IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

MAYNE PHARMA INTERNATIONAL PTY LTD.,	)	
Plaintiff,	)	
v.	)	C.A. No. 15-438-LPS-CJB
MERCK & CO., INC., MERCK SHARP & DOHME CORP.,	)	
Defendants.	)	

JOINT INTERIM STATUS REPORT

Pursuant to the Court's Scheduling Order entered December 18, 2015 (D.I. 20), Plaintiff Mayne Pharma International Pty Ltd. ("Mayne") and Defendants Merck & Co., Inc. and Merck Sharp & Dohme Corp. (collectively "MSD") respectfully submit this Joint Interim Status Report in the above captioned patent infringement action.

Mayne asserts that MSD's Noxafil® delayed-release tablets infringe claims 9 and 12 of U.S. Patent No. 6,881,745. MSD asserts affirmative defenses of noninfringement, invalidity, failure to state a claim, and lack of personal jurisdiction over defendant Merck & Co., Inc. A jury trial is scheduled to begin January 8, 2018.

The parties have served their Initial Infringement or Invalidity Contentions. The parties have also served their respective disclosures pursuant to Paragraph 7(a)-(d) of the Scheduling Order. The parties have also exchanged written discovery. Mayne has served objections and responses to both MSD's First Set of Requests for Production of Documents and First Set of Interrogatories. Likewise, MSD has served its objections to Mayne's First Set of Requests for Production of Documents, First Set of Interrogatories and Second Set of Interrogatories.

The Scheduling Order requires the parties to substantially complete their document productions by July 29, 2016. Fact discovery is set to close on December 16, 2016 and the exchange of expert reports and expert discovery is set to begin on January 26, 2017.

The parties have identified claim terms and exchanged proposed claim constructions. The parties submitted a Joint Claim Construction Statement to the Court on July 22, 2016. A joint Markman hearing in the above captioned matter is scheduled to take place on October 31, 2016.

On June 11, 2016, Defendant Merck Sharp & Dohme Corp. filed a Petition for *Inter Partes* Review of U.S. Patent No. 6,881,745 ("IPR Petition") with the United States Patent and Trademark Office ("PTO"). On June 20, 2016, the PTAB provided notice that the request to institute *inter partes* review was granted a filing date. Mayne may file a Preliminary Response to the IPR Petition on or before September 20, 2016. The PTAB has until three months after the earlier of (1) Mayne's Preliminary Response or (2) September 20, 2016 to decide whether to institute the IPR Petition.

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