



**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**
717 MADISON PLACE, N.W.
WASHINGTON, D.C. 20439

JARRETT B. PERLOW
CLERK OF COURT

CLERK'S OFFICE
202-275-8000

December 3, 2024

NOTICE OF DOCKETING

Federal Circuit Docket No.: 2025-1241

Federal Circuit Short Caption: Exelixis, Inc. v. MSN Laboratories Private Ltd.

Date of Docketing: December 3, 2024

Originating Tribunal: United States District Court for the District of Delaware

Originating Case No.: 1:22-cv-00228-RGA

Appellant: Exelixis, Inc.

A notice of appeal has been filed and assigned the above Federal Circuit case number. The court's official caption is included as an attachment to this notice. Unless otherwise noted in the court's rules, the assigned docket number and official caption or short caption must be included on all documents filed with this Court. It is the responsibility of all parties to review the Rules for critical due dates. The assigned deputy clerk is noted below and all case questions should be directed to the Case Management section at (202) 275-8055.

The following filings are due within 14 days of this notice:

- [Entry of Appearance](#) or [Notice of Unrepresented Person](#). (Fed. Cir. R. 47.3.)
- [Certificate of Interest](#). (Fed. Cir. R. 47.4; not required for unrepresented and federal government parties unless disclosing information under Fed. Cir. R. 47.4(a)(6))
- [Docketing Statement](#). Note: The Docketing Statement is due in 30 days if the United States or its officer or agency is a party in the appeal. (Fed. Cir. R. 47.6 and the [Mediation Guidelines](#); no docketing statement is required in cases with an unrepresented party)
- [Statement Concerning Discrimination](#) in MSPB or arbitrator cases. (Fed. Cir. R. 15(c); completed by petitioner only)
- Fee payment or appropriate fee waiver request, if the docketing fee was not prepaid (see Fee Payment below).

FILING DOCUMENTS: Each counsel representing a party must be a member of the court's bar and registered for the court's electronic filing system. Parties represented by counsel must make all filings through the court's electronic filing system.

Unrepresented parties may choose to submit case filings to the court either in paper or through the court's electronic filing system; electronic filing will only be permitted for unrepresented parties after successful registration for the court's electronic filing system and submission of a completed Notice of Unrepresented Person Appearance. Fed. Cir. R. 25(a). The court's Electronic Filing Procedures may be accessed at www.cafc.uscourts.gov/contact/clerks-office/filing-resources.

CONTACT INFORMATION: Electronic filers, or unrepresented parties registered to receive electronic service, must update their contact information in their PACER service center profile whenever their contact information changes. Counsel must file an amended Entry of Appearance and unrepresented parties must file an amended Notice of Unrepresented Person Appearance whenever contact information changes. Fed. Cir. R. 25(a)(5).

FEE PAYMENT: Unless the filing fee was prepaid, fee payment must be submitted within fourteen days after this notice. Fed. Cir. R. 52(d). For outstanding docketing fees due to this court, electronic filers must pay the fee using the event Pay Docketing Fee through the court's electronic filing system. Fed. Cir. R. 52(e). Docketing fees due to other courts, such as U.S. District Courts, the U.S. Court of Appeals for Veterans Claims, and non-vaccine cases at the U.S. Court of Federal Claims, must be submitted to those courts in accordance with their procedures. A filer wishing to proceed without fee payment must submit a motion for leave to proceed in forma pauperis, or other fee waiver request, within fourteen days.

OFFICIAL CAPTION: The court's official caption is attached and reflects the lower tribunal's caption pursuant to Fed. R. App. P. 12(a), 15(a), and 21(a). Please review the caption carefully and promptly advise this court in writing of any improper or inaccurate designations.



Jarrett B. Perlow
Clerk of Court

By: G. Kilgore, Deputy Clerk

Attachments:

- Official caption
- Paper Copies of General Information and Forms (to unrepresented parties only):
 - [General Information and Overview of a Case in the Federal Circuit](#)
 - [Notice of Unrepresented Person Appearance](#)
 - [Informal Brief](#)
 - [Informal Reply Brief](#) (to be completed only after receiving the opposing party's response brief)
 - [Motion and Affidavit for Leave to Proceed in Forma Pauperis](#) (only to filers owing the docketing fee)
 - [Supplemental in Forma Pauperis Form for Prisoners](#) (only to filers in a correctional institution)
 - [Statement Concerning Discrimination](#) (only to petitioners in MSPB or arbitrator case)

cc: United States District Court for the District of Delaware

Official Caption

EXELIXIS, INC.,
Plaintiff-Appellant

v.

MSN LABORATORIES PRIVATE LTD., MSN PHARMACEUTICALS, INC.,
Defendants-Appellees

Short Caption

Exelixis, Inc. v. MSN Laboratories Private Ltd.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EXELIXIS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 22-228 (RGA)
	)	CONSOLIDATED
MSN LABORATORIES PRIVATE LIMITED	)	
and MSN PHARMACEUTICALS, INC.,	)	
	)	
Defendants.	)	

NOTICE OF CROSS-APPEAL

Notice is given that Plaintiff Exelixis, Inc. (“Exelixis”) hereby cross-appeals to the United States Court of Appeals for the Federal Circuit from the Final Judgment entered in this action on October 23, 2024 (D.I. 188), and from any and all orders, decisions, rulings, findings, and conclusions adverse to Exelixis, including but not limited to: (1) the judgment entered in favor of MSN and against Exelixis on Exelixis’ claim of infringement under 35 U.S.C. § 271(e)(2) of claim 3 of U.S. Patent No. 11,091,439 (the “’349 patent”) and MSN’s claim for a declaratory judgment of non-infringement under 35 U.S.C. § 271(e)(2) of claim 3 of the ’349 patent, and (2) the Trial Opinion issued on October 15, 2024 (D.I. 186). Payment of the required fee is provided with this Notice.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Anthony D. Raucci

OF COUNSEL:

William F. Lee
Lisa J. Pirozzolo
Emily R. Whelan
Kevin S. Prussia
Marissa A. Lalli
Amy L. Mahan
Labdhi Sheth
Jonathan A. Cox
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, MA 02109
(617) 526-6000

Amy K. Wigmore
Gerard A. Salvatore
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Avenue NW
Washington, DC 20006
(202) 663-6000

Charlotte Geaghan-Breiner
WILMER CUTLER PICKERING
HALE AND DORR LLP
2600 El Camino Real, Suite 400
Palo Alto, CA 94306
(650) 858-6000

November 26, 2024

Jack B. Blumenfeld (#1014)
Anthony D. Raucci (#5948)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@morrisnichols.com
araucci@morrisnichols.com

Attorneys for Plaintiff Exelixis, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on November 26, 2024, upon the following in the manner indicated:

Dominick T. Gattuso, Esquire
Brendan Patrick McDonnell, Esquire
HEYMAN ENERIO GATTUSO & HIRZEL LLP
300 Delaware Avenue, Suite 200
Wilmington, DE 19801
*Attorneys for Defendants MSN Laboratories Private
Limited and MSN Pharmaceuticals, Inc.*

VIA ELECTRONIC MAIL

George C. Lombardi, Esquire
Bryce A. Cooper, Esquire
Kurt A. Mathas, Esquire
Kevin J. Boyle, Esquire
Brian O’Gara, Esquire
Elizabeth E. Grden, Esquire
WINSTON & STRAWN LLP
35 West Wacker Drive,
Chicago, IL 60601-9703
*Attorneys for Defendants MSN Laboratories Private
Limited and MSN Pharmaceuticals, Inc.*

VIA ELECTRONIC MAIL

/s/ Anthony D. Raucci

Anthony D. Raucci (#5948)

CLOSED, APPEAL, [ANDA](#), [LEAD](#), [PATENT](#)

U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:22-cv-00228-RGA
Internal Use Only

Exelixis, Inc. v. MSN Laboratories Private Limited et al
Assigned to: Judge Richard G. Andrews
Member case:

[1:22-cv-00945-RGA](#)

Related Cases: [1:19-cv-02017-RGA-SRF](#)
[1:20-cv-00633-RGA-SRF](#)
[1:21-cv-00871-RGA-JLH](#)
[1:23-mc-00132-RGA-JLH](#)
[1:23-cv-00287-RGA](#)
[1:22-cv-01168-RGA](#)
[1:24-cv-01208-RGA](#)
[1:24-cv-00565-RGA](#)

Cause: 35:271 Patent Infringement

Plaintiff

Exelixis, Inc.

represented by **Jack B. Blumenfeld**
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
Email: Jbbefiling@mnat.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Anthony David Raucci
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
302-351-9392
Email: araucci@morrisnichols.com
ATTORNEY TO BE NOTICED

Emily R. Whelan
Email: emily.whelan@wilmerhale.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jonathan A. Cox
Email: jonathan.cox@wilmerhale.com
PRO HAC VICE
ATTORNEY TO BE NOTICED



CERTIFIED AS A TRUE COPY: 11/26/2024
RANDALL LOHAN, CLERK

BY: MPB
DEPUTY CLERK

Kevin M. Yurkerwich

Email: kevin.yurkerwich@wilmerhale.com

TERMINATED: 06/13/2024

PRO HAC VICE

ATTORNEY TO BE NOTICED

Lisa J. Pirozzolo

Email: lisa.pirozzolo@wilmerhale.com

PRO HAC VICE

ATTORNEY TO BE NOTICED

Timothy A. Cook

Email: tim.cook@wilmerhale.com

PRO HAC VICE

ATTORNEY TO BE NOTICED

V.

