

**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  
Related Cases: [1:22-cv-01365-GBW](#)  
[1:23-cv-00039-GBW](#)

Cause: 35:271 Patent Infringement

**Plaintiff**

**Merck KGaA**

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

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**Plaintiff**

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**Plaintiff**

**Ares Trading SA**

represented by **Jack B. Blumenfeld**  
(See above for address)  
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**Jeremy A. Tigan**  
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V.

**Defendant**

**Accord Healthcare, Inc.**

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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	<u>6</u>	Summons Issued as to Accord Healthcare, Inc. on 7/25/2022; Intas Pharmaceuticals Ltd. on 7/25/2022. (Attachments: # <u>1</u> Summons Issued)(mpb) (Entered: 07/26/2022)
07/27/2022	<u>7</u>	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	<u>8</u>	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	<u>9</u>	VAC Notice, Consent, Non-Consent, Magistrate Referral (etg) (Entered: 07/27/2022)
07/27/2022		SO ORDERED, re <u>7</u> 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	<u>10</u>	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	<u>11</u>	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	<u>12</u>	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	<u>13</u>	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 <u>13</u> 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	<u>14</u>	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	<u>15</u>	First AMENDED COMPLAINT against Accord Healthcare, Inc.– filed by Merck Serono SA, Merck KGaA, Ares Trading SA. (Attachments: # <u>1</u> Exhibits A–D)(Tigan, Jeremy) (Entered: 09/22/2022)
09/22/2022	<u>16</u>	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	<u>17</u>	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 <u>14</u> 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	<u>18</u>	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: # <u>1</u> Certification by Counsel to Be Admitted Pro Hac Vice – Aaron F. Barkoff, Esq., # <u>2</u> Certification by Counsel to Be Admitted Pro Hac Vice – Alejandro Menchaca, Esq., # <u>3</u> Certification by Counsel to Be Admitted Pro Hac Vice – Ben J. Mahon, Esq., # <u>4</u> Certification by Counsel to be Admitted Pro Hac Vice – Bradley P. Loren, Esq.) (Entered: 09/26/2022)

09/28/2022		SO ORDERED, re <u>18</u> 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)
10/06/2022	<u>19</u>	ANSWER to Amended Complaint, re: <u>15</u> Amended Complaint <i>Accord Healthcare Inc.'s Answer and Affirmative Defenses to Plaintiffs' First Amended Complaint</i> by Accord Healthcare, Inc..(Schladweiler, Benjamin) (Entered: 10/06/2022)
10/06/2022	<u>20</u>	Disclosure Statement pursuant to Rule 7.1: identifying Corporate Parent Intas Pharmaceuticals Limited for Accord Healthcare, Inc. filed by Accord Healthcare, Inc.. (Delcollo, Renee) (Entered: 10/06/2022)
10/10/2022	<u>21</u>	NOTICE requesting Clerk to remove Aaron F. Barkoff, Esq. as co-counsel. Reason for request: no longer with firm. (Schladweiler, Benjamin) (Entered: 10/10/2022)
10/12/2022	<u>22</u>	ORAL ORDER IT IS HEREBY ORDERED that, not later than thirty (30) days from the date of this Order, the parties shall meet and confer and file a joint proposed Scheduling Order in this action consistent with the applicable form Scheduling Order of Judge Williams, which is posted at <a href="http://www.ded.uscourts.gov">http://www.ded.uscourts.gov</a> (See Chambers, Judge Williams, Forms), along with a cover letter requesting the Court to enter the joint proposed Scheduling Order (if there are no disputes or other issues concerning scheduling that the Court needs to address) or to schedule the Scheduling Conference. If there are disputes or other issues the Court needs to address in the joint proposed Scheduling Order, in the cover letter, the parties shall direct the Court to the paragraph numbers in the joint proposed Scheduling Order which those appear. ORDERED by Judge Gregory B. Williams on 10/12/22. (ntl) (Entered: 10/12/2022)
11/09/2022	<u>23</u>	STIPULATION TO EXTEND TIME for the Parties to file a proposed Scheduling Order to December 19, 2022 – filed by Ares Trading SA, Merck KGaA, Merck Serono SA. (Blumenfeld, Jack) (Entered: 11/09/2022)
11/14/2022		SO ORDERED, re <u>23</u> STIPULATION TO EXTEND TIME for the Parties to file a proposed Scheduling Order to December 19, 2022 filed by Ares Trading SA, Merck Serono SA, Merck KGaA. Signed by Judge Gregory B. Williams on 11/14/22. (ntl) (Entered: 11/14/2022)
12/14/2022	<u>24</u>	STIPULATION and Proposed Order Staying Litigation with Respect to Accord Healthcare Inc. by Accord Healthcare, Inc.. (Schladweiler, Benjamin) (Entered: 12/14/2022)
12/15/2022		SO ORDERED, re <u>24</u> SSTIPULATION and Proposed Order Staying Litigation with Respect to Accord Healthcare Inc. by Accord Healthcare, Inc. Signed by Judge Gregory B. Williams on 12/15/2022. (etg) (Entered: 12/15/2022)
12/15/2022		Case Stayed per D.I. <u>24</u> (ntl) (Entered: 12/19/2022)