EXHIBIT A

Nolan-Stevaux, Katherine

From: Fleming, Porter [PFleming@flhlaw.com]
Sent: Tuesday, June 14, 2011 5:07 AM
To: Evans, Emily A.
Cc: Bassi, Gina; Chen, Angus; cottrell@rlf.com; Haug, Ed; Kristin Goran; Lombardi, George; MacDonald Ulrich, Lynn; Mano Johnson, Julia; Walters, Mark P.; Megan Haney; John Phillips; Richard Herrmann; William Long; Robinson, Christopher; McMahon, Brian F.; msquire@ycst.com; Norman, Elena; kristin.goran@sutherland.com; Mary Matterer; Bassi, Gina; Poullaos, Ivan; Rurka, Maureen; Gilloon, Sara; ipoullaos@winston.com; cessig@winston.com; sgilloon@winston.com; smaxfield@winston.com; ppratt@winston.com; Nolan-Stevaux, Katherine; APP; Meehan, Maura
Subject: RE: MedCo: scheduling meet-and-confer and remaining APP depositions

Emily -- As I told you yesterday, it will be very difficult to have a meet and confer today. I am in our annual Partners' Meeting and will be traveling this evening. To the extent Ms. Dron is unavailable the week of June 27 and the entire month of July, I would encourage you to find another witness who can testify on the Rule 30 (b)(6) topics. Please suggest an alternative witness and available dates. We are still working on our dates and witnesses to propose to you. I hope to have more information by the end of this week or next week. Porter

Porter F. Fleming, Esq.
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From: Evans, Emily A. [mailto:EEvans@mofo.com]
Sent: Monday, June 13, 2011 7:15 PM
To: Fleming, Porter
Cc: Bassi, Gina; Chen, Angus; cottrell@rlf.com; Fleming, Porter; Haug, Ed; Kristin Goran; Lombardi, George; MacDonald Ulrich, Lynn; Mano Johnson, Julia; Walters, Mark P.; Megan Haney; John Phillips; Richard Herrmann; William Long; Robinson, Christopher; McMahon, Brian F.; msquire@ycst.com; Norman, Elena; kristin.goran@sutherland.com; Evans, Emily A.; Mary Matterer; Bassi, Gina; Poullaos, Ivan; Rurka, Maureen; Gilloon, Sara; ipoullaos@winston.com; cessig@winston.com; sgilloon@winston.com; smaxfield@winston.com; ppratt@winston.com; Nolan-Stevaux, Katherine; APP; Meehan, Maura
Subject: MedCo: scheduling meet-and-confer and remaining APP depositions

Porter,

Following up on the hearing today, we are available to meet and confer this afternoon and evening. We are also available to meet and confer at the following times tomorrow, Pacific: 10:00am-11:00am and 1:00pm-2:00pm. If none of those times works for you, we could also meet and confer tomorrow morning at 7:30am-8:30am Pacific.

As discussed in APP's letter below, Ms. Dron will be unavailable for deposition in July.

She will be out of the country the entire month of July. In addition, we will not be able to present either witness during the weeks of June 27 and July 4. If the BVL depositions proceed during the week of July 11, then we also will not be able to present the APP witnesses during that week either.

Please let us know when you are available to meet and confer and when MedCo will take the remaining APP depositions.

Emily

Emily A. Evans
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From: Nolan-Stevaux, Katherine

Sent: Monday, June 13, 2011 12:00 PM

To: Angus Chen; Bill Long; Christopher B. Essig; Ed Haug; Elena Norman; Frederick Cottrell; George C. Lombardi; Gina M. Bassi; Ivan M. Poullaos; John C. Philips; Julia Mano Johnson; Kristin Goran; Laura D. Hatcher; Lynn MacDonald Ulrich; Mark P. Walters; Maureen Rurka; Megan C. Haney; Monté T. Squire; P. Pratt; Porter F. Fleming; Richard Herrman; S. Maxfield; Sara E. Gilloon

Subject: MedCo v. Teva et al: Correspondence to Mr. Chen and Mr. Walters

Counsel,

Please see the attached correspondence.

Best wishes,
Katie

<<2011-06-13 KNS to Walters re APP depositions.pdf>> <<2011-06-13 KNS to Chen re MedCo depositions.pdf>>

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EXHIBIT B

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May 10, 2011

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Sent via E-Mail

Porter Fleming
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745 Fifth Avenue
New York, NY 10151

Re: *The Medicines Company v. Teva Parenteral Medicines, Inc. et al.*, 09-cv-750-ECR (D. Del.) (consolidated)

Dear Porter:

I write regarding MedCo's responses to APP's Request for Admission No. 20 and APP's Interrogatory Nos. 6 and 24. MedCo's responses are in direct conflict.

