

29 October 2012

By email

Apotex Holdings Inc. and Apotex Inc.
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Re: **Apotex Holdings Inc. and Apotex Inc. v. United States of America**
(ICSID Case No. ARB(AF)/12/1)

Dear Mesdames and Sirs,

Please find below the Tribunal's Procedural Order regarding the schedule of the proceeding.

"The Tribunal here addresses: (a) the Respondent's application to revise the current schedule for the Parties' written pleadings in this arbitration (as established in the first procedural order of July 2012) for the purpose of addressing the Respondent's request for bifurcation as regards jurisdictional issues and (b) the Claimants' opposition to the Respondent's application.

The Tribunal has considered, in addition to the Respondent's application of 21 September 2012, the letter dated 5 October 2012 from the Claimants, the letter dated 19 October 2012 from the Respondent and the letter dated 25 October 2012 from the Claimants.

The Tribunal remains conscious of the need for an urgent decision by the Tribunal because the current deadline for submitting the Respondent's full Counter-Memorial is 14 December 2012.

The Tribunal has decided to dismiss the Respondent's application to revise the current pleading schedule, subject to following procedural order:

- (1) The Respondent should submit a full Counter-Memorial no later than 14 December 2012, save that the Respondent's Counter-Memorial should not address any quantum issues;
- (2) The Respondent's Counter-Memorial should nonetheless address (in full) all issues of liability and jurisdiction, together with any further substantiation for the Respondent's request for bifurcation as regards jurisdictional issues;
- (3) The Claimants should submit a written answer to the Respondent's request for bifurcation as soon as possible thereafter, but no later 28 December 2012;
- (4) The Respondent should submit a written reply to the Claimants' answer as soon as possible thereafter, but no later than 10 January 2013;
- (5) The Claimants should submit a written rejoinder to the Respondent's reply as soon as possible thereafter, but no later than by 16 January 2013;
- (6) The Tribunal may address shortly thereafter whether a procedural meeting (by telephone conference-call) is required in late January or early February 2013 to decide the Respondent's request for bifurcation and any procedural consequences; and
- (7) The Tribunal may address at a later date the schedule for written pleadings regarding quantum issues, including the Claimants' pending offer to submit further materials regarding the quantum of their claims."

Yours sincerely,

A handwritten signature in black ink, appearing to read "Eloise Obadia", with a horizontal flourish underneath.

Eloise Obadia
Secretary to the Tribunal

cc: Members of the Tribunal