

WALSH
PIZZI
O'REILLY
FALANGA

ONE RIVERFRONT PLAZA
1037 Raymond Blvd., Suite 600
Newark, NJ 07102
T: 973.757.1100
F: 973.757.1090
WALSH.LAW

Liza M. Walsh
Direct Dial: (973) 757-1101
lwalsh@walsh.law

November 15, 2018

VIA ECF AND FIRST-CLASS MAIL

Honorable Claire C. Cecchi, U.S.D.J.
United States District Court for the District of New Jersey
Martin Luther King Jr. Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

**Re: *Janssen Pharmaceuticals, Inc., et al. v. Teva Pharmaceuticals USA, Inc.*
Civil Action No: 2:18-00734 (CCC-MF)**

Dear Judge Cecchi:

This firm, together with Kirkland & Ellis LLP, represents Defendant Teva Pharmaceuticals USA, Inc. ("Teva") in the above-referenced matter. We write on behalf of the parties to advise the Court that the parties have reached agreement with respect to the claim construction issues discussed with the Court at the November 13, 2018 telephone conference. Specifically, Teva has withdrawn the argument that the claim term in dispute—"average particle size (d50) of from about 1600 nm to about 900 nm"—is insolubly ambiguous without prejudice to Teva's ability to present the remainder of its indefiniteness arguments with respect to this claim term at the appropriate stage of the case following the close of expert discovery, as discussed with the Court on November 13, 2018. The parties agree that there remain no claim construction issues for the Court to address at this time.

In view of the foregoing, the parties believe that the November 15, 2018 2:00 PM telephone conference with the Court is unnecessary. The parties appreciate the Court's consideration of this submission and remain available should Your Honor have any questions or would like to hear further from the parties.

Respectfully submitted,

s/Liza M. Walsh

Liza M. Walsh

cc: All Counsel of Record (via ECF & email)