RFA 20 asks: "Admit that the Certificate of Analysis for each batch of Angiomax accurately states the percentage Asp^9-bivalirudin impurity level, percent total impurity level, and reconstitution time for that batch." (APP's Third Set of RFAs, served 4/1/2011.) MedCo's responded: "Denied. [MedCo] has no basis to admit or deny this request as [MedCo] does not create the Certificates of Analysis for Angiomax. [MedCo's] contract manufacturer creates the Certificates of Analysis for Angiomax." (MedCo's 5/5/2011 Response to RFA 20; *see also* MedCo's 5/5/2011 Response to Interrogatory No. 24.) MedCo did not aver that it had made a reasonable inquiry as required under Federal Rule of Civil Procedure 36(a)(4). MedCo's response suggests that MedCo disputes the accuracy of the Certificates of Analysis for Angiomax.

MedCo takes the opposite position in its response to APP Interrogatory No. 6. That interrogatory asked for the same three characteristics—percent Asp^9-bivalirudin impurity, percent total impurities, and reconstitution time—by batch of Angiomax. MedCo's Third Supplemental Response does not recite the requested characteristics by batch, as APP had requested. (11/23/2010 ltr. From C. Robinson to P. Fleming.) Instead, MedCo invoked Federal Rule of Civil Procedure 33(d) and provided a list of Bates numbers for Angiomax Certificates of Analysis – the very same Certificates that MedCo now refuses to admit are accurate.

Federal Rule of Civil Procedure 33(d) allows parties to identify business records in response to an interrogatory in lieu of a narrative response, but only "[i]f the answer to an interrogatory may be determined by examining" the cited records. Fed. R. Civ. P. 33(d). The point of Rule 33(d) is that by referring to specific documents, a party verifies that the information contained therein *will answer* the question posed. MedCo cannot have it both ways. MedCo cannot rely on the Certificates of Analysis in its Interrogatory Response under Rule 33(d) and then, in its RFA response, disavow their accuracy.

MedCo's objection that "MedCo's contract manufacturer creates the Certificates of Analysis for Angiomax" and therefore that Med has no basis to for affirming their accuracy, is without merit. Rule 33(d) may be invoked "if the answer to an interrogatory may be determined by examining ... *a party's* business records." (emphasis added.) MedCo cited to the Certificates as its own business records. Additionally, MedCo relies on these same Certificates—and the numbers they contain—to comply with FDA product release specifications for Angiomax. Again, MedCo seeks to have it both ways.

MedCo must either admit RFA 20 or supplement its response to Interrogatory No. 6 to recite the information APP requests, by batch, for all batches of Angiomax: percent Asp^9-bivalirudin impurity, percent total impurities, and reconstitution time. With the deposition of named inventor Gary Musso scheduled for next week at your offices, APP expects a response by close of business Friday, May 13. We are generally available this week to meet and confer on this issue.

Sincerely,

Emily A. Evans

cc: Counsel of Record
BY EMAIL

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May 25, 2011

Angus Chen
achen@flhlaw.com

VIA EMAIL

Emily A. Evans, Esq.
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755 Page Mill Road
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Re: *The Medicines Company v. Teva Parenteral Medicines, Inc., et al.*,
Civil Action No. 09-cv-750 (ECR) (D. Del.) (Consolidated)

Dear Emily:

We respond to your May 10th letter regarding The Medicines Company's responses to APP's Request for Admission No. 20 and APP's Interrogatory No. 6. We disagree with your characterizations of The Medicines Company's responses.

The Medicines Company's response to APP's Request for Admission No. 20 is consistent with its response to APP's Interrogatory No. 6. The Medicines Company properly relied on Rule 33(d) to identify the Certificates of Analysis for Angiomax batches as The Medicines Company's business records that it receives from its contract manufacturer, Ben Venue. The Medicines Company does not create the Certificates of Analysis, however, and has no basis to affirm their accuracy. Moreover, APP will be taking the depositions of Ben Venue (Rule 30(b)(6) and individual employees). Thus APP will have the opportunity to, and more appropriately, confirm the accuracy of Ben Venue's records with Ben Venue itself. The Medicines Company's response to APP's Request for Admission No. 20 is appropriate.

