or accuracy of any characterization, description or definition of any kind contained in Jubilant's Interrogatories.

7. Bracco objects to Jubilant's Interrogatories to the extent that they are vague, ambiguous, overly broad, and/or unduly burdensome.

8. Bracco objects to Jubilant's Interrogatories to the extent the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of this Investigation, and the importance of the discovery in resolving the issues to be decided by the Commission.

9. Bracco objects to each of Jubilant's Interrogatories as unduly burdensome, insofar as any Interrogatory is cumulative or duplicative of other Interrogatories.

10. Bracco objects to Jubilant's Interrogatories to the extent that they request disclosure of Bracco's trade secrets or other confidential or proprietary business information.

11. Bracco objects to Jubilant's Interrogatories as being premature to the extent it seeks Bracco's electronically stored information (ESI) before the parties have negotiated a schedule for the exchange, if any, of ESI.

12. Bracco objects to Jubilant's Interrogatories to the extent that they seek production of information and/or documents in the possession of a third party or otherwise outside of Bracco's possession, custody or control.

13. Bracco objects to Jubilant's Interrogatories to the extent that they include terms that have not been appropriately defined. The use of such terms renders these Interrogatories unduly vague, ambiguous, and not reasonably susceptible to responses.

14. Bracco objects to Jubilant's Interrogatories to the extent they call for information that is subject to the privacy and/or confidentiality rights of third parties, either in the United States or any foreign country. Bracco will not disclose such information in responding to these Interrogatories, including, for example, clinical and individual patient level data and private information subject to the Health Insurance Portability and Accountability Act ("HIPAA"), or any other applicable privacy laws.

15. Bracco objects to Jubilant's Interrogatories to the extent they are not reasonably limited in time.

16. Bracco objects to Jubilant's Definition of "Bracco Domestic Industry Product(s)" on the grounds overly broad and unduly burdensome to the extent it purports to include any products other than the domestic industry product identified by Bracco. Bracco will construe the term "Bracco Domestic Industry Product" to mean the CardioGen-82[®] Infusion System, Model 1700 (hereinafter "Model 1700").

17. Bracco objects to each interrogatory, definition, and instruction to the extent that it contains multiple subparts or the definition or instruction renders an interrogatory compound. Such interrogatories constitute separate interrogatories that count toward the limit on interrogatories that Jubilant is permitted to propound. Bracco objects to each and every interrogatory that would exceed such limit.

18. Bracco objects to the definitions of "Complainant," "Bracco," "you," and "your" on the grounds that they are overly broad and unduly burdensome to the extent it purports to

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