Defendant**MSN Laboratories Private Limited**represented by **Brendan McDonnell**

Heyman Enerio Gattuso & Hirzel

300 Delaware Avenue

Ste 200

Wilmington, DE 19801

302-472-7308

Email: bmcdonnell@hegh.law

ATTORNEY TO BE NOTICED

Brian O'Gara

Email: bogara@winston.com

PRO HAC VICE

ATTORNEY TO BE NOTICED

Bryce A. Cooper

Email: bcooper@winston.com

PRO HAC VICE

ATTORNEY TO BE NOTICED

Kevin J. Boyle

Email: kjboyle@winston.com

PRO HAC VICE

ATTORNEY TO BE NOTICED

Kurt A. Matthas

Email: kmathas@winston.com

PRO HAC VICE

ATTORNEY TO BE NOTICED

Dominick T. Gattuso

Heyman Enerio Gattuso & Hirzel LLP

300 Delaware Avenue, Suite 200

Wilmington, DE 19801

(302)472-7311

Fax: (302) 472-7301

Email: dgattuso@hegh.law

ATTORNEY TO BE NOTICED

Defendant

MSN Pharmaceuticals, Inc.

represented by **Brendan McDonnell**
(See above for address)
ATTORNEY TO BE NOTICED

Brian O'Gara
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Bryce A. Cooper
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kevin J. Boyle
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kurt A. Matthas
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Dominick T. Gattuso
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

MSN Laboratories Private Limited

represented by **Brian O'Gara**
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Bryce A. Cooper
(See above for address)
ATTORNEY TO BE NOTICED

Kevin J. Boyle
(See above for address)
ATTORNEY TO BE NOTICED

Kurt A. Matthas
(See above for address)
ATTORNEY TO BE NOTICED

Dominick T. Gattuso

(See above for address)

ATTORNEY TO BE NOTICED

Counter Claimant

MSN Pharmaceuticals, Inc.

represented by **Brian O'Gara**

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Bryce A. Cooper

(See above for address)

ATTORNEY TO BE NOTICED

Kevin J. Boyle

(See above for address)

ATTORNEY TO BE NOTICED

Kurt A. Matthas

(See above for address)

ATTORNEY TO BE NOTICED

Dominick T. Gattuso

(See above for address)

ATTORNEY TO BE NOTICED

V.

Counter Defendant

Exelixis, Inc.

represented by **Jack B. Blumenfeld**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Anthony David Raucci

(See above for address)

ATTORNEY TO BE NOTICED

Emily R. Whelan

(See above for address)

ATTORNEY TO BE NOTICED

Jonathan A. Cox

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Kevin M. Yurkerwich

(See above for address)

TERMINATED: 06/13/2024

ATTORNEY TO BE NOTICED

Lisa J. Pirozzolo

(See above for address)

*ATTORNEY TO BE NOTICED***Timothy A. Cook**

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/23/2022	1	COMPLAINT FOR PATENT INFRINGEMENT filed against MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc. - Magistrate Consent Notice to Pltf. (Filing fee \$ 402, receipt number ADEDC-3809283.) - filed by Exelixis, Inc.. (Attachments: # 1 Exhibit A-C, # 2 Civil Cover Sheet)(apk) (Entered: 02/23/2022)
02/23/2022	2	Notice, Consent and Referral forms re: U.S. Magistrate Judge jurisdiction. (apk) (Entered: 02/23/2022)
02/23/2022	3	Supplemental information for patent cases involving an Abbreviated New Drug Application (ANDA) - Date Patentee(s) Received Notice: 01/11/2022. Date of Expiration of Patent: 01/15/2030. (apk) (Entered: 02/23/2022)
02/23/2022	4	Report to the Commissioner of Patents and Trademarks for Patent/Trademark Number(s) 11,091,439 B2 ;11,091,440 B2 ;11,098,015 B2. (apk) (Entered: 02/23/2022)
02/23/2022	5	Disclosure Statement pursuant to Rule 7.1: No Parents or Affiliates Listed filed by Exelixis, Inc. (apk) (Entered: 02/23/2022)
02/23/2022	6	Summons Issued with Magistrate Consent Notice attached as to MSN Laboratories Private Limited on 2/23/2022; MSN Pharmaceuticals, Inc. on 2/23/2022. (Attachments: # 1 Summons Issued)(apk) (Entered: 02/23/2022)
02/25/2022	7	SUMMONS Returned Executed by Exelixis, Inc.. MSN Pharmaceuticals, Inc. served on 2/25/2022, answer due 3/18/2022. (Raucci, Anthony) (Entered: 02/25/2022)
02/25/2022	8	SUMMONS Returned Executed by Exelixis, Inc.. MSN Laboratories Private Limited served on 2/25/2022, answer due 3/18/2022. (Raucci, Anthony) (Entered: 02/25/2022)
02/25/2022	9	ANSWER to 1 Complaint, , COUNTERCLAIM against Exelixis, Inc. by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 02/25/2022)
02/28/2022	10	MOTION for Pro Hac Vice Appearance of Attorney Bryce A. Cooper, Kurt A. Mathas, and Kevin J. Boyle of Winston & Strawn LLP - filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Gattuso, Dominick) (Entered: 02/28/2022)
02/28/2022	11	Letter to The Honorable Richard G. Andrews, from Dominick T. Gattuso, Esq., regarding request for a status conference. (Gattuso, Dominick) Modified on 3/1/2022 (nms). (Entered: 02/28/2022)
03/02/2022		Case Assigned to Judge Richard G. Andrews. Please include the initials of the Judge (RGA) after the case number on all documents filed. (rjb) (Entered: 03/02/2022)
03/02/2022		SO ORDERED, re 10 MOTION for Pro Hac Vice Appearance of Attorney Bryce A. Cooper, Kurt A. Mathas, and Kevin J. Boyle of Winston & Strawn LLP, filed by

		MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. Signed by Judge Richard G. Andrews on 3/2/2022. (nms) (Entered: 03/02/2022)
03/02/2022		Pro Hac Vice Attorney Bryce A. Cooper for MSN Laboratories Private Limited, MSN Pharmaceuticals, 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. (twk) (Entered: 03/02/2022)
03/02/2022		Pro Hac Vice Attorney Kevin J. Boyle for MSN Laboratories Private Limited and MSN Pharmaceuticals, 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. (mal) (Entered: 03/02/2022)
03/08/2022		Pro Hac Vice Attorney Kurt A. Matthas for MSN Laboratories Private Limited and MSN Pharmaceuticals, 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. (srs) (Entered: 03/08/2022)
03/09/2022	12	MOTION for Pro Hac Vice Appearance of Attorney William F. Lee, Lisa J. Pirozzolo, Amy K. Wigmore, Emily R. Whelan, Kevin S. Prussia, Timothy A. Cook, Katherine P. Kieckhafer, Gerard A. Salvatore, and Cristina Salcedo - filed by Exelixis, Inc.. (Raucci, Anthony) (Entered: 03/09/2022)
03/09/2022		SO ORDERED, re 12 MOTION for Pro Hac Vice Appearance of Attorney William F. Lee, Lisa J. Pirozzolo, Amy K. Wigmore, Emily R. Whelan, Kevin S. Prussia, Timothy A. Cook, Katherine P. Kieckhafer, Gerard A. Salvatore, and Cristina Salcedo, filed by Exelixis, Inc.. Signed by Judge Richard G. Andrews on 3/9/2022. (nms) (Entered: 03/09/2022)
03/11/2022	13	ORAL ORDER: A status conference is now scheduled for 3/18/2022, at 11:30 AM. The conference will be held using Teams. A joint email with the email addresses for all those participating in the conference shall be due to the Court's Case Manager by 4:00 PM on 3/15/2022. Ordered by Judge Richard G. Andrews on 3/11/2022. Associated Cases: 1:19-cv-02017-RGA-SRF, 1:22-cv-00228-RGA(nms) (Entered: 03/11/2022)
03/15/2022		Pro Hac Vice Attorney Timothy A. Cook and Lisa J. Pirozzolo for Exelixis, 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: 03/15/2022)
03/16/2022	14	MOTION for Pro Hac Vice Appearance of Attorney Kevin M. Yurkerwich - filed by Exelixis, Inc.. (Raucci, Anthony) (Entered: 03/16/2022)
03/16/2022		SO ORDERED, re 14 MOTION for Pro Hac Vice Appearance of Attorney Kevin M. Yurkerwich, filed by Exelixis, Inc.. Signed by Judge Richard G. Andrews on 3/16/2022. (nms) (Entered: 03/16/2022)
03/16/2022		Remark: The public may access the hearing scheduled for 3/18/2021, at 11:30 a.m. by dialing the following phone number: +1 202-503-1666, then enter Conference ID: 381966934#. The dial-in information provides listening capabilities only. Associated Cases: 1:19-cv-02017-RGA-SRF, 1:22-cv-00228-RGA(lak) (Entered: 03/16/2022)
03/18/2022		Pro Hac Vice Attorney Emily R. Whelan for Exelixis, 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: 03/18/2022)

03/18/2022		Minute Entry for proceedings held before Judge Richard G. Andrews - Status Conference held on 3/18/2022. Local counsel present for Plaintiffs: A. Raucci. Local counsel present for Defendants: A. Gattuso. The Court denied the request to continue the trial scheduled in C.A. 19-2017-RGA. (Court Reporter Heather Triozzi.) Associated Cases: 1:19-cv-02017-RGA-SRF, 1:22-cv-00228-RGA(nms) (Entered: 03/18/2022)
03/18/2022	15	ANSWER to 9 Answer to Complaint, and Counterclaims, by Exelixis, Inc.. (Raucci, Anthony) Modified on 3/18/2022 (nms). (Entered: 03/18/2022)
03/22/2022	16	Order Setting Rule 16(b) Telephone Conference: A Scheduling Conference is set for 4/6/2022, at 10:00 AM before Judge Richard G. Andrews (see Order for further details). Signed by Judge Richard G. Andrews on 3/22/2022. (nms) (Entered: 03/22/2022)
04/01/2022	17	ORAL ORDER: At the parties request the Scheduling Conference set for 4/6/2022, is CANCELED, and is now rescheduled to 4/13/2022, at 10:00 am. Ordered by Judge Richard G. Andrews on 4/1/2022. (nms) (Entered: 04/01/2022)
04/07/2022	 18	Official Transcript of Status Conference held on 3/18/22 before Judge Richard G. Andrews. Court Reporter Heather M. Triozzi, Email: Heather_Triozzi@ded.uscourts.gov. Transcript may be viewed at the court public terminal or order/purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER. Redaction Request due 4/28/2022. Redacted Transcript Deadline set for 5/9/2022. Release of Transcript Restriction set for 7/6/2022. (Triozzi, Heather) (Entered: 04/07/2022)
04/11/2022	19	PROPOSED Scheduling Order, by Exelixis, Inc.. (Attachments: # 1 Letter) (Raucci, Anthony) Modified on 4/11/2022 (nms). (Entered: 04/11/2022)
04/11/2022	20	SCHEDULING ORDER: This matter is referred to a Magistrate Judge to handle all discovery disputes including any that arise in connection with expert reports. Joinder of Parties due by 9/14/2022. Amended Pleadings due by 9/14/2022. Fact Discovery completed by 10/28/2022. Joint Claim Construction Brief due by 10/14/2022. A Markman Hearing is set for 11/16/2022, at 9:00 AM in Courtroom 6A. A Pretrial Conference is set for 5/12/2023, at 2:00 PM in Courtroom 6A. A 3 day Bench Trial is set to start 5/22/2023, at 9:30 AM in Courtroom 6A (see Order for further details). Signed by Judge Richard G. Andrews on 4/11/2022. (nms) (Entered: 04/11/2022)
04/11/2022	21	ORAL ORDER: The Rule 16(b) Conference scheduled for 4/13/2022, is CANCELED. Ordered by Judge Richard G. Andrews on 4/11/2022. (nms) (Entered: 04/11/2022)
04/11/2022		CASE REFERRED to Magistrate Judge Jennifer L. Hall to handle all discovery disputes including any that arise in connection with expert reports. (nms) (Entered: 04/11/2022)
04/11/2022	22	ORAL ORDER: A Motion for Teleconference to Resolve Discovery Dispute should be filed if counsel finds they are unable to resolve a discovery matter. The suggested text for this motion can be found in Judge Hall's portion of the Court's website, in the "Forms" tab, under the heading "Motion for Teleconference to Resolve Discovery/Protective Order Disputes." The dispute will thereafter be addressed in accordance with Judge Hall's discovery dispute procedures. ORDERED by Judge Jennifer L. Hall on 4/11/2022. (ceg) (Entered: 04/11/2022)

