

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PHARMACYCLICS LLC and)	
JANSSEN BIOTECH, INC.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 18-192-CFC-CJB
)	CONSOLIDATED
SUN PHARMA GLOBAL FZE, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

At Wilmington, Delaware this **19th** day of **May, 2020**.

WHEREAS, the Court, having considered Plaintiffs Pharmacyclics LLC and Janssen Biotech, Inc.’s (“Plaintiffs”) discovery dispute motion (“Motion”), (D.I. 380), in which Plaintiffs ask the Court to compel Defendant Sun Pharma Global FZE and Sun Pharmaceutical Industries Ltd. (“Defendants” or “Sun”) to search for and produce all documents relating to its communications with Sandoz concerning ibrutinib, (D.I. 378 at 1), the parties’ letter briefs relating thereto, (D.I. 378; D.I. 382), and having heard argument on May 18, 2020;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Motion is GRANTED as follows:

1. It is clear that evidence relating to Sandoz’s XRPD analysis of Sun’s API samples is relevant to this case. (D.I. 378 at 1) Such analysis allegedly demonstrated the presence of crystalline Form A of ibrutinib (“Form A”) in Sun’s API (albeit “under stress conditions”); whether Sun’s ANDA product contains Form A is a key infringement issue. (*Id.* at 1 & ex. 6). The remaining question for the Court, then, is the proper scope of discovery that Plaintiffs should obtain with respect to this issue, keeping in mind that trial is scheduled to begin in

October 2020, and that obtaining discovery from witnesses located abroad during the COVID-19 pandemic may be challenging.

2. The Court concludes that Sun should search for and produce all documents (a) relating to Sandoz's XRPD/analytical testing regarding ibrutinib, (b) in the possession of Rakesh Mehta, Avijit Kelkar, Kanchan Khushalani, Ketan Rathod, Mohan Prasad, Shriprakash Dwivedi and Anilkumar Jain, (c) from the timeframe 2016-2017. These individuals seem the most likely to have relevant documents, as all are (or were) Sun employees who communicated directly with Sandoz about ibrutinib or were forwarded such communications in that timeframe. (*See id.* at 1, 3 n.2)

3. Because this Memorandum Order may contain confidential information, it has been released under seal, pending review by the parties to allow them to submit a single, jointly proposed, redacted version (if necessary) of the document. Any such redacted version shall be submitted by not later than **May 22, 2020** for review by the Court, along with a motion for redaction that includes a clear, factually detailed explanation as to why disclosure of any proposed redacted material would "work a clearly defined and serious injury to the party seeking closure." *Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 786 (3d Cir. 1994) (internal quotation marks and citation omitted). The Court will subsequently issue a publicly-available version of its Memorandum Order.



Christopher J. Burke
UNITED STATES MAGISTRATE JUDGE