

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

TAIHO PHARMACEUTICAL CO., )  
LTD. and TAIHO ONCOLOGY, INC. )

Plaintiffs, )

v. )

MSN LABORATORIES PRIVATE )  
LTD. and MSN )  
PHARMACEUTICALS INC. )

Defendants. )

C.A. No. 19-2342-CFC

**STIPULATED ORDER**

WHEREAS, Defendants produced documents related to its proposed ANDA product on April 7, 2021; and

WHEREAS, Plaintiffs served amended infringement contentions on April 13, 2021 in response to Defendants' production; and

WHEREAS, the parties are working to confirm fact depositions of Defendants that have been delayed as a result of COVID-19;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties, subject to the approval and Order of the Court, that:

- 1) Plaintiffs had good cause to serve their amended infringement contentions pursuant to Paragraph 7 of the Scheduling Order (D.I. 24) and the infringement contentions served on April 13, 2021 are controlling;
- 2) Defendants have good cause to amend their invalidity contentions in view of Plaintiffs' infringement contentions and shall serve any amended invalidity contentions by April 30, 2021; and
- 3) The deadline for the completion of fact discovery is extended to May 7, 2021 for the limited purpose of allowing fact depositions of Defendants to be completed, and Defendants shall use reasonable, best efforts to schedule such deposition(s) prior to this deadline.

ASHBY & GEDDES

SMITH, KATZENSTEIN & JENKINS, LLP

*/s/ Andrew C. Mayo*

*/s/ Neal C. Belgam*

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and Taiho Oncology, Inc.*

*Attorneys for MSN Laboratories Private Ltd.  
and MSN Pharmaceuticals Inc.*

IT IS SO ORDERED, this 19<sup>th</sup> day of April, 2021



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The Honorable Colm J. Connolly  
U.S. District Court Judge