06/15/2022	23	STIPULATION and [Proposed] Order Regarding MSN's Infringement of Certain Patent Claims by Exelixis, Inc.. (Raucci, Anthony) (Entered: 06/15/2022)
06/16/2022	24	NOTICE OF SERVICE of (1) Plaintiff Exelixis, Inc.'s Paragraph 3 and 4a Disclosures Under the Default Standard for Discovery and (2) Plaintiff Exelixis, Inc.'s Rule 26(a) Initial Disclosures filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 06/16/2022)
06/16/2022	25	NOTICE OF SERVICE of (i) MSN Laboratories Private Limited's and MSN Pharmaceuticals Inc.'s Initial Disclosures Pursuant to Rule 26(a)(1); and, (ii) MSN Laboratories Private Limited's and MSN Pharmaceuticals Inc.'s Initial ESI Disclosures filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 06/16/2022)
06/21/2022	26	SO ORDERED Granting 23 Stipulation and Proposed Order Regarding MSN's Infringement of Certain Patent Claims. Signed by Judge Richard G. Andrews on 6/21/2022. (nms) (Entered: 06/21/2022)
06/23/2022		Pro Hac Vice Attorney Kevin M. Yurkerwicz for Exelixis, 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: 06/23/2022)
06/23/2022	27	NOTICE requesting Clerk to remove Katherine P. Kieckhafer as co-counsel. Reason for request: no longer with firm. (Raucci, Anthony) (Entered: 06/23/2022)
07/06/2022	28	NOTICE OF SERVICE of Plaintiff Exelixis, Inc.'s First Set of Requests for the Production of Documents and Things filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 07/06/2022)
07/22/2022	29	NOTICE OF SERVICE of Plaintiff's Identification of Terms/Phrases for Construction filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 07/22/2022)
07/25/2022	30	NOTICE OF SERVICE of MSN Laboratories Private Ltd. and MSN Pharmaceuticals Inc.'s Identification of Terms/Phrases for Construction filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 07/25/2022)
08/04/2022	31	Letter to The Honorable Richard G. Andrews from Anthony D. Raucci regarding claim construction. (Raucci, Anthony) (Entered: 08/04/2022)
08/04/2022	32	ORAL ORDER: The request to vacate the claim construction deadlines and hearing (D.I. 31) is GRANTED. Ordered by Judge Richard G. Andrews on 8/4/2022. (nms) (Entered: 08/04/2022)
08/19/2022	33	STIPULATION to Amend Answer and Counterclaims, by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Attachments: # 1 Exhibit, # 2 Exhibit)(Gattuso, Dominick) Modified on 8/22/2022 (nms). (Entered: 08/19/2022)
08/19/2022	34	STIPULATION and [Proposed] Order to Consolidate Action by Exelixis, Inc.. (Raucci, Anthony) (Entered: 08/19/2022)
08/19/2022	35	PROPOSED Amended Scheduling Order, by Exelixis, Inc.. (Attachments: # 1 Letter)(Raucci, Anthony) Modified on 8/19/2022 (nms). (Entered: 08/19/2022)
08/23/2022	36	SO ORDERED Granting 33 Stipulation and Order to file Amended Answer and Counterclaims. Signed by Judge Richard G. Andrews on 8/23/2022. (nms) (Entered: 08/23/2022)

08/23/2022	37	FIRST AMENDED ANSWER, Affirmative Defenses and Counterclaims to 1 Complaint, by MSN Laboratories Private Limited and MSN Pharmaceuticals, Inc.. (nms) (Entered: 08/23/2022)
08/23/2022	38	SO ORDERED Granting (D.I. 34 in 22-cv-228-RGA-JLH; D.I. 11 in 22-cv-945-RGA) Stipulation and Proposed Order to Consolidate Action. Signed by Judge Richard G. Andrews on 8/23/2022. Associated Cases: 1:22-cv-00228-RGA-JLH, 1:22-cv-00945-RGA(nms) (Entered: 08/23/2022)
08/23/2022	39	AMENDED SCHEDULING ORDER For Consolidated Action: Joinder of Parties due by 1/6/2023, Amended Pleadings due by 1/6/2023, Fact Discovery completed by 3/16/2023, Joint Claim Construction Brief due by 2/9/2023, a Markman Hearing is set for 3/1/2023, at 9:00 AM in Courtroom 6A, a Pretrial Conference is set for 10/6/2023, at 9:00 AM in Courtroom 6A, a 3 Bench Trial is set to start 10/23/2023, at 08:30 AM in Courtroom 6A (see Order for further details). Signed by Judge Richard G. Andrews on 8/23/2022. (nms) (Entered: 08/23/2022)
08/26/2022	40	NOTICE requesting Clerk to remove Noorossadat Torabi of Winston & Strawn LLP as co-counsel. Reason for request: No Longer with Firm. (Gattuso, Dominick) (Entered: 08/26/2022)
08/30/2022	41	ANSWER to Counterclaims (see D.I. 9 in 22cv945-RGA-JLH), by Exelixis, Inc.. (Raucci, Anthony) Modified on 8/31/2022 (nms). (Entered: 08/30/2022)
09/09/2022	42	NOTICE OF SERVICE of Defendants MSN Laboratories Private Limited and MSN Pharmaceuticals Inc.s Response to Plaintiffs First Set of Requests for the Production of Documents and Things filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 09/09/2022)
09/12/2022	43	MOTION for Pro Hac Vice Appearance of Attorney Labdhi Sheth - filed by Exelixis, Inc.. (Raucci, Anthony) (Entered: 09/12/2022)
09/12/2022		SO ORDERED, re 43 MOTION for Pro Hac Vice Appearance of Attorney Labdhi Sheth, filed by Exelixis, Inc.. Signed by Judge Richard G. Andrews on 9/12/2022. (nms) (Entered: 09/12/2022)
09/12/2022	44	NOTICE OF SERVICE of Plaintiff Exelixis, Inc.'s Rule 26(A) Initial Disclosures and Plaintiff Exelixis, Inc.'s Paragraph 3 and 4a Disclosures Under the Default Standard for Discovery filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 09/12/2022)
09/12/2022	45	NOTICE OF SERVICE of (i) MSN Laboratories Private Limited's and MSN Pharmaceuticals Inc.'s Amended Initial Disclosures Pursuant to Rule 26(a)(1); and, (ii) MSN Laboratories Private Limited's and MSN Pharmaceuticals Inc.'s Initial ESI Disclosures filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 09/12/2022)
09/15/2022	46	ANSWER to 37 Amended Answer to Complaint, Counterclaim by Exelixis, Inc.. (Raucci, Anthony) (Entered: 09/15/2022)
09/27/2022	47	NOTICE OF SERVICE of Exelixis Inc.'s Preliminary Infringement Contentions filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 09/27/2022)
10/11/2022	48	NOTICE OF SERVICE of (1) Plaintiff Exelixis, Inc.'s Second Set of Requests for the Production of Documents and Things and (2) Plaintiff Exelixis, Inc.'s First Set of Interrogatories filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 10/11/2022)
10/27/2022	49	NOTICE OF SERVICE of Defendants' Initial Invalidity and Unenforceability Contentions for U.S. Patent Nos. 11,091,439, 11,091,440, 11,098,015, and

		11,298,349 (with Exhibit A) filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 10/27/2022)
11/03/2022	50	NOTICE OF SERVICE of Plaintiff's Identification of Terms/Phrases for Construction filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 11/03/2022)
11/03/2022	51	NOTICE OF SERVICE of MSN Laboratories Private Ltd. and MSN Pharmaceuticals Inc.s Identification of Terms/Phrases for Construction filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 11/03/2022)
11/10/2022	52	NOTICE OF SERVICE of MSN Laboratories Private Ltd. and MSN Pharmaceuticals Inc.'s (i) Responses and Objections to Plaintiff's Second Set of Interrogatories (Nos. 1-9); and, (ii) Responses to Plaintiff's Second Set of Requests for the Production of Documents and Things filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 11/10/2022)
11/11/2022	53	Letter to The Honorable Richard G. Andrews, from Anthony D. Raucci, regarding 349 patent claim construction. (Raucci, Anthony) Modified on 11/14/2022 (nms). (Entered: 11/11/2022)
11/14/2022	54	ORAL ORDER: The request to vacate certain scheduling order deadlines relating to claim construction (D.I. 53) is GRANTED. Ordered by Judge Richard G. Andrews on 11/14/2022. (nms) (Entered: 11/14/2022)
11/16/2022	55	NOTICE OF SERVICE of Subpoena to Testify at a Deposition in a Civil Action to Zydus Pharmaceuticals (USA) Inc. filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 11/16/2022)
11/22/2022	56	NOTICE OF SERVICE of Plaintiff Exelixis, Inc.'s Second Set of Interrogatories filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 11/22/2022)
12/02/2022	57	MOTION for Pro Hac Vice Appearance of Attorney Brian O'Gara of Winston & Strawn LLP - filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Gattuso, Dominick) (Entered: 12/02/2022)
12/02/2022		SO ORDERED, re 57 MOTION for Pro Hac Vice Appearance of Attorney Brian O'Gara of Winston & Strawn LLP, filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. Signed by Judge Richard G. Andrews on 12/2/2022. (nms) (Entered: 12/02/2022)
12/02/2022	58	NOTICE OF SERVICE of (i) Defendants MSN Laboratories Private Limited and MSN Pharmaceuticals Inc.'s Interrogatories to Plaintiffs (Nos. 1-13); (ii) Defendants MSN Laboratories Private Limited and MSN Pharmaceuticals Inc.'s First Set of Joint Requests for Admission to Plaintiff (Nos. 1-22); and, (iii) Defendants MSN Laboratories Private Limited and MSN Pharmaceuticals Inc.'s First Set of Requests for the Production of Documents and Things to Plaintiff (Nos. 1-70) filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 12/02/2022)
12/05/2022		Pro Hac Vice Attorney Brian O'Gara for MSN Laboratories Private Limited and MSN Pharmaceuticals, 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: 12/05/2022)
12/20/2022	59	NOTICE OF SERVICE of Plaintiff's Notice of Deposition Pursuant to Federal Rule of Civil Procedure 30(b)(6) filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 12/20/2022)

