

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MEDA PHARMACEUTICALS INC. and)
CIPLA LTD.,)
)
Plaintiffs,)
) C.A. No. 14-1453-LPS
v.)
)
APOTEX INC. and APOTEX CORP.,)
)
Defendants.)

JOINT STATUS REPORT

Pursuant to the April 14, 2015 Scheduling Order (D.I. 126, ¶ 14), Plaintiffs Meda Pharmaceuticals Inc. and Cipla Ltd. (collectively, “Meda”) and Defendants Apotex Inc. and Apotex Corporation (collectively, “Apotex”) jointly submit this Interim Status Report.

I. NATURE OF THE MATTERS IN ISSUE

At issue in this case is Apotex’s ANDA seeking approval to market a 137 mcg strength azelastine hydrochloride and 50 mcg strength fluticasone propionate combination nasal spray—a generic version of Plaintiff Meda’s DYMISTA® drug product—before the expiration of Plaintiff Cipla’s U.S. Patent Nos. 8,163,723 and 8,168,620.

II. STATUS OF THE ACTION

While there are no outstanding motions at this time, the parties submitted a Joint Letter to the Court on January 20, 2016, stating that Plaintiffs intend to add an additional patent to the case—U.S. Patent Application No. 14/661,720. The USPTO anticipates that this patent will issue on February 16, 2016. In connection with the addition of this patent, the Court rescheduled the Markman hearing for April 29, 2016. The parties are continuing negotiations and anticipate

submitting a stipulation to file an amended complaint and a proposed revised schedule that will preserve the current trial dates.

The parties have served and responded to interrogatories and document requests. Each party has also substantially completed document production, and will continue to supplement as needed. The parties have noticed depositions but have not yet agreed to dates for depositions. The parties are continuing to cooperate to resolve their discovery disputes and do not currently anticipate a need for judicial intervention in this regard.

A call has been scheduled with Judge Burke on February 29 to discuss potential mediation.

The parties are available to discuss the status of this case with the Court at the Court's convenience.

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