

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:23-cv-00039-GBW**

Merck KGaA et al v. Aurobindo Pharma USA, Inc. et al

Assigned to: Judge Gregory B. Williams

Related Cases: [1:22-cv-00974-GBW](#)

[1:22-cv-01365-GBW](#)

Cause: 35:271 Patent Infringement

Plaintiff

Merck KGaA

Date Filed: 01/13/2023

Jury Demand: None

Nature of Suit: 835 Patent – Abbreviated

New Drug Application(ANDA)

Jurisdiction: Federal Question

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Date Filed	#	Docket Text
01/13/2023	<u>1</u>	COMPLAINT filed against Aurobindo Pharma Limited, Aurobindo Pharma USA, Inc. (Filing fee \$ 402, receipt number ADEDC-4043418.) – filed by Merck Serono SA, Merck KGaA, Ares Trading SA. (Attachments: # <u>1</u> Exhibit A–D, # <u>2</u> Civil Cover Sheet)(apk) (Entered: 01/13/2023)
01/13/2023	<u>2</u>	Notice, Consent and Referral forms re: U.S. Magistrate Judge jurisdiction. (apk) (Entered: 01/13/2023)
01/13/2023	<u>3</u>	Supplemental information for patent cases involving an Abbreviated New Drug Application (ANDA) – Date Patentee(s) Received Notice: 12/5/2022. Date of Expiration of Patent: SEE ANDA FORM.Thirty Month Stay Deadline: 6/5/2025. (apk) (Entered: 01/13/2023)

01/13/2023	<u>4</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. (apk) (Entered: 01/13/2023)
01/13/2023	<u>5</u>	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. (apk) (Entered: 01/13/2023)
01/13/2023	<u>6</u>	Summons Issued as to Aurobindo Pharma Limited on 1/13/2023; Aurobindo Pharma USA, Inc. on 1/13/2023. (Attachments: # <u>1</u> Summons Issued)(apk) (Attachment 1 replaced on 1/19/2023) (ntl). (Entered: 01/13/2023)
01/18/2023		Case Assigned to Judge Gregory B. Williams. Please include the initials of the Judge (GBW) after the case number on all documents filed. (rjb) (Entered: 01/18/2023)
01/20/2023	<u>7</u>	AFFIDAVIT of Service for Summons, Complaint and related papers served on Aurobindo Pharma Limited on January 19, 2023, filed by Ares Trading SA, Merck KGaA, Merck Serono SA. (Tigan, Jeremy) (Entered: 01/20/2023)
01/20/2023	<u>8</u>	SUMMONS Returned Executed by Merck Serono SA, Merck KGaA, Ares Trading SA.Aurobindo Pharma USA, Inc. served on 1/20/2023, answer due 2/10/2023. (Tigan, Jeremy) (Entered: 01/20/2023)
01/31/2023	<u>9</u>	MOTION for Pro Hac Vice Appearance of Attorney Dmitry V. Shelhoff, Kenneth S. Canfield, Edward D. Pergament and Julia S. Kim – filed by Aurobindo Pharma Limited, Aurobindo Pharma USA, Inc.. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certification by Counsel to Be Admitted Pro Hac Vice – Dmitry V. Shelhoff, Esq., # <u>3</u> Certification by Counsel to Be Admitted Pro Hac Vice – Kenneth S. Canfield, Esq., # <u>4</u> Certification by Counsel to Be Admitted Pro Hac Vice – Edward D. Pergament, Esq., # <u>5</u> Certification by counsel to Be Admitted Pro Hac Vice – Julia S. Kim, Esq.)(Schladweiler, Benjamin) (Entered: 01/31/2023)
02/01/2023		SO ORDERED, re <u>9</u> MOTION for Pro Hac Vice Appearance of Attorney Dmitry V. Shelhoff, Kenneth S. Canfield, Edward D. Pergament and Julia S. Kim filed by Aurobindo Pharma USA, Inc., Aurobindo Pharma Limited. Signed by Judge Gregory B. Williams on 2/1/23. (ntl) (Entered: 02/01/2023)
02/02/2023		Pro Hac Vice Attorney Kenneth S. Canfield, Dmitry V. Shelhoff, Edward D. Pergament, and Julia S. Kim for Aurobindo Pharma Limited and Aurobindo Pharma USA, 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. (mpb) (Entered: 02/02/2023)
02/03/2023	<u>10</u>	ANSWER to <u>1</u> Complaint, with <i>Affirmative Defenses</i> by Aurobindo Pharma Limited, Aurobindo Pharma USA, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H)(Schladweiler, Benjamin) (Entered: 02/03/2023)
02/03/2023	<u>11</u>	Disclosure Statement pursuant to Rule 7.1: identifying Corporate Parent Aurobindo Pharma Limited for Aurobindo Pharma Limited, Aurobindo Pharma USA, Inc. filed by Aurobindo Pharma Limited, Aurobindo Pharma USA, Inc.. (Schladweiler, Benjamin) (Entered: 02/03/2023)