12/22/2022	60	NOTICE OF SERVICE of Defendants MSN Laboratories Private Limited and MSN Pharmaceuticals Inc.'s Responses and Objections to Plaintiffs Second Set of Interrogatories (No. 10) filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 12/22/2022)
01/05/2023	61	NOTICE OF SERVICE of (1) Plaintiff Exelixis, Inc.'s Third Set of Requests for the Production of Documents and Things and (2) Plaintiff Exelixis, Inc.'s Third Set of Interrogatories filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 01/05/2023)
01/17/2023	62	NOTICE OF SERVICE of (1) Exelixis' Objections and Responses to MSN's First Set of Joint Requests for Admission (Nos. 1-22) and (2) Exelixis' Responses and Objections to MSN's First Set of Requests for the Production of Documents and Things (Nos. 1-70) filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 01/17/2023)
01/24/2023		DEFICIENCY NOTICE issued by the Court to Defendants: Pursuant to Fed. R. Civ. P. 7.1 (b)(1), A party must: (1) file the disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. Counsel is requested to supplement the docket with an appropriate Rule 7.1 Disclosure Statement. (nms) (Entered: 01/24/2023)
01/24/2023	63	Disclosure Statement pursuant to Rule 7.1: identifying Corporate Parent MSN Laboratories Private Limited for MSN Pharmaceuticals, Inc. filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Gattuso, Dominick) (Entered: 01/24/2023)
01/24/2023	64	NOTICE OF SERVICE of Exelixis' Responses and Objections to MSN's First Set of Interrogatories (Nos. 1-13) filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 01/24/2023)
01/30/2023	65	NOTICE OF SERVICE of Defendants MSN Laboratories Private Limited and MSN Pharmaceuticals Inc.'s Responses and Objections to Plaintiff's Notice of Deposition pursuant to Federal Rule of Civil Procedure 30(b)(6) filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 01/30/2023)
02/03/2023	 66	[SEALED] NOTICE to Take Deposition of Exelixis, Inc. on March 16, beginning at 10:00 a.m. EDT, (remote) filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 02/03/2023)
02/03/2023	67	NOTICE to Take Deposition of Khalid Shah on March 13, 2023, beginning at 10:00 a.m. EDT (remote) filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 02/03/2023)
02/03/2023	68	NOTICE to Take Deposition of Peter Lamb on March 14, 2023, beginning at 10:00 a.m. EDT (remote) filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 02/03/2023)
02/03/2023	69	NOTICE of Service of Subpoena on Jo Ann Zbur Wilson by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc. (Gattuso, Dominick) (Entered: 02/03/2023)
02/06/2023	70	NOTICE OF SERVICE of copies of (i) Defendant MSN Laboratories Private Limited and MSN Pharmaceuticals, Inc.'s Responses and Objections to Plaintiff's Third Set of Interrogatories (No. 11); and, (ii) Defendant MSN Laboratories Private Limited and MSN Pharmaceuticals, Inc.'s Responses and Objections to Plaintiff's Third Set of Requests for the Production of Documents and Things filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 02/06/2023)

02/10/2023	71	REDACTED VERSION of 66 Notice to Take Deposition, by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Gattuso, Dominick) Modified on 2/13/2023 (nms). (Entered: 02/10/2023)
02/10/2023	72	NOTICE to Take Deposition of Srinivasan Thirumalai Rajan on March 13, 2023, filed by Exelixis, Inc..(Raucci, Anthony) Modified on 2/13/2023 (nms). (Entered: 02/10/2023)
02/10/2023	73	NOTICE to Take Deposition of Vamsikanth Appikonda on March 13, 2023 filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 02/10/2023)
02/14/2023	74	NOTICE OF SERVICE of Plaintiff Exelixis, Inc.'s First Set of Requests for Admission filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 02/14/2023)
02/14/2023	75	NOTICE OF SERVICE of (i) Defendant MSN Laboratories Private Limited and MSN Pharmaceuticals, Inc.'s Interrogatories to Plaintiffs (Nos. 14-15); and, (ii) Defendant MSN Laboratories Private Limited and MSN Pharmaceuticals, Inc.'s Second Set of Joint Requests for Admission to Plaintiff (Nos. 23-24) filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 02/14/2023)
02/16/2023	76	NOTICE OF SERVICE of (1) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action to Evercorn, Inc.; and (2) Subpoena to Testify at a Deposition in a Civil Action to Evercorn, Inc. filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 02/16/2023)
02/17/2023	77	NOTICE to Take Deposition of Dr. Rajeshwar Reddy on March 15, 2023 filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 02/17/2023)
02/17/2023	78	NOTICE to Take Deposition of Dr. Ravi Kumar Nithiyanandam on March 16, 2023 filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 02/17/2023)
02/17/2023	79	NOTICE to Take Deposition of Dr. Kondal Reddy Bairy on March 9, 2023 filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 02/17/2023)
03/01/2023	80	Joint Motion for Teleconference to Resolve Discovery Disputes - filed by Exelixis, Inc.. Motions referred to Jennifer L. Hall.(Raucci, Anthony) Modified on 3/2/2023 (nms). (Entered: 03/01/2023)
03/03/2023	81	NOTICE OF SERVICE of Plaintiff Exelixis, Inc.'s Rule 26(a) Supplemental Initial Disclosures filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 03/03/2023)
03/03/2023	82	NOTICE OF SERVICE of Exelixis, Inc.'s Responses and Objections to MSN's Rule 30(b)(6) Deposition Notice filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 03/03/2023)
03/03/2023	83	ORAL ORDER Setting Teleconference: The Court has reviewed the Joint Motion for Teleconference to Resolve Discovery Disputes (D.I. 80). A discovery dispute teleconference is scheduled for March 9, 2023 at 1:00 PM Eastern Time before Judge Jennifer L. Hall. By no later than March 6, 2023, the party(ies) seeking relief shall file with the Court a letter, not to exceed three pages, in no less than 12-point font, outlining the issues in dispute and its position on those issues. By no later than March 7, 2023, any party(ies) opposing the application for relief may file a letter, not to exceed three pages, in no less than 12-point font, outlining that party's reasons for its opposition. Counsel is reminded to provide courtesy copies. Counsel shall send dial-in information directly to the Court, no later than 24 hours prior to the hearing, using the following e-mail address: Cailah_Garfinkel@ded.uscourts.gov. The Court may choose to resolve the dispute

		prior to the telephone conference and will, in that event, cancel the conference. Ordered by Judge Jennifer L. Hall on 3/3/2023. (ceg) (Entered: 03/03/2023)
03/03/2023	84	NOTICE OF SERVICE of Exelixis' Supplemental Objections and Responses to MSN's First Set of Interrogatories (Nos. 1, 4, 9, and 10) filed by Exelixis, Inc.. (Raucci, Anthony) (Entered: 03/03/2023)
03/06/2023	85	Letter to The Honorable Jennifer L. Hall from Anthony D. Raucci regarding Discovery Dispute. (Attachments: # 1 Exhibits A-F, # 2 [Proposed] Order)(Raucci, Anthony) (Entered: 03/06/2023)
03/06/2023	 86	[SEALED] Letter to The Honorable Jennifer L. Hall from Dominick T. Gattuso, Esquire regarding Discovery dispute. (Attachments: # 1 Exhibit A-H)(Gattuso, Dominick) (Attachment 1 replaced on 3/15/2023) (ceg). (Entered: 03/06/2023)
03/07/2023	 87	[SEALED] Letter to The Honorable Jennifer L. Hall, from Dominick T. Gattuso, Esq., regarding discovery dispute. (Gattuso, Dominick) Modified on 3/8/2023 (nms). (Entered: 03/07/2023)
03/07/2023	88	Letter to The Honorable Jennifer L. Hall, from Anthony D. Raucci, regarding response to MSN's letter regarding discovery dispute (D.I. 86). (Raucci, Anthony) Modified on 3/8/2023 (nms). (Entered: 03/07/2023)
03/08/2023	89	ORAL ORDER: Having reviewed the parties' discovery dispute letters (D.I. 85; D.I. 86; D.I. 87; D.I. 88), the Court ORDERS as follows: (1) Plaintiff's motion to compel discovery is GRANTED-IN-PART. (i) Defendants shall provide a Rule 30(b)(6) witness to testify about the number and identity of its products that use a malate salt, the number of its products that use a hydrochloride salt, and the number of its products that use another salt. Defendants may provide the requested information in writing in lieu of testimony. Defendants may be right that the requested information has minimal relevance, but the burden of providing it is minimal. (ii) Defendants shall produce the portions of its regulatory submission(s) for Cabolong that describe the function performed by the granulated corn starch in that product, and Defendants shall provide a Rule 30(b)(6) witness regarding those statements. (iii) Plaintiff's remaining requests are denied. (2) Defendants' motion to compel discovery is DENIED. (i) The Court agrees with Plaintiff that it has responded to Interrogatory 10. It essentially asks for the evidence that Plaintiff is going to rely on to support its contention that the prior art did not include certain claim limitations. Plaintiff answered the question. (ii) The Court interprets RFAs 10-11 and 13-14 to be asking whether the drug product(s) mentioned in the listed references possessed certain qualities, regardless of whether those qualities are expressly described in the reference. The Court will not order Plaintiff to supplement its responses, but Plaintiff should ensure that its denials are consistent with the Court's interpretation. The discovery dispute teleconference scheduled for March 9, 2023 is CANCELLED. Ordered by Judge Jennifer L. Hall on 3/8/2023. (ceg) (Entered: 03/08/2023)
03/13/2023	90	STIPULATION and Order to Extend Time to file a public version of MSNs March 6, 2023 discovery dispute letter to March 15, 2023 - filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Gattuso, Dominick) Modified on 3/13/2023 (nms). (Entered: 03/13/2023)
03/13/2023		SO ORDERED, re 90 STIPULATION and Order to Extend Time to file a public version of MSNs March 6, 2023 discovery dispute letter to March 15, 2023. Signed by Judge Richard G. Andrews on 3/13/2023. (nms) (Entered: 03/13/2023)
03/14/2023	91	REDACTED VERSION of 87 Letter, by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Gattuso, Dominick) Modified on 3/14/2023 (nms).

