

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

ONYX THERAPEUTICS, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 16-988-LPS
	:	
CIPLA LIMITED, et al.,	:	CONSOLIDATED FOR
	:	DISCOVERY PURPOSES
Defendants.	:	

MEMORANDUM ORDER

Pending before the Court are the parties' disputes related to Plaintiff's privilege log (*see* D.I. 377), a proposed scheduling order (*see* D.I. 363 at 2-3), and summary judgment motions (*see id.* at 4-5). On January 17, 2019, the Court held a teleconference to hear arguments related to Plaintiff's privilege log. During the call, the Court instructed the parties to submit a letter containing their proposals to resolve the dispute and a list of entries from the privilege log that may be submitted to the Court for *in camera* review. In a joint letter, Defendants identify 20 entries for review. (D.I. 377 at 2) Plaintiff identifies 10 (one of which is also on Defendants' list), but asks the Court to limit any review to only those entries listed in Defendants' October 31 letter (*see* D.I. 290). (D.I. 377 at 3-4) Otherwise, Plaintiff asks that the parties meet and confer to select the documents for review. (*Id.*)

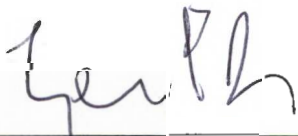
Having considered the parties' joint letter brief (D.I. 377), and in an effort to expedite resolution of certain disputes in anticipation of trial, **IT IS HEREBY ORDERED** that, no later than January 28, Plaintiff (a) shall submit to the Court for *in camera* review all documents and attachments for each privilege log entry identified by the parties in the joint letter (Entry Nos. 48,

90, 91, 94, 95, 98, 99, 102, 108, 110, 114, 116, 128, 129, 713, 758, 763, 764, 766, 773, 780, 782, 958, 960, 965, 974, 980, 1062, and 1066); (b) shall provide the Court a copy of the entire privilege log if one has not already been provided (*see* D.I. 290-1 at 21-268); and (c) may submit a brief statement of no more than 100 words for each submitted document explaining the basis for each claim of privilege.

IT IS FURTHER ORDERED that:

1. The Court will not decide whether Plaintiff has waived privilege until after conducting the *in camera* review.
2. Having reviewed the parties' proposed scheduling order (D.I. 363), the Court agrees with Defendants' proposed schedule, as it best accounts for the ongoing privilege log dispute. Plaintiff shall, no later than January 28, (a) submit a scheduling order on behalf of all parties incorporating Defendants' proposals, and (b) respond to Defendants' first supplemental contentions. Plaintiff may also serve a single substantive response addressing all Defendants' final supplemental contentions by March 1.
3. Finally, Plaintiff's request for leave to file a motion for summary judgment addressing Defendants' unclean hands defenses as to the '112 Patent is **GRANTED**.

January 24, 2019
Wilmington, Delaware



HONORABLE LEONARD P. STARK
UNITED STATES DISTRICT JUDGE