

Arnold B. Calmann (abc@saiber.com)
Jakob B. Halpern (jbh@saiber.com)
SAIBER LLC
One Gateway Center, Suite 1000
Newark, NJ 07102
T: (973) 645-5311

William A. Rakoczy (wrakoczy@rmmslegal.com)
Paul J. Molino (paul@rmmslegal.com)
Rachel Pernic Waldron (rpernicwaldron@rmmslegal.com)
Anuj K. Wadhwa (awadhwa@rmmslegal.com)
RAKOCZY MOLINO MAZZOCHI SIWIK LLP
6 West Hubbard Street, Suite 500
Chicago, IL 60654
T: (312) 527-2157

*Attorneys for Defendant/Counterclaim-Plaintiff
Apotex Inc. and Defendant Apotex Corp.*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

AMARIN PHARMA, INC. and AMARIN
PHARMACEUTICALS IRELAND LIMITED,

Plaintiffs,

v.

APOTEX INC., and APOTEX CORPORATION

Defendants.

C.A. No. 3:14-cv-02550-MLC-TJB

APOTEX INC. AND APOTEX CORP.'S
RESPONSE TO PLAINTIFFS' MOTION
TO DISMISS FOR LACK OF SUBJECT
MATTER JURISDICTION

DOCUMENT FILED ELECTRONICALLY

JURY TRIAL DEMANDED

Defendants Apotex Inc. and Apotex Corp. (collectively "Apotex") respectfully submit this response to Plaintiffs' Motion to Dismiss for Lack of Subject Matter Jurisdiction (ECF No. 100).

Apotex takes no position on the merits of Amarin Pharma, Inc. and Amarin Pharmaceuticals Ireland Limited's (collectively, "Amarin") motion, other than to say that it is

premature under the present circumstances. If, as Amarin suggests, the Food and Drug Administration (“FDA”) is currently considering whether to grant five-year (or NCE) exclusivity on remand, then any action on this suit would be premature at best, and should not preempt whatever administrative action FDA intends to take. Thus, it is respectfully submitted that the Court should simply continue the stay of this action, and hold the motion to dismiss in abeyance, pending resolution of FDA’s consideration of the NCE exclusivity issue. No party should be prejudiced by a continued stay, which will preserve not only the status quo, but also the time and resources of the parties and the Court. A proposed order continuing the stay of this case is submitted herewith.

Dated: August 25, 2015

Respectfully submitted,

SAIBER LLC

*Attorneys for Defendant/Counterclaim-Plaintiff
Apotex Inc. and Defendant
Apotex Corp.*

/s/ Arnold B. Calmann

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Jakob B. Halpern

SAIBER LLC

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Of Counsel:

William A. Rakoczy

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