

**MORRIS, NICHOLS, ARSHT & TUNNELL LLP**

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

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

**MEGAN E. DELLINGER**  
(302) 351-9366  
mdellinger@mnmat.com

June 22, 2022

**VIA CM/ECF AND HAND DELIVERY**

The Honorable Christopher J. Burke  
U.S. District Court for the District of Delaware  
J. Caleb Boggs Federal Building  
844 N. King Street, Unit 28, Room 2325  
Wilmington, DE 19801-3555

*VIA ELECTRONIC MAIL*

Re: *Merck Sharp & Dohme LLC, et al. v. Aurobindo Pharma Limited, et al.*  
C.A. No. 22-377 (VAC) (CJB);  
*Merck Sharp & Dohme LLC, et al. v. Hetero Labs Limited, et al.*  
C.A. No. 22-378 (VAC) (CJB);  
*Merck Sharp & Dohme LLC, et al. v. Zenara Pharma Private Limited*  
C.A. No. 22-379 (VAC) (CJB)

Dear Judge Burke:

This firm represents Plaintiffs Merck Sharp & Dohme LLC, MSD International Business GmbH, MSD International GmbH, Pfizer Inc., and PF Prism IMB B.V. in the above-referenced actions. We write on behalf of all parties regarding the Court's May 17, 2022 order concerning the case schedule, which was entered in the above-referenced actions. These cases are Hatch-Waxman actions. Defendants have filed Abbreviated New Drug Applications seeking to market generic versions of Plaintiffs' Steglatro® product, which is indicated as an adjunct to diet and exercise to improve glycemic control in adults with type 2 diabetes mellitus. Plaintiffs have asserted U.S. Patent No. 8,080,580, which is listed in the Orange Book.

The parties held a Rule 26(f) conference on May 23, 2022. There are no outstanding disputes with respect to the parties' Proposed Scheduling Order, which is being filed concurrently with this letter. The three most significant topics discussed during the parties' review of the Case Management Checklist items were as follows: (1) whether the parties could agree to forgo email collection, which is still being considered; (2) whether the parties could agree to reduce certain discovery limits, which was agreed to and is reflected in the parties' Proposed Scheduling Order; and (3) whether the cases should be consolidated, which was agreed to and is reflected in the parties' Proposed Scheduling Order.

The Honorable Christopher J. Burke

June 22, 2022

Page 2

Respectfully,

*/s/ Megan E. Dellinger*

Megan E. Dellinger (#5739)

MED:lo

Attachments

cc: Clerk of the Court (via hand delivery)  
All Counsel of Record (via CM/ECF and e-mail)