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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

HELSINN HEALTHCARE, S.A. and
ROCHE PALO ALTO, LLC,

Plaintiffs,

-vs-

DR. REDDY'S LABORATORIES, LTD.,
DR. REDDY'S LABORATORIES, INC.,
TEVA PHARMACEUTICALS USA, INC.,
and TEVA PHARMACEUTICAL
INDUSTRIES, LTD.

Defendants.

CIVIL ACTION NUMBERS:

11-3962

TRIAL

Clarkson S. Fisher United States Courthouse
402 East State Street
Trenton, New Jersey 08608
June 2, 2015

B E F O R E: THE HONORABLE MARY L. COOPER
UNITED STATES DISTRICT JUDGE

Certified as True and Correct as required by Title 28, U.S.C.,
Section 753

/S/ Regina A. Berenato-Tell, CCR, CRR, RMR, RPR
/S/ Carol Farrell, CCR, CRR, RMR, CCP, RPR, RSA

Dr. Reddy's Laboratories, Ltd., et al.

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/S/ Carol Farrell, CCR, CRR, RMR, CCP, RPR, RSA

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I N D E X

WITNESS DIRECT CROSSREDIRECT RECROSS

OPENING ARGUMENTS:

By Mr. Lombardi, 13

By Ms. O'Malley 61

GIORGIO CALDERARI

By Mr. Lombardi 105

1 do that, 505(b)(2), and there are generics who have tried that
2 with palonosetron.

3 So this copying is not mandated with respect to these
4 facts and these patent claims. And, in fact, you know, this
5 whole notion of copying being a secondary consideration, the
6 thought behind it is, if you don't think much of our
7 invention, don't use it, go do your own thing. And some
8 tried.

9 Now, I'm going to switch gears here and talk about
10 the on-sale bar. And we have several arguments with respect
11 to the on-sale bar. The post-AIA '219 claimed invention was
12 not available to the public, and, therefore, not subject to
13 the on-sale bar, that's the subject of the summary judgment
14 briefing. I'm not going to spend a lot of time on the law.
15 You have that in your files.

16 I will comment that this notion that this patent is
17 litigation inspired, I don't know what that means. Helsinn
18 took advantage of lawful avenues to petition the government.
19 The law had changed. We did not change the law. And now we
20 believe the law, as it applies today to these patents, takes
21 the on-sale bar completely off the table.

22 And then our arguments are going to be that the SP and
23 Oread agreements were not commercial --

24 THE COURT: If you have to be under the pre-AIA
25 version, is that this series of arguments or --