Regards,

Angus Chen/AR

Angus Chen

cc: Counsel of Record

EXHIBIT C

EXHIBIT REDACTED IN ITS ENTIRETY

EXHIBIT D

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May 31, 2011

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Via E-Mail

Angus Chen
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New York, NY 10151

Re: *The Medicines Company v. Teva Parenteral Medicines, Inc. et al.*,
09-cv-750-ECR (D. Del.) (consolidated)

Dear Angus:

I write regarding MedCo's privilege log.

As MedCo bears the burden to establish that privilege applies to each of the documents on its privilege log, please identify the affiliation of the individuals on the attached document at the time of the relevant communications. To the extent that any individual was employed by a third party at that time, please explain why the claimed privilege was not waived.

I look forward to your response by June 6th.

Very truly yours,

Katherine Nolan-Stevaux

Enclosure

cc: Counsel of Record
BY EMAIL

pa-1467335

Antoine, Natalie
Arnold, Desiree
Azevedo, Mario
Bailer, Joseph
Baker, Hollie
Balzer, Chris
Banki, Reza
Bille, Vincent
Blader, Kris
Blake, Mathew
Bloom, David
Bradfield, Amanda
Brady Jason - Allendale
Brichard, M.H.
Brieden, Walter
Brown, Jennifer
Cappuccino, Nicholas
Cardullo, Joseph
Castaneda, Carlo
Christopher, Jamie
Clark, Elizabeth
Clegg, John
Clement, Susan
Cory, Betty
Deeth, Doug
DeSantis, Wayne
DiGiacomo, Frank
Doshi, Ami
Duwe, Donald
Eisenman, Elaine
Eric - Braine, Bironneau
Forni, Luciano
Francis, John
Franzese, Margaret
Friedman, Stu
Gaunt, John S.
Grady, Rosemary
Gray, Amanda
Hayes, Kristin
Henderson, D.
Humeniuk, Andrew
Indiana Board of Pharmacy Professional Licensing Agency
James - Braine, Leresche
Joughin, Jeannie
Juran, Belinda
Kiley, John
Robinson, Laura

Lechien, M.
Lee, Kelly
Ruderman, Lisa
Magensky, Brian
Makhoul, Kelly
Malkin, Brian
Marcel, Tony
Marks, Joshua
Marti, Eva
Marucci, Sandra
Matthieu - Visp, Giraud
Mchugh, D.
Moore- Gillon, Mark
Morales, Nancy
Neeson, William
Norbert - Basel, Riegler
Norris, A.
Patel, Amit
Redlick, David
Reynolds, Doug
Ruderman, Lisa
Salerno, Chris
Scarso, A. (Alain)
Schinckus, L.
Shirodkar, Suman
Sofia, Naseem
Soltow, Louise
Sophie - Visp, Droz Anne
Steffes, David
Steinberg, Lisa
Stratemeier, Ed
Tarriff , Scott
Tedesco, Gina
Thomas, Caroline
Villagra, Danny
Walter - Braine, Brieden
Welsh, John
Werth, Peter
Willame, S.
Williams, Wanda
Withrow, Jeff
Woods, Josh
Workman, Heidi

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June 9, 2011

Writer's Direct Contact
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Via E-Mail

Angus Chen
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New York, NY 10151

Re: *The Medicines Company v. Teva Parenteral Medicines, Inc. et al.*,
09-cv-750-ECR (D. Del.) (consolidated)

Dear Angus:

I write to follow up on my May 31 letter regarding MedCo's privilege log.

APP has not yet received the affiliation of the individuals that APP identified in its May 31st letter. If APP does not receive the identification by close of business Monday June 13th, APP plans to raise the issue before the Special Master in the Joint Agenda. If MedCo is refusing to provide this information, the parties need to meet and confer on this issue promptly.

I look forward to your response by June 13th.

Very truly yours,

Katherine Nolan-Stevaux

cc: Counsel of Record
BY EMAIL

pa-1469106

EXHIBIT E

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May 25, 2011

Writer's Direct Contact
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Via E-Mail

Angus Chen
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745 Fifth Avenue
New York, NY 10151

Re: *The Medicines Company v. Teva Parenteral Medicines, Inc. et al.*, 09-cv-750-ECR (D. Del.) (consolidated)

Dear Angus:

I write to follow up on MedCo's responses to APP's Fourth Set of Requests for Production served on May 23rd.

