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

- - -
ALCON RESEARCH, LTD.,)
)
Plaintiff,) C.A. No. 15-1159 (GMS) (SRF)
)
v.) CONSOLIDATED
)
WATSON LABORATORIES, INC.,)
)
Defendant.)

- - -
ALCON RESEARCH, LTD.,)
)
Plaintiff,)
)
v.)
)
LUPIN LTD. and LUPIN)
PHARMACEUTICALS, INC.,)
)
Defendants.)

- - -
Wilmington, Delaware
Monday, October 2, 2017
9:00 a.m.
Bench Trial - Day 1

- - -
BEFORE: HONORABLE GREGORY M. SLEET, Senior Judge, U.S.
District Court of DE

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APPEARANCES :

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-and-

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(Chicago, IL and New York, NY)

Counsel for Lupin Limited and
Lupin Pharmaceuticals, Inc.

- - -

1 THE COURT: Good morning

2 (Counsel respond "Good morning.")

3 THE COURT: Please, take your seats everyone.

4 Let's start out with introductions if we could
5 from plaintiff.

6 MS. NOREIKA: Good morning, Your Honor.

7 THE COURT: Good morning, Ms. Noreika.

8 MS. NOREIKA: For the plaintiffs, Maryellen
9 Noreika from Morris Nichols Arsht & Tunnell.

10 With me at counsel are Adam Perlman,
11 Christopher Mandernach, Joelle Justus, and in the back is
12 Christopher Suarez. They are all from Williams & Connolly.

13 We also have a representative, Peter Waibel,
14 here from Novartis, the parent of Alcon.

15 THE COURT: Good morning.

16 MS. SHARP: Good morning, Your Honor.

17 For the Watson defendants, Melanie Sharp from
18 Young Conaway, Rob Vrana also from Young Conaway.

19 And my colleagues from Carlson Caspers seated at
20 counsel are counsel table are Mark Schuman and Todd Werner.

21 We also have Jennell Bilek, Caroline Marsili,
22 and Shelleaha Jonas.

23 I have my phonetics here to make sure nobody is
24 mispronounced.

25 THE COURT: Very good.

1 MS. SHARP: In-house counsel from Watson, Jim
2 Mahanna, is also here.

3 THE COURT: Good morning.

4 MS. SHARP: Your Honor, if I may briefly
5 introduce Ms. Michelle Ovanesian. She is new from Young
6 Conaway, and here in fulfillment of her clerkship
7 requirements.

8 THE COURT: Congratulations.
9 Good morning.

10 MR. GATTUSO: Good morning, Your Honor.
11 Dominick Gattuso from Enerio Heyman Gattuso and
12 Hirzel.

13 We are representing defendant Lupin
14 Pharmaceuticals.

15 We have several people in the courtroom with us
16 today.

17 From Schiff Hardin first, Imron Aly, John Hsu,
18 and Ms. Christine Feller.

19 THE COURT: Good morning.

20 MR. GATTUSO: We also have a representative from
21 Lupin, Your Honor, Catherine Jonas.

22 THE COURT: Good morning, Ms. Jonas.

23 MR. GATTUSO: Thank you, Your Honor.

24 THE COURT: All right.

25 Hopefully, we will be able to do something

1 about the temperature.

2 It's a little warm, it seems to me.

3 You can blame GSA.

4 I have no control over them.

5 Counsel, I understand there might be an issue or
6 two before we get going that needs to be discussed.

7 MR. WERNER: Your Honor, the same issue we
8 addressed on the pretrial order related to the unexpected
9 results.

10 We wanted to preserve our objection. We didn't
11 want to interrupt anything during openings.

12 THE COURT: The objection has been preserved.

13 You can remind me what was second.

14 MR. WERNER: Your Honor, we don't believe there
15 should be any evidence of unexpected results at this trial
16 as a result of failure of proof, as a result of a lack of
17 exposure, in expert reports.

18 THE COURT: I don't remember the discussion, but
19 it's likely that I might have. We would see.

20 MR. WERNER: Your Honor said we will see how it
21 goes and I will rule at the time when the evidence comes in.

22 THE COURT: Your objection is certainly noted.

23 I am prepared to entertain opening statements.

24 THE COURT: Counsel, we will break at about
25 12:30 for lunch, we will take as-needed breaks for comfort.

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