		(Entered: 03/14/2023)
03/14/2023	92	AMENDED Notice to Take Deposition of Dr. Ravi Kumar Nithiyanandam, by Exelixis, Inc.. (Raucci, Anthony) Modified on 3/15/2023 (nms). (Entered: 03/14/2023)
03/15/2023	93	NOTICE to Take Deposition of Khalid Shah on remotely on March 16, 2023, beginning at 10:00 a.m. EDT filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 03/15/2023)
03/15/2023		CORRECTING ENTRY: The pdf for Exhibits A-H found at D.I. 86 has been replaced with a revised version per counsel's request. The revised version contains excerpts of Exhibits A, B, C, and G, rather than full versions of those documents. (ceg) (Entered: 03/15/2023)
03/16/2023	94	REDACTED VERSION of 86 Letter, by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Attachments: # 1 Exhibits A-H)(Gattuso, Dominick) Modified on 3/16/2023 (nms). (Entered: 03/16/2023)
03/16/2023	95	NOTICE OF SERVICE of Defendants' Final Invalidity and Unenforceability Contentions for U.S. Patent Nos. 11,091,439, 11,091,440, 11,098,015, and 11,298,349 filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 03/16/2023)
03/16/2023	96	NOTICE OF SERVICE of Defendant MSN Laboratories Private Limited and MSN Pharmaceuticals, Inc.'s Responses and Objections to Plaintiff Exelixis, Inc.'s First Set of Requests for Admission [CONFIDENTIAL] filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 03/16/2023)
03/16/2023	97	NOTICE OF SERVICE of (1) Exelixis' Objections and Responses to MSN's Second Set of Joint Requests for Admission (Nos. 23-24); (2) Exelixis' Responses and Objections to MSN's Second Set of Interrogatories (Nos. 14-15); and (3) Exelixis' Supplemental Objections and Responses to MSN's First Set of Interrogatories (Nos. 1-13) filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 03/16/2023)
03/20/2023	98	AMENDED NOTICE to Take Deposition of Peter Lamb on March 23, 2023, beginning at 9:00 a.m. PDT., filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) Modified on 3/20/2023 (nms). (Entered: 03/20/2023)
03/20/2023	99	NOTICE to Take Deposition of Brenda Hefti on March 21, 2023, beginning at 9:00 a.m. PDT. filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 03/20/2023)
03/27/2023	100	AMENDED Notice to Take Deposition of Rajeshwar Reddy on March 31, 2023, filed by Exelixis, Inc..(Raucci, Anthony) Modified on 3/28/2023 (nms). (Entered: 03/27/2023)
03/27/2023	101	AMENDED Notice to Take Deposition of Kondal Reddy Bairy on April 4, 2023, filed by Exelixis, Inc..(Raucci, Anthony) Modified on 3/28/2023 (nms). (Entered: 03/27/2023)
03/27/2023	102	AMENDED Notice to Take Deposition of Srinivasan Thirumalai Rajan on April 6, 2023, filed by Exelixis, Inc..(Raucci, Anthony) Modified on 3/28/2023 (nms). (Entered: 03/27/2023)

03/31/2023	103	NOTICE OF SERVICE of Defendant MSN Laboratories Private Limited and MSN Pharmaceuticals, Inc.'s Privilege Log filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 03/31/2023)
04/12/2023	104	MOTION for Teleconference to Resolve Discovery Dispute - filed by Exelixis, Inc.. Motions referred to Jennifer L. Hall.(Raucci, Anthony) (Entered: 04/12/2023)
04/14/2023	105	ORAL ORDER Setting Teleconference: The Court has reviewed the Motion for Teleconference to Resolve Discovery Disputes (D.I. 104). A discovery dispute teleconference is scheduled for May 2, 2023 at 3:30 PM Eastern Time before Judge Jennifer L. Hall. By no later than April 20, 2023, the party(ies) seeking relief shall file with the Court a letter, not to exceed three pages, in no less than 12-point font, outlining the issues in dispute and its position on those issues. By no later than April 26, 2023, any party(ies) opposing the application for relief may file a letter, not to exceed three pages, in no less than 12-point font, outlining that party's reasons for its opposition. Counsel is reminded to provide courtesy copies. Counsel shall send dial-in information directly to the Court, no later than 24 hours prior to the hearing, using the following e-mail address: Cailah_Garfinkel@ded.uscourts.gov. The Court may choose to resolve the dispute prior to the telephone conference and will, in that event, cancel the conference. Ordered by Judge Jennifer L. Hall on 4/14/2023. (ceg) (Entered: 04/14/2023)
04/20/2023	106	Letter to The Honorable Jennifer L. Hall, from Anthony D. Raucci, regarding resolution of discovery dispute (D.I. 104). (Raucci, Anthony) Modified on 4/20/2023 (nms). (Entered: 04/20/2023)
04/24/2023	107	ORAL ORDER re 106 Letter: At the request of counsel, IT IS HEREBY ORDERED that the discovery dispute teleconference scheduled for May 2, 2023 is cancelled. Ordered by Judge Jennifer L. Hall on 4/24/2023. (ceg) (Entered: 04/24/2023)
04/26/2023	108	STIPULATION and Proposed Order to Extend Time - filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Gattuso, Dominick) Modified on 4/27/2023 (nms). (Entered: 04/26/2023)
04/27/2023		SO ORDERED, re 108 STIPULATION and Proposed Order to Extend Time to file expert reports. Signed by Judge Richard G. Andrews on 4/27/2023. (nms) (Entered: 04/27/2023)
04/28/2023	109	NOTICE OF SERVICE of Opening Expert Report of Dr. Salvatore Lepore Regarding Invalidity of U.S. Patent Nos. 11,091,439, 11,091,440, 11,098,015, and 11,298,349 [CONFIDENTIAL]; (ii) Opening Expert Report of Jonathan Steed, Ph.D., Regarding Invalidity of the Asserted Claims of U.S. Patent Nos. 11,091,439, 11,091,440, and 11,098,015 [HIGHLY CONFIDENTIAL]; and, (iii) Opening Expert Report of Dr. Maureen Donovan Regarding Invalidity of U.S. Patent 11,298,349 [CONFIDENTIAL] filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 04/28/2023)
05/01/2023	110	NOTICE OF SERVICE of Opening Expert Report of John J. Koleng, Jr., Ph.D. Concerning Infringement of U.S. Patent No. 11,298,349 filed by Exelixis, Inc.. (Blumenfeld, Jack) (Entered: 05/01/2023)
06/09/2023	111	NOTICE OF SERVICE of Rebuttal Expert Report of Dr. Maureen Donovan regarding Noninfringement of U.S. Patent No. 11,298,349 [CONFIDENTIAL] filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 06/09/2023)

06/12/2023	112	NOTICE OF SERVICE of (1) Rebuttal Expert Report of John J. Koleng, Jr., Ph.D. Concerning Validity of U.S. Patent Nos. 11,091,439, 11,091,440, and 11,098,015, (2) Rebuttal Expert Report of Michael E. Tate, (3) Expert Report of Daniel J. George, M.D., (4) Rebuttal Expert Report of Bernhardt L. Trout Concerning Validity of U.S. Patent Nos. 11,091,439, 11,091,440, and 11,0978,015, (5) Rebuttal Expert Report of David W.C. Macmillan, Ph.D. and (6) Rebuttal Expert Report of Allan Myerson Ph.D. Concerning Validity of U.S. Patent No. 11,298,349 filed by Exelixis, Inc..(Raucci, Anthony) (Entered: 06/12/2023)
07/12/2023	113	NOTICE OF SERVICE of Reply Expert Report of John J. Koleng, Jr., Ph.D. Concerning Infringement of U.S. Patent No. 11,298,349 - filed by Exelixis, Inc.. (Raucci, Anthony) (Entered: 07/12/2023)
07/12/2023	114	NOTICE OF SERVICE of (i) Reply Expert Report of Dr. Maureen Donovan regarding Invalidity of U.S. Patent No. 11,298,349 [CONFIDENTIAL]; (ii) Reply Expert Report of Jonathan Steed Ph.D. regarding U.S. Patents Nos. 11,091,439, 11,091,440, and 11,098,015 [HIGHLY CONFIDENTIAL]; (iii) Reply Expert Report of Dr. Lepore regarding Invalidity of U.S. Patent Nos. 11,091,439, 11,091,440, 11,098,015, and 11,298,349 [CONFIDENTIAL]; (iv) Reply Expert Report of Dr. Anthony Mega regarding the Invalidity of U.S Patent Nos. 11,091,439, 11,091,440, 11,098,015, and 11,298,349 [CONFIDENTIAL]; and, (v) Expert Report of DeForest McDuff (with exhibits) [CONFIDENTIAL] filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 07/12/2023)
07/19/2023	115	MOTION for Pro Hac Vice Appearance of Attorney Jonathan A. Cox - filed by Exelixis, Inc.. (Raucci, Anthony) (Entered: 07/19/2023)
07/19/2023		SO ORDERED, re 115 MOTION for Pro Hac Vice Appearance of Attorney Jonathan A. Cox, filed by Exelixis, Inc.. Signed by Judge Richard G. Andrews on 7/19/2023. (nms) (Entered: 07/19/2023)
07/25/2023		Pro Hac Vice Attorney Jonathan A. Cox for Exelixis, 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: 07/25/2023)
09/11/2023	116	MOTION for Pro Hac Vice Appearance of Attorney Elizabeth E. Grden of Winston & Strawn LLP - filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Gattuso, Dominick) (Entered: 09/11/2023)
09/11/2023		SO ORDERED, re 116 MOTION for Pro Hac Vice Appearance of Attorney Elizabeth E. Grden of Winston & Strawn LLP, filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. Signed by Judge Richard G. Andrews on 9/11/2023. (nms) (Entered: 09/11/2023)
09/20/2023	117	Letter to The Honorable Richard G. Andrews, from Jack B. Blumenfeld, regarding change in lead counsel for PTC and trial. (Blumenfeld, Jack) Modified on 9/20/2023 (nms). (Entered: 09/20/2023)
09/27/2023	118	ORAL ORDER: Due to a scheduling conflict the Pretrial Conference set for 10/6/2023, will now start at 11:30 AM in Courtroom 6A. Ordered by Judge Richard G. Andrews on 9/27/2023. (nms) (Entered: 09/27/2023)
09/28/2023	119	STIPULATION of Dismissal, by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Gattuso, Dominick) Modified on 9/28/2023 (nms). (Entered: 09/28/2023)

