

U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:22-cv-00974-GBW

Merck KGaA et al v. Accord Healthcare, Inc.
Assigned to: Judge Gregory B. Williams
Cause: 35:271 Patent Infringement

Date Filed: 07/25/2022
Jury Demand: None
Nature of Suit: 835 Patent - Abbreviated
New Drug Application(ANDA)
Jurisdiction: Federal Question

Plaintiff

Merck KGaA

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Plaintiff

Merck Serono SA

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Jeremy A. Tigan
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Plaintiff

Ares Trading SA

represented by **Jeremy A. Tigan**
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V.

Defendant**Accord Healthcare, Inc.**represented by **Benjamin J. Schladweiler**

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Defendant**Intas Pharmaceuticals Ltd.***TERMINATED: 09/26/2022*

Date Filed	#	Docket Text
07/25/2022	<u>1</u>	COMPLAINT filed against Accord Healthcare, Inc., Intas Pharmaceuticals Ltd. (Filing fee \$ 402, receipt number ADEDC-3922104.) - filed by Merck Serono SA, Merck KGaA. (Attachments: # <u>1</u> Exhibit A-C, # <u>2</u> Civil Cover Sheet)(mpb) (Entered: 07/26/2022)
07/25/2022	<u>2</u>	Notice, Consent and Referral forms re: U.S. Magistrate Judge jurisdiction. (mpb) (Entered: 07/26/2022)
07/25/2022	<u>3</u>	Report to the Commissioner of Patents and Trademarks for Patent/Trademark Number(s) 7,713,947 B2 ;8,377,903 B2. (mpb) (Entered: 07/26/2022)
07/25/2022	<u>4</u>	Supplemental information for patent cases involving an Abbreviated New Drug Application (ANDA) - Date Patentee(s) Received Notice: June 14, 2022. Date of Expiration of Patent: 10/16/2022 & 12/14/2024.Thirty Month Stay Deadline: 12/14/2024. (mpb) (Entered: 07/26/2022)
07/25/2022	<u>5</u>	Disclosure Statement pursuant to Rule 7.1: identifying Corporate Parent Merck KGaA

		for Merck Serono SA filed by Merck KGaA, Merck Serono SA. (mpb) (Entered: 07/26/2022)
07/25/2022	6	Summons Issued as to Accord Healthcare, Inc. on 7/25/2022; Intas Pharmaceuticals Ltd. on 7/25/2022. (Attachments: # 1 Summons Issued)(mpb) (Entered: 07/26/2022)
07/27/2022	7	MOTION for Pro Hac Vice Appearance of Attorney David B. Bassett, Vinita Ferrera, Emily R. Whelan, Deric X. Geng, Stephanie Neely and Yang Li - filed by Merck KGaA, Merck Serono SA. (Blumenfeld, Jack) (Entered: 07/27/2022)
07/27/2022		Case Assigned to Vacant Judgeship (2022). Please include initials of VAC after the case number on all documents filed. (rjb) (Entered: 07/27/2022)
07/27/2022	8	ORAL ORDER: This case has been assigned to the District of Delaware's Vacant Judgeship ("VAC"). Detailed information relating to VAC cases may be found in the Court's Announcement of March 3, 2022 and Standing Order No. 2022-VAC-1 (March 9, 2022), which are found on the Court's website. Consistent with the foregoing Announcement and Standing Order, IT IS HEREBY ORDERED that the parties shall file the "Notice of Consent or Absence of Consent to Proceed Before a United States Magistrate Judge," being docketed along with the instant order, no later than sixty (60) days after service of the Complaint on the first defendant that is served. IT IS FURTHER ORDERED that the Notice, Consent, and Referral forms re: U.S. Magistrate Judge jurisdiction, previously docketed in this case, are VACATED. Issued by the Clerk of Court on 7/27/2022. (etg) (Entered: 07/27/2022)
07/27/2022	9	VAC Notice, Consent, Non-Consent, Magistrate Referral (etg) (Entered: 07/27/2022)
07/27/2022		SO ORDERED, re 7 MOTION for Pro Hac Vice Appearance of Attorney David B. Bassett, Vinita Ferrera, Emily R. Whelan, Deric X. Geng, Stephanie Neely and Yang Li filed by Merck Serono SA, Merck KGaA. Ordered by Judge Colm F. Connolly on 7/27/2022. (etg) (Entered: 07/27/2022)
08/03/2022	10	WAIVER OF SERVICE returned executed by Merck Serono SA, Merck KGaA: For Accord Healthcare, Inc. waiver sent on 8/2/2022, answer due 10/3/2022. (Blumenfeld, Jack) (Entered: 08/03/2022)
08/03/2022	11	WAIVER OF SERVICE returned executed by Merck Serono SA, Merck KGaA: For Intas Pharmaceuticals Ltd. waiver sent on 8/2/2022, answer due 10/3/2022. (Blumenfeld, Jack) (Entered: 08/03/2022)
09/07/2022		Case Reassigned to Judge Gregory B. Williams. Please include the initials of the Judge (GBW) after the case number on all documents filed. (rjb) (Entered: 09/07/2022)
09/13/2022	12	NOTICE requesting Clerk to remove Stephanie Neely as co-counsel. Reason for request: No longer with firm. (Blumenfeld, Jack) (Entered: 09/13/2022)
09/20/2022	13	MOTION for Pro Hac Vice Appearance of Attorney Gillian T. Farrell - filed by Merck KGaA, Merck Serono SA. (Tigan, Jeremy) (Entered: 09/20/2022)
09/21/2022		SO ORDERED, re 13 MOTION for Pro Hac Vice Appearance of Attorney Gillian T. Farrell filed by Merck Serono SA, Merck KGaA. Signed by Judge Gregory B. Williams on 9/21/22. (ntl) (Entered: 09/21/2022)
09/22/2022	14	STIPULATION of Dismissal <i>as to Defendant Intas Pharmaceuticals Ltd. (without prejudice) and Amending Caption to Reflect Same</i> - by Merck KGaA, Merck Serono SA. (Tigan, Jeremy) (Entered: 09/22/2022)

