

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HERON THERAPEUTICS, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 24-830 (WCB)
)	C.A. No. 24-1363 (WCB)
AZURITY PHARMACEUTICALS, INC.,)	
AZURITY PHARMACEUTICALS INDIA)	
LLP f/k/a SLAYBACK PHARMA INDIA)	
LLP, and SLAYBACK PHARMA LLC,)	
)	
Defendants.)	

STIPULATION AND ORDER TO AMEND SCHEDULE

WHEREAS, Heron and Defendants are parties to two litigations, Civil Action No. 24-830 and Civil Action No. 24-1363;

WHEREAS, U.S. Patent No. 12,290,520 (“the ’520 patent”) issued on May 6, 2025 and belongs to the same family as several of the asserted patents in the existing litigations;

WHEREAS, Defendants consent to Heron amending its complaint in accordance with FRCP 15(a)(2) to assert infringement of the ’520 patent; and

WHEREAS, for judicial efficiency, the parties seek to resolve all disputes between them on the asserted patents together and to avoid separate litigations, including a second trial;

IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, that

1. Heron will assert 3-4 claims of the ’520 patent;
2. The parties’ claims and defenses for the ’520 patent shall be limited to those already disclosed for the other asserted patents in the litigations, there will be no exchange of additional contentions, the parties will rely on the contentions for the previously asserted patents in connection with the ’520 patent, and there will be no claim construction;

3. There will be no fact depositions as a result of the addition of the '520 patent to the current litigation;

4. Heron will produce the '520 patent and file history;

5. Heron will supplement its responses to Defendants' First Set of Interrogatories with respect to the '520 patent;

6. The parties may continue to pursue any currently pending disputes and may bring them to the Court if an impasse is reached; and

7. The following deadlines in the scheduling order (D.I. 111 and D.I. 160 in C.A. No. 24-830, D.I. 30 and D.I. 76 in C.A. No. 24-1363) are supplemented and extended per the table below.

Description	Current Deadline	Proposed Deadline
Deadline for Heron to file motion for leave to file first amended complaint	N/A	May 23, 2025
Deadline for Defendants to file answer to amended complaint	N/A	June 6, 2025
Deadline for Heron to supplement its responses to Defendants' First Set of Interrogatories with respect to U.S. Patent No. 12,290,520	N/A	June 20, 2025
Deadline for Heron to produce U.S. Patent No. 12,290,520 and its file history	N/A	June 20, 2025
Deadline for Heron to narrow claims pursuant to D.I. 111	April 15, 2025	June 20, 2025
Opening expert reports	May 23, 2025	June 27, 2025
Responsive expert reports	June 27, 2025	August 4, 2025
Reply expert reports	July 11, 2025	August 22, 2025
Close of expert discovery	August 8, 2025	September 19, 2025
Opening summary judgment and <i>Daubert</i> briefs	August 22, 2025	Vacated. The parties have agreed they will not file any summary judgment or <i>Daubert</i> motions
Responsive summary judgment and <i>Daubert</i> briefs	September 12, 2025	
Reply summary judgment and <i>Daubert</i> briefs	September 19, 2025	
Joint proposed pretrial order (including consolidated motions <i>in limine</i> briefing)	3 days before pretrial conference	
Pretrial conference	TBD	

Description	Current Deadline	Proposed Deadline
Start of 4-day trial	November 17, 2025	
30-month stay expiry	June 12, 2026	

Pursuant to D. Del. LR 16.4, counsel for the parties hereby certify that they have provided a copy of this stipulation to their respective clients.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

MORRIS JAMES LLP

/s/ Jeremy A. Tigan

/s/ Kenneth L. Dorsney

Jeremy A. Tigan (#5239)
 1201 North Market Street
 P.O. Box 1347
 Wilmington, DE 19899
 (302) 658-9200
 jtigan@morrisnichols.com

Kenneth L. Dorsney (#3726)
 Cortlan S. Hitch (#6720)
 500 Delaware Avenue, Suite 1500
 Wilmington, DE 19801
 (302) 888-6800
 kdorsney@morrisjames.com
 chitch@morrisjames.com

OF COUNSEL:

OF COUNSEL:

Isaac S. Ashkenazi
 Mark Russell Sperling
 Justin T. Fleischacker
 Stephen W. Kruse
 PAUL HASTINGS LLP
 200 Park Avenue
 New York, NY 10166
 (212) 318-6000

Andrew J. Miller
 Constance S. Huttner
 Robyn Ast-Gmoser
 Joanna G. Goldstein
 Elham F. Steiner
 WINDELS MARX LANE & MITTENDORF, LLP
 One Giralda Farms
 Madison, NJ 07940
 (973) 966-3200

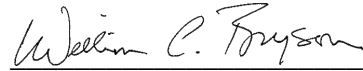
Karthik R. Kasaraneni
 PAUL HASTINGS LLP
 2050 M Street NW
 Washington, DC 20036
 (202) 551-1700

*Attorneys for Defendants
 Azurity Pharmaceuticals, Inc.,
 Azurity Pharmaceuticals India LLP
 f/k/a Slayback Pharma India LLP,
 and Slayback Pharma LLC*

*Attorneys for Plaintiff
 Heron Therapeutics, Inc.*

May 22, 2025

SO ORDERED this 23rd day of May, 2025.

Handwritten signature of William C. Bryson in cursive script.

WILLIAM C. BRYSON
UNITED STATES CIRCUIT JUDGE