

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ALLERGAN, INC.,) CASE NO: 2:15-CV-01455-WCB
)
Plaintiff,) CIVIL
)
vs.) Washington, DC
)
TEVA PHARMACEUTICALS USA, INC.,) Tuesday, August 1, 2017
ET AL.,)
)
Defendant.)

HEARING

BEFORE THE HONORABLE WILLIAM C. BRYSON,
SENIOR UNITED STATES CIRCUIT JUDGE

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Continued on Page 2

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1 Washington, D.C.; Tuesday, August 1, 2017

2 (Call to order)

3 **THE CLERK:** All rise.

4 **THE COURT:** Good morning, please be seated.

5 **MR. SPEAKER:** Good morning.

6 **THE COURT:** We're here on motions for summary
7 judgment and pretrial conference in Number 2:15-cv-1455 in the
8 Eastern District of Texas. We have a lot to cover today so why
9 don't we just get started right in. What I want to do first, I
10 have some preliminary matters I'd like to attend to, and then
11 we'll go into the discussion of the summary judgment motions
12 and, if need be, discuss the matters to be taken up as part of
13 the pretrial conference. Now, the first order of business is
14 to deal with the venue point. We issued an order yesterday
15 regarding Mylan's objections -- continuing objections to venue.
16 What I'd like to do is have -- and this is my general practice
17 in these things, is have counsel for each side up at the
18 lectern. By and large, I will conduct proceedings through
19 questioning rather than having you make long statements. I've
20 read all the papers so I'm familiar with the points being made,
21 and I'd like to try to minimize the amount of time of popping
22 up and popping down. On this one I don't know that we need to
23 do that, but in general let's follow that practice. And let's
24 also -- this is more in the nature of a question but -- oh, I
25 assume and would prefer to have one counsel for each side

1 arguing each motion. Now, that doesn't mean one person has to
2 argue everything. It means that I'd like to hear from one
3 party and not multiple parties on each motion. Is that
4 consistent with what you intend?

5 **(No audible response)**

6 Very good. So why don't we first then have Mylan's
7 position on venue?

8 **MS. DEVINE:** Good morning, your Honor, Wendy Devine
9 on behalf of Mylan. Mylan has chosen to waive the venue
10 objection.

11 **THE COURT:** Okay, you're waiving the objection to
12 venue.

13 **MS. DEVINE:** Correct.

14 **THE COURT:** Okay, I think that solves that problem.

15 **MS. DEVINE:** Thank you.

16 **THE COURT:** Is there any -- is there -- let me ask
17 this question. Ms. Devine, just a moment. I find myself
18 sometimes in the awkward position of having not asked the
19 question that I should have asked in the midst of someone
20 saying they agree to something. So let me ask Allergan's
21 counsel if there's anything more that I should be asking with
22 respect to the question of whether the waiver is -- whether
23 you're satisfied with the waiver. What I -- obviously what I
24 don't want to have happen is to have this issue pop up again
25 later. I mean, if -- I want us to be on the same page, we're

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