

1 (All parties and counsel listed on Signature Page)

2

3

4

5

6

7

8

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

9

10 TAKEDA PHARMACEUTICAL CO., LTD.,
11 TAKEDA PHARMACEUTICALS U.S.A.,
12 INC., AND TAKEDA
13 PHARMACEUTICALS AMERICA, INC.,

Plaintiffs,

13

vs.

14

15 MYLAN INC. AND
16 MYLAN PHARMACEUTICALS INC.,

Defendants.

16

17 TAKEDA PHARMACEUTICAL CO., LTD.,
18 TAKEDA PHARMACEUTICALS U.S.A.,
19 INC., AND TAKEDA
20 PHARMACEUTICALS AMERICA, INC.,

Plaintiffs,

20

vs.

21

22 MYLAN INC. AND
23 MYLAN PHARMACEUTICALS INC.,

Defendants.

23

24

25

26

27

28

Case No. 5:13-cv-4001 LHK (PSG)

**STIPULATION AND ~~PROPOSED~~
ORDER TO RELATE AND
CONSOLIDATE CASES**

Judge: Hon. Lucy H. Koh
Magistrate Judge: Hon. Paul S. Grewal

Case No. 5:13-cv-4002 LHK (PSG)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TAKEDA PHARMACEUTICAL CO., LTD.,
TAKEDA PHARMACEUTICALS U.S.A.,
INC., AND TAKEDA
PHARMACEUTICALS AMERICA, INC.,

Plaintiffs,

v.

MYLAN INC. AND
MYLAN PHARMACEUTICALS INC.,

Defendants.

Case No. 3:14-cv-314 EMC

1 Plaintiffs Takeda Pharmaceutical Company Limited, Takeda Pharmaceuticals U.S.A, Inc.,
2 and Takeda Pharmaceuticals America, Inc. (collectively, “Takeda”), and Defendants Mylan Inc.
3 and Mylan Pharmaceuticals Inc. (collectively, “Mylan”), hereby stipulate through their respective
4 attorneys as follows:

5 WHEREAS, the above-captioned actions, *Takeda Pharmaceutical Co., Ltd. et al. v.*
6 *Mylan Inc. and Mylan Pharmaceuticals Inc.*, No. 5:13-cv-4001 LHK (PSG) (N.D. Cal.) (the
7 “4001 Action”); *Takeda Pharmaceutical Co., Ltd. et al. v. Mylan Inc. and Mylan*
8 *Pharmaceuticals Inc.*, No. 5:13-cv-4002 LHK (PSG) (N.D. Cal.) (the “4002 Action”); and
9 *Takeda Pharmaceutical Co., Ltd. et al. v. Mylan Inc. and Mylan Pharmaceuticals Inc.*, No. 3:14-
10 cv-314 EMC (N.D. Cal.) (the “314 Action”), between Takeda and Mylan are pending in this
11 District;

12 WHEREAS, the Court related the 4001 and 4002 Actions to each other pursuant to Civil
13 Local Rule 3-12 on October 23, 2013, Order Relating Cases Pursuant to Civil Local Rule 3-12
14 [No. 5:13-cv-4001 D.N.30; No. 5:13-cv-4002 D.N. 25];

15 WHEREAS, during the Case Management Conference held in the 4001 and 4002 Actions
16 on February 5, 2014, the Court suggested that, in the interest of efficiency and conservation of
17 resources, the 314 Action should also be related to the 4001 and 4002 Actions;

18 IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, as
19 follows.

20 1. The 314 Action should be designated as related to the 4001 and 4002 Actions
21 pursuant to Local Civil Rule 3-12.

22 2. The 4001, 4002, and 314 Actions shall be consolidated for all purposes, including
23 trial, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure.

24 3. The schedule set by the Court in the 4001 and 4002 Actions during the Case
25 Management Conference held on February 5, 2014 as well as any related case management order
26 entered by the Court shall apply to the 314 Action.

27 4. Solely for the purpose of the 314 Action, Counsel of Record for Mylan in the 4001
28 and 4002 Actions will accept service by electronic mail of the summons and complaint in the 314

1 Action on behalf of Mylan. Notwithstanding the foregoing, as of the date of this stipulation,
2 service has not been made in the 314 Action. The timing for Mylan to answer or otherwise move
3 against the complaint in the 314 Action will be determined by the date upon which service is
4 perfected.

5
6 DATED: February 7, 2014

TAKEDA PHARMACEUTICAL CO., LTD.,
TAKEDA PHARMACEUTICALS U.S.A., INC.,
AND TAKEDA PHARMACEUTICALS
AMERICA, INC.

9 By: /s/ Heather E. Takahashi

10 Jeffrey I. Weinberger (SBN 056214)

jeffrey.weinberger@mto.com

11 Ted G. Dane (SBN 143195)

ted.dane@mto.com

12 Heather E. Takahashi (SBN 245845)

heather.takahashi@mto.com

13 Ryan N. Hagglund (*pro hac vice*)

ryan.hagglund@mto.com

14 MUNGER, TOLLES & OLSON LLP

355 South Grand Ave., 35th Floor

15 Los Angeles, CA 90071-1560

Telephone: (213) 683-9100

16 Facsimile: (213) 687-3702

17 Eric K. Chiu (SBN 244144)

eric.chiu@mto.com

18 Tina W. Arroyo (SBN 272757)

tina.arroyo@mto.com

19 MUNGER, TOLLES & OLSON LLP

560 Mission Street

20 San Francisco, California 94105-2907

Telephone: (415) 512-4000

21 Facsimile: (415) 512-4077

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MYLAN INC. AND
MYLAN PHARMACEUTICALS INC.

By: /s/ Ryan W. Koppelman
Ryan W. Koppelman (SBN 290704)
ryan.koppelman@alston.com
ALSTON & BIRD LLP
275 Middlefield Road, Suite 150
Menlo Park, California 94025-4008
(650) 838-2000 (telephone)
(650) 838-2001 (facsimile)


Deepro R. Mukerjee (*pro hac vice*)
deepro.mukerjee@alston.com
Alexander S. Lorenzo (*pro hac vice*)
alexander.lorenzo@alston.com
Poopak Banky (*pro hac vice*)
paki.banky@alston.com
ALSTON & BIRD LLP
90 Park Avenue
New York, New York 10016-1387
(212) 210-9400 (telephone)
(212) 922-3975 (facsimile)

Bryan Skelton (*pro hac vice forthcoming*)
bryan.skelton@alston.com
ALSTON & BIRD LLP
4721 Emperor Boulevard, Suite 400
Raleigh, North Carolina 27703-8580
(919) 862-2200 (telephone)
(919) 862-2537 (facsimile)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: February 7, 2014



THE HONORABLE LUCY H. KOH
UNITED STATES DISTRICT JUDGE

Filer's Attestation

I, Heather E. Takahashi, am the ECF user whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER TO RELATE AND CONSOLIDATE CASES. In compliance with General Order 45.X.B., I hereby attest that the above-named signatories concur in this filing.

DATED: February 7, 2014

/s/ Heather E. Takahashi
Heather E. Takahashi