

1 APPEARANCES: (Continued)

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PROCTOR HEYMAN ENERIO, LLP
3 BY: DOMINICK GATTUSO, ESQ.

4

and

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WINSTON & STRAWN, LLP
6 BY: GEORGE C. LOMBARDI, ESQ.,
SAMUEL S. PARK, ESQ.,
7 KEVIN E. WARNER, ESQ., and
RYAN B. HAUER, ESQ.
(Chicago, Illinois)

8

and

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WINSTON & STRAWN, LLP
10 BY: CHARLES B. KLEIN, ESQ., and
ILAN WURMAN, ESQ.
11 (Washington, District of Columbia)

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Counsel on behalf of Defendants

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P R O C E E D I N G S

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(REPORTER'S NOTE: The following bench trial was

19

held in open court, beginning at 3:32 p.m.)

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THE COURT: Good afternoon.

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(The attorneys respond, "Good afternoon, Your

22

Honor.")

23

THE COURT: Please have a seat.

24

On this first day of trial, let's begin by

25

noting your appearances for the record, starting with

1 plaintiffs.

2 MS. EVERETT: Your Honor, Uma Everett on behalf
3 of plaintiffs. With me this week, you will hear from my
4 colleagues, Mark Evens.

5 MR. EVENS: Good afternoon, Your Honor.

6 MS. EVERETT: Dennies Varughese.

7 MR. VARUGHESE: Good afternoon, Your Honor.

8 THE COURT: Good afternoon.

9 MS. EVERETT: And Adam LaRock.

10 MR. LaROCK: Good afternoon.

11 THE COURT: Good afternoon.

12 MS. EVERETT: Your Honor, we also have client
13 representatives here this week to attend trial. We have
14 client represents from Meda. From your left, Your Honor we
15 have Marten Osterlund from Sweden.

16 MR. OSTERLUND: Good afternoon.

17 MS. EVERETT: We have Gabrielle Endler from
18 Germany.

19 MS. ENDLER: Good afternoon.

20 MS. EVERETT: We have Matthew Polley from New
21 Jersey.

22 MR. POLLEY: Good afternoon.

23 MS. EVERETT: We also have representatives from
24 Cipla Limited.

25 Again, from your left, Your Honor, we have

1 Bhakti Patil.

2 MS. PATIL: Good afternoon.

3 MS. EVERETT: And we have Aarti Deodhar.

4 MS. DEODHAR: Good afternoon.

5 MS. EVERETT: From India.

6 THE COURT: Welcome to all of you.

7 All right. Mr. Cottrell, do you want to put
8 your appearance on the record?

9 MR. COTTRELL: I'm sorry. Fred Cottrell from
10 Richard Layton, Delaware counsel. Thank you.

11 THE COURT: Thank you. And now the other side
12 of the room.

13 MR. GATTUSO: Good afternoon, Your Honor.

14 THE COURT: Good afternoon.

15 MR. GATTUSO: Dominick Gattuso from Proctor
16 Heyman Enerio on behalf of Apotex.

17 I also have with me George Lombardi.

18 MR. LOMBARDI: Good afternoon.

19 MR. GATTUSO: Charles Klein.

20 MR. KLEIN: Good afternoon, Your Honor.

21 MR. GATTUSO: Ilan Wurman.

22 MR. WURMAN: Good afternoon.

23 MR. GATTUSO: Kevin Warner.

24 MR. WARNER: Good afternoon.

25 MR. GATTUSO: And in the back, we have Ryan

1 Hauer who isn't with us now but will be before Your Honor.

2 And then from the client Apotex, we have Robert
3 Shapiro, senior patent counsel.

4 (Mr. Shapiro nods greetings.)

5 THE COURT: Welcome and good afternoon to all of
6 you.

7 MR. GATTUSO: Thank you.

8 THE COURT: Thank you very much. So we are here
9 for trial. As I think you all know, I have another trial
10 going on upstairs I guess that is. And so that is,
11 hopefully you're aware, moving along at the pace we
12 anticipated, meaning as of now we expect we will close the
13 evidence tomorrow some time. I'll certainly be with you by
14 3:30 tomorrow.

15 If it turns out that I could be here sooner than
16 that, we'll let you know. If it works out for all of you,
17 we'll start sooner, but since that is a little bit up in the
18 air, we won't force you all to come in before 3:30 but if
19 it does work for me and it works for all of you and your
20 witnesses, we might be able to get started earlier than
21 3:30.

22 We plan to have closing argument in the jury
23 trial Thursday morning, and so if all goes according to
24 plan, we'll get the case to the jury by around lunchtime
25 Thursday, which means we could start early in the afternoon

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