

Weir, Dana R.

From: Faegenburg, Russell W <rfaegenburg@lernerdavid.com>
Sent: Tuesday, May 10, 2016 3:39 PM
To: Weir, Dana R.; Mentlik, William L; Fuller, Maegan A; Roth, Stephen F; Wepner, Roy H; Barberio, Claudia; Ghilino, Denise; Van Buskirk, Tedd W; Lane, Andrew T; Baig, Mirza; Dowell, Jonathan
Cc: Helsinn-Aloxi-PH; 'Charles Lizza'; 'wbaton@saul.com'; 'Jamie Lucia'; 'David Moses'; 'Mark Waddell (mwaddell@loeb.com)'; 'kgersh@loeb.com'; 'Sullivan, Sarah A.' (ssullivan@saul.com)
Subject: Helsinn v. DRL

Dana,

To streamline the issues for trial, DRL will not be contending at trial that claim 6 of the '980 Patent or claim 27 of the '094 Patent are invalid for obviousness, for lack of enablement, or for lack of an adequate written description. DRL maintains its contention that it does not infringe those claims based on the lack of a chelating agent in the accused products — the issue to be tried in the infringement case involving claim 9 of the '724 Patent. DRL also reserves its rights with respect to claim 6 of the '980 Patent and claim 27 of the '094 Patent concerning the on-sale bar defense, which is to be governed by a stipulation between the parties.

Sincerely yours,

Russ

Russell W. Faegenburg

Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090
Phone: 908-518-6367
rfaegenburg@ldlkm.com

CONFIDENTIALITY and PRIVILEGE NOTICE: The information contained in this email message and any attachments originated from Lerner David Littenberg Krumholz & Mentlik LLP, are covered by the Electronic Communications Privacy Act, 18 USC § 2510 et seq., and are exclusively for the use of the intended recipient. They may contain legally privileged, confidential information or work product subject to attorney-client privilege or otherwise protected from disclosure. No waiver of any privilege is intended. If you are not the intended recipient or a person responsible for delivering this message to the intended recipient, you are hereby notified that the unauthorized use, disclosure, distribution or copying is strictly prohibited and may be in violation of court order or otherwise unlawful. If you have received this transmission in error, please immediately notify us at (908) 654-5000 (Collect, if necessary).