09/28/2023	120	SO ORDERED Granting 119 Stipulation of Dismissal of certain counterclaims. Signed by Judge Richard G. Andrews on 9/28/2023. (nms) (Entered: 09/28/2023)
09/29/2023	121	MOTION for Pro Hac Vice Appearance of Attorney Marissa A. Lalli - filed by Exelixis, Inc.. (Raucci, Anthony) (Entered: 09/29/2023)
09/29/2023		SO ORDERED, re 121 MOTION for Pro Hac Vice Appearance of Attorney Marissa A. Lalli, filed by Exelixis, Inc.. Signed by Judge Richard G. Andrews on 9/29/2023. (lah) (Entered: 09/29/2023)
10/02/2023	 122	[SEALED] MOTION in Limine to Exclude Testimony from Dr. Lepore Concerning Tablets or Capsule Formulations - filed by Exelixis, Inc.. (Attachments: # 1 Exhibits A-B)(Raucci, Anthony) Modified on 10/3/2023 (nms). (Attachment 1 replaced on 10/5/2023) (nms). (Entered: 10/02/2023)
10/02/2023	 123	[SEALED] Motion in Limine No. 1 - filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Attachments: # 1 Exhibits A-C, # 2 Exhibits A-C, # 3 Certificate of Service)(Gattuso, Dominick) Modified on 10/3/2023 (nms). (Entered: 10/02/2023)
10/02/2023	 124	[SEALED] Proposed Final Pretrial Order, by Exelixis, Inc.. (Attachments: # 1 Exhibits 1-12)(Raucci, Anthony) Modified on 10/3/2023 (nms). (Entered: 10/02/2023)
10/03/2023	125	NOTICE OF SERVICE of Notice Pursuant to 35 U.S.C. Sec. 282 filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc..(Gattuso, Dominick) (Entered: 10/03/2023)
10/04/2023	126	Motion for Exemption of Persons from The District of Delaware's May 15, 2023 Standing Order on Personal Devices - filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Attachments: # 1 Proposed Order).(Gattuso, Dominick) Modified on 10/4/2023 (nms). (Entered: 10/04/2023)
10/04/2023		Motions No Longer Referred: 126 Motion for Exemption of Persons from The District of Delaware's May 15, 2023 Standing Order on Personal Devices. This motion was referred in error by CM/ECF. (nms) (Entered: 10/04/2023)
10/04/2023	127	ORDER Granting 126 Motion for Exemption of Persons from The District of Delaware's May 15, 2023, Standing Order on Personal Devices. Signed by Judge Richard G. Andrews on 10/4/2023. (nms) (Entered: 10/04/2023)
10/05/2023		CORRECTING ENTRY: The pdf for exhibits A and B found at D.I. 122 has been replaced per counsel's request. Pages inadvertently omitted have been added. (nms) (Entered: 10/05/2023)
10/05/2023	128	MOTION for Limited Exemption from the Standing Order Regarding Personal Electronic Devices - filed by Exelixis, Inc.. (Raucci, Anthony) Modified on 10/5/2023 (nms). (Entered: 10/05/2023)
10/05/2023		Motions No Longer Referred: 128 MOTION for Limited Exemption from the Standing Order Regarding Personal Electronic Devices. This motion was referred in error by CM/ECF. (nms) (Entered: 10/05/2023)
10/05/2023	129	SO ORDERED Granting 128 MOTION for Limited Exemption from the Standing Order Regarding Personal Electronic Devices. Signed by Judge Richard G. Andrews on 10/5/2023. (nms) (Entered: 10/05/2023)
10/06/2023		Minute Entry for proceedings held before Judge Richard G. Andrews - Local counsel present for Plaintiff: A. Raucci. Local counsel present for Defendants: D.

		Gattuso. The final pretrial conference was held on 10/6/2023. The Court provided rulings on the motions in limine. The trial schedule was discussed and the Court advised it will hear closing arguments on Thursday, October 26, 2023, starting at 9:30 a.m.. Experts' resumes are to be filed by Thursday, October 19, 2023. (Court Reporter Heather Triozzi.) (nms) (Entered: 10/06/2023)
10/06/2023	130	ORDER AFTER PRETRIAL CONFERENCE: The Proposed Pretrial Order (D.I. 124) is ADOPTED. A bench trial will begin on 10/23/2023, at 8:30 a.m. The motions in limine (D.I. 122 ; D.I. 123) were DENIED without prejudice (see Order for further details). Signed by Judge Richard G. Andrews on 10/6/2023. (nms) (Entered: 10/06/2023)
10/09/2023	131	STIPULATION and Proposed Order Extending Time to file redacted versions of D.I. 122 , 123 , and 124 to October 13, 2023 - filed by Exelixis, Inc.. (Raucci, Anthony) Modified on 10/10/2023 (nms). (Entered: 10/09/2023)
10/10/2023		SO ORDERED, re 131 STIPULATION and Proposed Order Extending Time to file redacted versions of D.I. 122 , 123 , and 124 to October 13, 2023. Signed by Judge Richard G. Andrews on 10/10/2023. (nms) (Entered: 10/10/2023)
10/11/2023	132	MOTION for Exemption from the Standing Order Regarding Personal Electronic Devices - filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Attachments: # 1 Proposed Order).(Gattuso, Dominick) Modified on 10/11/2023 (nms). (Entered: 10/11/2023)
10/11/2023		Motions No Longer Referred: 132 MOTION for Exemption from the Standing Order Regarding Personal Electronic Devices. This motion was referred in error to Judge Hall. (nms) (Entered: 10/11/2023)
10/11/2023	133	ORDER Granting 132 MOTION for Exemption from the Standing Order Regarding Personal Electronic Devices. Signed by Judge Richard G. Andrews on 10/11/2023. (nms) (Entered: 10/11/2023)
10/13/2023		CORRECTING ENTRY: The pdf for D.I. 134-2 has been replaced per the filer's request. The redactions in the first version were not complete. The NEF for the filing has been regenerated. (nms) (Entered: 10/13/2023)
10/13/2023	135	REDACTED VERSION of 122 MOTION in Limine to Exclude Testimony From Dr. Lepore Concerning Tablets or Capsule Formulations by Exelixis, Inc.. (Attachments: # 1 Exhibit A-B)(Raucci, Anthony) (Entered: 10/13/2023)
10/13/2023	136	REDACTED VERSION of 124 Proposed Pretrial Order by Exelixis, Inc.. (Attachments: # 1 Exhibit 1-12)(Raucci, Anthony) (Entered: 10/13/2023)
10/13/2023		CORRECTING ENTRY: The redacted document filed at D.I. 134 has been removed from the docket as the filer advised it contained errors. Counsel will refile a correct redaction. (nms) (Entered: 10/13/2023)
10/13/2023	137	REDACTED VERSION of 123 MOTION in Limine No. 1, by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Attachments: # 1 Exhibits A-C, # 2 Exhibits A-C, # 3 Certificate of Service)(Gattuso, Dominick) Modified on 10/13/2023 (nms). (Entered: 10/13/2023)
10/16/2023	138	Letter to The Honorable Richard G. Andrews, from Dominick T. Gattuso, Esq., regarding the narrowing of the defenses MSN will present at trial. (Gattuso, Dominick) Modified on 10/16/2023 (nms). (Entered: 10/16/2023)
10/16/2023	139	Letter to The Honorable Richard G. Andrews, from Dominick T. Gattuso, Esq., enclosing expert CV's. (Gattuso, Dominick) Modified on 10/16/2023 (nms).

		(Entered: 10/16/2023)
10/16/2023	140	Letter to The Honorable Richard G. Andrews, from Anthony D. Raucci, enclosing CV's for expert witnesses. (Raucci, Anthony) Modified on 10/16/2023 (nms). (Entered: 10/16/2023)
10/17/2023	141	MOTION for Exemption of Person from the District of Delaware's May 15, 2023 Standing Order on Personal Devices - filed by Exelixis, Inc..(Raucci, Anthony) Modified on 10/17/2023 (nms). (Entered: 10/17/2023)
10/17/2023		Motions No Longer Referred: 141 MOTION for Exemption of Person from the District of Delaware's May 15, 2023 Standing Order on Personal Devices. This motion was referred in error by CM/ECF. (nms) (Entered: 10/17/2023)
10/17/2023	142	SO ORDERED Granting 141 MOTION for Exemption of Person from the District of Delaware's May 15, 2023 Standing Order on Personal Devices. Signed by Judge Richard G. Andrews on 10/17/2023. (nms) (Entered: 10/17/2023)
10/20/2023	143	MOTION for Exemption from the Standing Order Regarding Personal Electronic Devices - filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Attachments: # 1 Proposed Order). (Gattuso, Dominick) Modified on 10/20/2023 (nms). (Entered: 10/20/2023)
10/20/2023		Motions No Longer Referred: 143 MOTION for Exemption from the Standing Order Regarding Personal Electronic Devices. This motion was referred in error by CM/ECF. (nms) (Entered: 10/20/2023)
10/20/2023	144	ORDER Granting 143 MOTION for Exemption from the Standing Order Regarding Personal Electronic Devices. Signed by Judge Richard G. Andrews on 10/20/2023. (nms) (Entered: 10/20/2023)
10/22/2023	146	MOTION for Exemption of Person from the District of Delaware's May 15, 2023 Standing Order on Personal Devices - filed by Exelixis, Inc..(Raucci, Anthony) Modified on 10/23/2023 (nms). (Entered: 10/22/2023)
10/22/2023	 147	[SEALED] Amended Exhibits 10a -10b to 124 Proposed Pretrial Order, by Exelixis, Inc.. (Attachments: # 1 Exhibit 10a, # 2 Exhibit 10b)(Raucci, Anthony) Modified on 10/23/2023 (nms). (Entered: 10/22/2023)
10/23/2023		CORRECTING ENTRY: The exhibit filed at D.I. 145 has been removed from the docket as the filing was incompletely formatted. The filing lacked a captioned cover page. Counsel shall refile accordingly. (nms) (Entered: 10/23/2023)
10/23/2023	148	SO ORDERED Granting 146 MOTION for Exemption of Person from the District of Delaware's May 15, 2023 Standing Order on Personal Devices. Signed by Judge Richard G. Andrews on 10/23/2023. (nms) (Entered: 10/23/2023)
10/23/2023	 149	[SEALED] Amended Exhibit 1 to 124 Proposed Pretrial Order, by Exelixis, Inc.. (Attachments: # 1 Exhibit 1)(Raucci, Anthony) Modified on 10/23/2023 (nms). (Entered: 10/23/2023)
10/23/2023	150	MOTION for Exemption from the Standing Order Regarding Personal Electronic Devices - filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Attachments: # 1 Proposed Order). (Gattuso, Dominick) Modified on 10/23/2023 (nms). (Entered: 10/23/2023)
10/23/2023	151	ORDER Granting 150 MOTION for Exemption from the Standing Order Regarding Personal Electronic Devices. Signed by Judge Richard G. Andrews on 10/23/2023. (nms) (Entered: 10/23/2023)

