**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF DELAWARE**

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| KING PHARMACEUTICALS RESEARCH AND DEVELOPMENT, INC., ASTELLAS US LLC and ASTELLAS PHARMA US, INC.,<br><br>**Plaintiffs,**<br><br>v.<br><br>SICOR, INC. and SICOR PHARMACEUTICALS, INC.,<br><br>**Defendants.** | Civil Action No.: 05-0337-SLR<br><br>**PUBLIC VERSION** |

**THIRD NOTICE OF DEPOSITION OF SICOR, INC. AND SICOR PHARMACEUTICALS, INC. PURSUANT TO FED. R. CIV. P. RULE 30(b)(6)**

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Originally filed: February 9, 2006
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**PLEASE TAKE NOTICE** that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiffs Astellas US, LLC, Astellas Pharma US, Inc., and King Pharmaceuticals Research and Development, Inc. shall take the deposition of Defendants Sicor, Inc. and Sicor Pharmaceuticals, Inc. (collectively "Sicor"). The oral examination of Sicor shall begin at 9:30 a.m. on March 21, 2006, at the offices of Morris, James, Hitchens & Williams LLP, 222 Delaware Avenue, 10th Floor, Wilmington, Delaware 19801, or at another mutually agreed-upon time and location. The deposition will be taken before a notary public or some other officer authorized to administer oaths under the law, will be recorded by stenographic means and by videotape, and will continue from day to day until completed.

In accordance with Rule 30(b)(6), Sicor is requested to designate one or more officers, directors, managing agents, or other persons authorized to testify on Sicor's behalf "as to matters known or reasonably available to" Sicor regarding the subjects identified in Schedule A. Plaintiffs also request that Sicor provide Plaintiffs with written notice at least five (5) business days before the deposition of the name of each witness and of the matters set forth in Schedule A as to which each witness will testify.

This deposition shall be for the purpose of discovery, memorializing the testimony of the corporation on the topics identified in this Third Notice, for use at trial and other proceedings between the parties, and any and all other uses permitted by the Federal Rules of Civil Procedure and Evidence.

You are invited to attend and examine the witness(es).

Dated: February 9, 2006

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## SCHEDULE A

## DEFINITIONS

1. The term "Sicor" (*see* Stipulation of Dismissal, [D.I. 10]) refers to Sicor Inc., Sicor Pharmaceuticals, Inc., Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries, Ltd. (collectively "Teva"), and, whether owned wholly or only partially, Sicor subsidiaries, affiliates, divisions, and corporate predecessors, and Teva corporate predecessors, and every present and former director, agent, employee, consultant, expert, attorney, representative, nominee, and all other persons acting or purporting to act on behalf of those corporations, subsidiaries, affiliates, divisions, and predecessors.

2. The term "Accused Product(s)" shall refer to Sicor's proposed Adenosine Injection, USP, 60mg/20ml and 90mg/30ml as specified in ANDA No. 77-425, and/or referred to in Defendants' Supplemental Preliminary Non-Infringement Contentions Regarding U.S. Patent No. 5,070,877 as "Sicor's Adenosine Product."

3. The term "the '877 patent" shall mean U.S. Patent No. 5,070,877.

4. The terms "Paragraph III certification" and "Paragraph IV certification" refer to certifications made in accordance with § 505(j)(2)(A)(vii) of Title 1 of the Federal Food, Drug, and Cosmetic Act.

5. The use of a verb in any tense shall be construed as the use of the verb in all other tenses, and the singular form shall be deemed to include the plural and vice-versa.

6. The words "or" and "and" shall be read in the conjunctive and in the disjunctive wherever they appear, and neither of these words shall be interpreted to limit the scope of a request.

7. As used herein, "include" and "including" shall be construed to mean "without limitation," so as to acquire the broadest meaning possible.

8. As used herein, "any" and "all" shall each be construed to mean "each and every," so as to acquire the broadest meaning possible.

9. As used herein, "relating" to any given subject means, without limitation, identifying, describing, discussing, concerning, assessing, stating, reflecting, constituting, containing, embodying, tending to support or refute, referring directly or indirectly to, in any way, the particular subject matter identified.

**CONTAINS SICOR HIGHLY CONFIDENTIAL INFORMATION**

## TOPICS OF EXAMINATION

**REDACTED**

6. The factual bases for Sicor's denial of the averments of Paragraph 30 of the Complaint in this action.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 6th day of March, 2006, I electronically filed the foregoing document, **PUBLIC VERSION OF THIRD NOTICE OF DEPOSITION OF SICOR, INC. AND SICOR PHARMACEUTICALS, INC. PURSUANT TO FED. R. CIV. P. RULE 30(b)(6)**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

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Additionally, I hereby certify that on the 6th day of March, 2006, the foregoing document was served via email on the following non-registered participants:

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