In response to Request Nos. 71, 72, 74, 75, and 77, MedCo states that it "is not in possession or custody" of the documents sought. Under Federal Rule of Civil Procedure 34(a), however, MedCo must produce responsive documents in its "possession, custody, or ***control***" (emphasis added). In the Third Circuit, "control" is defined as the legal right to obtain the documents required on demand." *Gerling Int'l Ins. Co. v. Comm. of I.R.S.*, 839 F.2d 131, 140 (3d. Cir. 1988). MedCo has the legal right to demand documents from its counsel at FLH, including from Sandra Kuzmich and Russel Garmin among others. *See, e.g.*, *Poole v. Textron*, 192 F.R.D. 494, 501 (D. Md. 2002) (sanctioning party for insufficient search for responsive documents because it did not obtain responsive documents from its counsel). Consequently, MedCo must produce documents responsive to these Requests.

As to Request Nos. 73, 76, and 78, APP has already indicated why these documents are relevant to this litigation. APP is entitled to know who was involved in the prosecution of the patents-in-suit and the '550 application (Request No. 73). Documents responsive to Request Nos. 76 and 78 would tend to show whether Dr. Kuzmich or Mr. Garmin is biased in favor of MedCo. To the extent some information on the invoices is attorney-client privileged, MedCo may redact that information.

As Mr. Garmin's deposition is scheduled for June 6th, APP seeks to meet and confer on these issues this week. Please let us know your availability.

I look forward to your prompt response.

Very truly yours,

Katherine Nolan-Stevaux

cc: Counsel of Record
BY EMAIL

EXHIBIT F

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June 1, 2011

Writer's Direct Contact
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Via Email

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Re: *The Medicines Company v. Teva Parenteral Medicines, Inc. et al.*,
09-cv-750-ECR (D. Del.) (consolidated)

Dear Porter:

I write regarding the scheduling of the remaining APP depositions.

First, MedCo has not responded to the May 26th letter from Emily Evans regarding whether MedCo would like to designate portions of Katherine Gregory's deposition in response to the outstanding areas in Topics 8, 18, and 20. Please let us know no later than Friday, June 2nd whether MedCo will agree to this proposal.

Second, assuming MedCo does not agree, Aditi Dron will be APP's Rule 30(b)(6) witness for the remaining aspects of Topics 8-12, 18, 20, and 22. She is available on Thursday, June 16th.

Finally, Tony Wasilewski is on vacation until Monday, June 6th. As soon as we determine his availability for deposition, we will let you know.

Very truly yours,

Katherine Nolan-Stevaux

cc: Counsel of Record
BY EMAIL

pa-1467583

EXHIBIT G

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THE MEDICINES COMPANY, Plaintiff, v. TEVA PARENTERAL MEDICINES, INC., TEVA PHARMACEUTICALS USA, INC. and TEVA PHARMACEUTICAL INDUSTRIES, LTD. Defendants.	C.A. No. 09-750 (ECR) (Consolidated)

THE MEDICINES COMPANY'S NOTICE OF DEPOSITION
PURSUANT TO FED. R. CIV. P. 30 TO ANTHONY WASILEWSKI

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Plaintiff The Medicines Company will take the deposition of Defendants APP Pharmaceuticals, LLC and/or APP Pharmaceuticals, Inc. by Anthony Wasilewski in his individual capacity by oral examination using video tape, audio tape, and/or stenographic means, or a combination of those means. The deposition will commence on June 22, 2011 at 9:00 am, at the offices of Winston & Strawn LLP, 35 W. Wacker Drive, Chicago, Illinois 60601-9703, or at such time and place as otherwise agreed in writing by counsel. The deposition will continue from day to day beginning at 9:00 am until completed, with such adjournments as to time and place as may be necessary. The deposition will be before a Notary Public or other officer authorized by law to administer oaths.

You are invited to attend and cross-examine the witness.

/s/ Laura D. Hatcher
Frederick L. Cottrell, III (#2555)
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Laura D. Hatcher (#5098)
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Of counsel:

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Facsimile: (212) 588-0500

Dated: May 27, 2011

CERTIFICATE OF SERVICE

The undersigned hereby certifies a true and correct copy of "The Medicines Company's Notice of Deposition Pursuant to Fed. R. Civ. P. 30 to Anthony Wasilewski" was served as indicated below on this 27th day of May, 2011 to the persons at the addresses listed:

Via E-mail:

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enorman@ycst.com
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/s/ Laura D. Hatcher