



**VIA FACSIMILE**

November 12, 2010

Hon. Esther Salas, U.S.M.J.  
U.S. District Court for the District of New Jersey  
Martin Luther King Building & US Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

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**Re: Novartis AG, et al. v. Mylan Inc. et al., Civil Action No. 09-3604-PGS-ES  
Novartis AG., et al. v. Apotex Inc. et al., Civil Action No. 09-5614-PGS-ES**

Dear Judge Salas:

We, along with Fitzpatrick, Cella, Harper & Scinto, represent the Novartis plaintiffs in the two actions referenced above. We write to follow up on our conversation with Chambers this morning regarding the joint submission due to the Court on November 16, 2010.

The Court's October 27, 2010 Letter Order called for delivery of a single joint submission to cover all outstanding discovery disputes between the parties. But due to the need to prevent disclosure of certain confidential information between the Mylan and Apotex defendants when addressing the disputed requests for admissions ("RFA"), the parties proposed that such disputes be addressed separately.

Thus, the parties proposed submitting three submissions on November 16 that address the following:

- (1) defendants' issues with Novartis' discovery responses and Novartis' request for cost-shifting;
- (2) Novartis' issues with Mylan's RFA responses; and
- (3) Novartis' issues with Apotex's RFA responses.

A separate joint table and appendix will be provided for each submission.

Based on our conversation with Chambers this morning, we understand that the Court is amenable to proceeding in this fashion, and respectfully ask that Your Honor "So Order" this request.

Respectfully,

*S/William J. O'Shaughnessy*

William J. O'Shaughnessy

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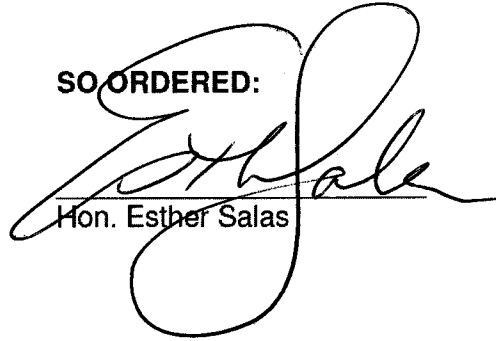
Hon. Esther Salas, U.S.M.J.  
November 12, 2010  
Page 2

Cc: All Counsel (Via E-mail)

Date:

11/16/10

**SO ORDERED:**



Hon. Esther Salas