09/22/2022	15	First AMENDED COMPLAINT against Accord Healthcare, Inc.- filed by Merck Serono SA, Merck KGaA, Ares Trading SA. (Attachments: # 1 Exhibits A-D)(Tigan, Jeremy) (Entered: 09/22/2022)
09/22/2022	16	Amended Disclosure Statement pursuant to Rule 7.1: identifying Corporate Parent Merck KGaA for Ares Trading SA, Merck Serono SA filed by Ares Trading SA, Merck KGaA, Merck Serono SA. (Tigan, Jeremy) (Entered: 09/22/2022)
09/22/2022	17	Report to the Commissioner of Patents and Trademarks for Patent/Trademark Number(s) 7,713,947 B2 ;8,377,903 B2 ;10,849,919 B2 (<i>Amended</i>). (Tigan, Jeremy) (Entered: 09/22/2022)
09/26/2022		SO ORDERED, re 14 STIPULATION of Dismissal as to Defendant Intas Pharmaceuticals Ltd. (without prejudice) and Amending Caption to Reflect Same filed by Merck Serono SA, Merck KGaA -- Party Intas Pharmaceuticals Ltd. terminated. Signed by Judge Gregory B. Williams on 9/26/22. (ntl) (Entered: 09/26/2022)
09/26/2022	18	MOTION for Pro Hac Vice Appearance of Attorney Aaron F. Barkoff, Esq., Alejandro Menchaca, Esq., Ben J. Mahon, Esq. and Bradley P. Loren, Esq. - filed by Accord Healthcare, Inc.. (Attachments: # 1 Certification by Counsel to Be Admitted Pro Hac Vice - Aaron F. Barkoff, Esq., # 2 Certification by Counsel to Be Admitted Pro Hac Vice - Alejandro Menchaca, Esq., # 3 Certification by Counsel to Be Admitted Pro Hac Vice - Ben J. Mahon, Esq., # 4 Certification by Counsel to be Admitted Pro Hac Vice - Bradley P. Loren)(Schladweiler, Benjamin) (Entered: 09/26/2022)
09/28/2022		SO ORDERED, re 18 MOTION for Pro Hac Vice Appearance of Attorney Aaron F. Barkoff, Esq., Alejandro Menchaca, Esq., Ben J. Mahon, Esq. and Bradley P. Loren, Esq. filed by Accord Healthcare, Inc. Signed by Judge Gregory B. Williams on 9/28/22. (ntl) (Entered: 09/28/2022)
09/29/2022		Pro Hac Vice Attorney Bradley P. Loren, Ben J. Mahon, and Alejandro Menchaca for Accord Healthcare, Inc. added for electronic noticing. Pursuant to Local Rule 83.5 (d)., Delaware counsel shall be the registered users of CM/ECF and shall be required to file all papers. (mkr) (Entered: 09/29/2022)

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