10/23/2023		Minute Entry for proceedings held before Judge Richard G. Andrews - Bench Trial day 1 held on 10/23/2023. Local Counsel present for Plaintiff: J. Blumenfeld, A. Raucci. Local Counsel present for Defendant: D. Gattuso. Opening Statements made. Witnesses: Ravi Kumar Nithiyanandam by deposition, John Koleng, Maureen Donovan, Salvatore Lepore. (Court Reporter Heather Triozzi.) (lah) (Entered: 10/24/2023)
10/24/2023		Minute Entry for proceedings held before Judge Richard G. Andrews - Bench Trial day 2 held on 10/24/2023. Local Counsel present for Plaintiff: J. Blumenfeld, A. Raucci. Local Counsel present for Defendant: D. Gattuso. Witnesses: Salvatore Lepore, Maureen Donovan, Jonathan Steed, Jo Ann Wilson by deposition, Peter Lamb by deposition, Khalid Shah, David MacMillan, Alan Myerson. (Court Reporter Heather Triozzi.) (lah) (Entered: 10/26/2023)
10/25/2023	152	NOTICE of Appearance by Brendan McDonnell on behalf of MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc. (McDonnell, Brendan) (Entered: 10/25/2023)
10/25/2023		Minute Entry for proceedings held before Judge Richard G. Andrews - Bench Trial day 3 held on 10/25/2023. Local Counsel present for Plaintiff: J. Blumenfeld, A. Raucci. Local Counsel present for Defendant: D. Gattuso. Witnesses: Alan Myerson, John Koleng, Bernhardt Trout, Daniel George, Michael Tate, Anthony Mega, DeForest McDuff. (Court Reporter Heather Triozzi.) (lah) (Entered: 10/26/2023)
10/26/2023		Minute Entry for proceedings held before Judge Richard G. Andrews - Bench Trial day 4 completed on 10/26/2023. Local Counsel present for Plaintiff: J. Blumenfeld, A. Raucci. Local Counsel present for Defendant: D. Gattuso. Closing arguments given. (Court Reporter Heather Triozzi.) (lah) (Entered: 10/26/2023)
10/27/2023	153	REDACTED VERSION of 147 Exhibit to a Document by Exelixis, Inc.. (Attachments: # 1 Exhibits 10a and 10b)(Raucci, Anthony) (Entered: 10/27/2023)
10/27/2023	154	REDACTED VERSION of 149 Exhibit to a Document by Exelixis, Inc.. (Attachments: # 1 Exhibit 1)(Raucci, Anthony) (Entered: 10/27/2023)
10/27/2023	155	STIPULATION Regarding Post-Trial Briefing, by Exelixis, Inc.. (Raucci, Anthony) Modified on 10/27/2023 (nms). (Entered: 10/27/2023)
10/27/2023	156	SO ORDER Granting 155 Stipulation Regarding Post-Trial Briefing. Signed by Judge Richard G. Andrews on 10/27/2023. (nms) (Entered: 10/27/2023)
10/29/2023	 157	Official Transcript of Pretrial Conference held on 10/06/23 before Judge Richard G. Andrews. Court Reporter Heather M. Triozzi,Email: Heather_Triozzi@ded.uscourts.gov. Transcript may be viewed at the court public terminal or order/purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER. Redaction Request due 11/20/2023. Redacted Transcript Deadline set for 11/29/2023. Release of Transcript Restriction set for 1/29/2024. (Triozzi, Heather) (Entered: 10/29/2023)
11/08/2023	158	STIPULATION to Extend Time to submit trial transcript errata to November 13, 2023 - filed by Exelixis, Inc.. (Raucci, Anthony) Modified on 11/9/2023 (nms). (Entered: 11/08/2023)
11/09/2023	159	SO ORDERED Granting 158 STIPULATION to Extend Time to submit trial transcript errata to November 13, 2023. Signed by Judge Richard G. Andrews on 11/9/2023. (nms) (Entered: 11/09/2023)

11/09/2023	160	Exhibit List for bench trial held 10/23/23 - 10/26/23. (lah) (Entered: 11/09/2023)
11/20/2023	 161	Official Transcript of Bench Trial held on 10/23/23 before Judge Richard G. Andrews. Court Reporter Heather M. Triozzi,Email: Heather_Triozzi@ded.uscourts.gov. Transcript may be viewed at the court public terminal or order/purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER. Redaction Request due 12/11/2023. Redacted Transcript Deadline set for 12/21/2023. Release of Transcript Restriction set for 2/20/2024. (Triozzi, Heather) (Entered: 11/20/2023)
11/20/2023	 162	Official Transcript of Bench Trial held on 10/24/23 before Judge Richard G. Andrews. Court Reporter Heather M. Triozzi,Email: Heather_Triozzi@ded.uscourts.gov. Transcript may be viewed at the court public terminal or order/purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER. Redaction Request due 12/11/2023. Redacted Transcript Deadline set for 12/21/2023. Release of Transcript Restriction set for 2/20/2024. (Triozzi, Heather) (Entered: 11/20/2023)
11/20/2023	 163	Official Transcript of Bench Trial held on 10/25/23 before Judge Richard G. Andrews. Court Reporter Heather M. Triozzi,Email: Heather_Triozzi@ded.uscourts.gov. Transcript may be viewed at the court public terminal or order/purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER. Redaction Request due 12/11/2023. Redacted Transcript Deadline set for 12/21/2023. Release of Transcript Restriction set for 2/20/2024. (Triozzi, Heather) (Entered: 11/20/2023)
11/20/2023	 164	Official Transcript of Bench Trial held on 10/26/23 before Judge Richard G. Andrews. Court Reporter Heather M. Triozzi,Email: Heather_Triozzi@ded.uscourts.gov. Transcript may be viewed at the court public terminal or order/purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER. Redaction Request due 12/11/2023. Redacted Transcript Deadline set for 12/21/2023. Release of Transcript Restriction set for 2/20/2024. (Triozzi, Heather) (Entered: 11/20/2023)
12/05/2023	165	NOTICE of Lodging of Defendants' Trial Demonstratives by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8)(Gattuso, Dominick) (Entered: 12/05/2023)
12/05/2023	166	NOTICE of Lodging of Trial Demonstratives by Exelixis, Inc. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12)(Raucci, Anthony) (Entered: 12/05/2023)
12/12/2023	167	Opening Post-Trial Brief on Infringement of U.S. Patent No. 11,298,349, by Exelixis, Inc.. (Blumenfeld, Jack) Modified on 12/13/2023 (nms). (Entered: 12/12/2023)
12/12/2023	168	Proposed Findings of Fact, by Exelixis, Inc.. (Blumenfeld, Jack) Modified on 12/13/2023 (nms). (Entered: 12/12/2023)
12/12/2023	169	Opening Post-Trial Brief on Invalidity, by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Gattuso, Dominick) Modified on 12/13/2023 (nms).

		(Entered: 12/12/2023)
12/12/2023	170	Proposed Findings of Fact, by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Gattuso, Dominick) Modified on 12/13/2023 (nms). (Entered: 12/12/2023)
01/16/2024		Case no longer referred to Judge Jennifer L. Hall (magistrate) for discovery disputes. (nms) (Entered: 01/16/2024)
01/22/2024	171	MOTION for Pro Hac Vice Appearance of Attorney Charlotte Geaghan-Breiner - filed by Exelixis, Inc.. (Raucci, Anthony) (Entered: 01/22/2024)
01/22/2024	172	Pro Hac Vice Fee - Credit Card Payment received for Charlotte Geaghan-Breiner. (re 171 MOTION for Pro Hac Vice Appearance of Attorney Charlotte Geaghan-Breiner)(Payment of \$ 50, receipt number ADEDC-4319062).(Raucci, Anthony) (Entered: 01/22/2024)
01/22/2024		SO ORDERED, re 171 MOTION for Pro Hac Vice Appearance of Attorney Charlotte Geaghan-Breiner, filed by Exelixis, Inc.. Signed by Judge Richard G. Andrews on 1/22/2024. (nms) (Entered: 01/22/2024)
01/23/2024	173	RESPONSIVE Post-Trial Brief on Noninfringement, by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Gattuso, Dominick) Modified on 1/23/2024 (nms). (Entered: 01/23/2024)
01/23/2024	174	Proposed Findings of Fact, by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Gattuso, Dominick) Modified on 1/23/2024 (nms). (Entered: 01/23/2024)
01/23/2024	175	RESPONSIVE Post-Trial Brief, by Exelixis, Inc.. (Raucci, Anthony) Modified on 1/23/2024 (nms). (Entered: 01/23/2024)
01/23/2024	176	Proposed Findings of Fact, by Exelixis, Inc.. (Raucci, Anthony) Modified on 1/23/2024 (nms). (Entered: 01/23/2024)
02/20/2024	177	Reply Post-Trial Brief on Invalidity, by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Gattuso, Dominick) Modified on 2/20/2024 (nms). (Entered: 02/20/2024)
02/20/2024	178	Reply Post-Trial Brief on Infringement of U.S. Patent No. 11,298,349, by Exelixis, Inc.. (Raucci, Anthony) Modified on 2/20/2024 (nms). (Entered: 02/20/2024)
02/26/2024	179	Letter to The Honorable Richard G. Andrews, from Anthony D. Raucci, regarding hyperlinked versions of Plaintiff's post-trial briefing and findings of fact. (Raucci, Anthony) Modified on 2/26/2024 (nms). (Entered: 02/26/2024)
02/27/2024	180	Letter to The Honorable Richard G. Andrews, from Dominick T. Gattuso, Esq., enclosing hyperlinked post-trial documents. (Gattuso, Dominick) Modified on 2/27/2024 (nms). (Entered: 02/27/2024)
06/13/2024	181	NOTICE requesting Clerk to remove Kevin M. Yurkerwich as co-counsel.. (Raucci, Anthony) (Entered: 06/13/2024)
10/03/2024	182	ORAL ORDER: There are references in the trial record to Exelixis N-1 and N-2, MSNs form S, Mylans M-1, M-2, M-3, and M-4, and Ciplas C-2, C-3, C-4, and C-5, as cabozantinib (L) malate salts. Is there any reference in the trial record to Ciplas C-1? There are also references to tapped density. Is tapped density ever defined in the trial record? The parties are directed to respond by COB October 7, 2024, and, if there are any such references or definitions, to identify them and cite

		where they occur. Ordered by Judge Richard G. Andrews on 10/3/2024. (nms) (Entered: 10/03/2024)
10/07/2024	183	Joint Letter to The Honorable Richard G. Andrews, from Anthony D. Raucci, regarding the Court's October 3, 2024 Oral Order (D.I. 182). (Raucci, Anthony) Modified on 10/7/2024 (nms). (Entered: 10/07/2024)
10/07/2024	184	NOTICE of Defendants MSN Laboratories Private Limited and MSN Pharmaceuticals, Inc.'s Request for Judicial Notice by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc. re 182 Oral Order,, (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Gattuso, Dominick) (Entered: 10/07/2024)
10/07/2024	185	Letter to The Honorable Richard G. Andrews, from Anthony D. Raucci, regarding Exelixis' response to MSN's request for judicial notice (D.I. 184). (Raucci, Anthony) Modified on 10/8/2024 (nms). (Entered: 10/07/2024)
10/15/2024	186	TRIAL OPINION: For the foregoing reasons, I find the asserted claim of the '349 patent not infringed and not invalid. I find the asserted claims of the Malate Salt Patents not invalid. The parties shall submit a final judgment consistent with this trial opinion within one week (see Opinion for further details). Signed by Judge Richard G. Andrews on 10/15/2024. (nms) (Entered: 10/15/2024)
10/22/2024	187	PROPOSED Final Judgment, by Exelixis, Inc.. (Attachments: # 1 Letter)(Raucci, Anthony) Modified on 10/22/2024 (nms). (Entered: 10/22/2024)
10/23/2024	188	FINAL JUDGMENT (see Judgment for further details) (CASE CLOSED). Signed by Judge Richard G. Andrews on 10/23/2024. (nms) (Entered: 10/23/2024)
10/23/2024	189	Report to the Commissioner of Patents and Trademarks for Patent/Trademark Number(s) 11,091,439 B2; 11,091,440 B22; 11,098,515 B2. (Attachments: # 1 Final Judgment)(nms) (Entered: 10/23/2024)
11/22/2024	190	NOTICE OF APPEAL to the Federal Circuit of 188 Judgment . Appeal filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Gattuso, Dominick) (Entered: 11/22/2024)
11/22/2024		APPEAL - Credit Card Payment received re 190 Notice of Appeal (Federal Circuit) filed by MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc.. (Filing fee \$605, receipt number ADEDC-4555954.) (Gattuso, Dominick) (Entered: 11/22/2024)
11/22/2024		Notification regarding 190 Notice of Appeal (Federal Circuit) sent to Reporter Triozzi. (mpb) (Entered: 11/22/2024)
11/22/2024		Notice of Appeal and Docket Sheet to US Court of Appeals for the Federal Circuit re 190 Notice of Appeal (Federal Circuit). (mpb) (Entered: 11/22/2024)
11/26/2024	191	NOTICE OF CROSS APPEAL to the Federal Circuit of 188 Judgment . Cross Appeal filed by Exelixis, Inc.. (Raucci, Anthony) (Entered: 11/26/2024)
11/26/2024		APPEAL - Credit Card Payment received re 191 Notice of Cross Appeal filed by Exelixis, Inc.. (Filing fee \$605, receipt number ADEDC-4557985.) (Raucci, Anthony) (Entered: 11/26/2024)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EXELIXIS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 22-228 (RGA)
	)	(Consolidated)
MSN LABORATORIES PRIVATE	)	
LIMITED and MSN PHARMACEUTICALS,	)	
INC.,	)	
	)	
Defendants.	)	
	)	

FINAL JUDGMENT

WHEREAS this patent infringement action was brought by Exelixis, Inc. (“Exelixis”) alleging, inter alia, that the submission of Abbreviated New Drug Application (“ANDA”) No. 213878 by MSN Laboratories Private Limited and MSN Pharmaceuticals Inc. (collectively, “MSN”) infringed claim 4 of U.S. Patent No. 11,091,439 (the “’439 patent”), claim 3 of U.S. Patent No. 11,091,440 (the “’440 patent”), claim 2 of U.S. Patent No. 11,098,015 (the “’015 patent”), and claim 3 of U.S. Patent No. 11,298,349 (the “’349 patent”). *See* D.I. 1 (alleging infringement of claims of ’439, ’440, and ’015 patents);¹ *Exelixis, Inc. v. MSN Labs. Pvt. Ltd.*, C.A. No. 22-945, D.I. 1 (D. Del. July 18, 2022) (alleging infringement of claims of ’349 patent);

WHEREAS C.A. No. 22-228 (D. Del.) and C.A. No. 22-945 (D. Del.) were consolidated (D.I. 38);

WHEREAS MSN stipulated to infringement of claim 4 of the ’439 patent, claim 3 of the ’440 patent, and claim 2 of the ’015 patent, if those claims were not found invalid (D.I. 26, 1-2);

¹ Unless stated otherwise, references to D.I. refer to the docket index number of filings in C.A. No. 22-228 (D. Del.).

WHEREAS this matter came before the Court for a bench trial to resolve the questions of (1) whether claim 4 of the '439 patent, claim 3 of the '440 patent, and claim 2 of the '015 patent are invalid by reason of lacking an adequate written description; (2) whether claim 4 of the '439 patent, claim 3 of the '440 patent, and claim 2 of the '015 patent are invalid by reason of obviousness-type double patenting; (3) whether the submission of MSN's ANDA No. 213878 constituted infringement of claim 3 of the '349 patent; and (4) whether claim 3 of the '349 patent is invalid by reason of obviousness.

WHEREAS the Court held a bench trial in the above-captioned action from October 23 to October 26, 2023; and

WHEREAS the Court issued an opinion setting forth its findings of fact and conclusions of law on October 15, 2023 (D.I. 186).

IT IS HEREBY ORDERED AND ADJUDGED:

1. Final judgment is entered in favor of Exelixis and against MSN on (1) Exelixis' claim of infringement under 35 U.S.C. § 271(e)(2) of claim 4 of the '439 patent, claim 3 of the '440 patent, and claim 2 of the '015 patent; (2) MSN's claim for a declaratory judgment of non-infringement under 35 U.S.C. § 271(e)(2) of claim 4 of the '439 patent, claim 3 of the '440 patent, and claim 2 of the '015 patent.

2. Final judgment is entered in favor of Exelixis and against MSN on MSN's claim for a declaratory judgment of invalidity of claim 4 of the '439 patent, claim 3 of the '440 patent, and claim 2 of the '015 patent.

3. Final judgment is entered in favor of MSN and against Exelixis on (1) Exelixis' claim of infringement under 35 U.S.C. § 271(e)(2) of claim 3 of the '349 patent and (2) MSN's

claim for a declaratory judgment of non-infringement under 35 U.S.C. § 271(e)(2) of claim 3 of the '349 patent.

4. Final judgment is entered in favor of Exelixis and against MSN on MSN's claim for a declaratory judgment of invalidity of claim 3 of the '349 patent.

5. Final judgment is entered in favor of Exelixis and against MSN that the generic cabozantinib product that is the subject of MSN's ANDA No. 213878, if approved by the FDA, would infringe claim 4 of the '439 patent, claim 3 of the '440 patent, and claim 2 of the '015 patent under 35 U.S.C. § 271(a).

6. Pursuant to 35 U.S.C. § 271(e)(4)(A), the effective date under § 505(j) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 355(j)) of any final approval by the FDA of MSN's ANDA No. 213878 shall be a date not earlier than the expiration date of the '439 patent, the '440 patent, and the '015 patent (January 15, 2030), including any extensions and/or additional periods of exclusivity to that date.

7. Pursuant to 35 U.S.C. § 271(e)(4)(B), MSN and any person or entity to whom MSN transfers ANDA No. 213878, along with their respective affiliates, subsidiaries, and each of their officers, agents, servants, and employees, and those acting in privity or concert with them, are hereby enjoined from engaging in the commercial manufacture, use, offer for sale, and/or sale in the United States and/or importation into the United States of the generic cabozantinib product that is the subject of MSN's ANDA No. 213878 until the expiration date of the '439 patent, '440 patent, and '015 patent (January 15, 2030), including any extensions and/or additional periods of exclusivity to that date.

8. In the event that a party appeals this Final Judgment, any motion for attorneys' fees and/or costs under Fed. R. Civ. P. 54(d) and/or Local Rules 54.1 and/or 54.3, including any motion

that this case is exceptional under 35 U.S.C. § 285, shall be considered timely if filed and served within 30 days after the final disposition of any such appeal, and the responding party shall have 30 days after filing and service to respond.

9. In the event that no party appeals this Final Judgment, any motion for attorneys' fees and/or costs under Fed. R. Civ. P. 54(d) and/or Local Rules 54.1 and/or 54.3, including any motion that this case is exceptional under 35 U.S.C. § 285, shall be considered timely if filed and served within 30 days after the expiration of the time for filing a notice of appeal under Fed. R. App. P. 3 and 4, and the responding party shall have 30 days after filing and service to respond.

10. Pursuant to entry of this Final Judgment, all other claims and counterclaims shall be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a)(2).

Dated this 23 day of October, 2024

/s/ Richard G. Andrews

Honorable Richard G. Andrews
United States District Court Judge

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

1201 NORTH MARKET STREET
P.O. BOX 1347
WILMINGTON, DELAWARE 19899-1347

(302) 658-9200
(302) 658-3989 FAX

ANTHONY D. RAUCCI
(302) 351-9392
araucci@morrisnichols.com

October 22, 2024

The Honorable Richard G. Andrews
United States District Court
for the District of Delaware
844 North King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *Exelixis, Inc. v. MSN Laboratories Private Limited, et al.*
C.A. No. 22-228 (RGA) (Consolidated)

Dear Judge Andrews:

Pursuant to the Court's October 15, 2024 Trial Opinion (D.I. 186), enclosed please find a Proposed Final Judgment for the above-captioned case. The parties have conferred and agree on its form and content.

Respectfully,

/s/ Anthony D. Raucci

Anthony D. Raucci (#5948)

cc: All Counsel of Record (via CM/ECF and e-mail)