



September 6, 2017

**VIA ECF**

Hon. Michael A. Hammer, U.S.M.J.  
U.S. District Court for the District of New Jersey  
Martin Luther King, Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

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**RE: Merck & Co., Inc., et al. v. Merck KGaA,  
Civil Action No. 16-0266 (ES) (MAH)**

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Dear Judge Hammer,

We, along with Sidley Austin LLP, represent Plaintiffs Merck & Co., Inc. and Merck Sharp & Dohme Corp. (“Plaintiffs”) in the above-referenced matter. We submit this letter jointly with Blank Rome LLP and Debevoise & Plimpton LLP, counsel for Defendant Merck KGaA, Darmstadt, Germany (“Defendant”). Pursuant to the Scheduling Order issued August 23, 2017, the parties jointly propose this Amended Scheduling Order for the Court’s consideration prior to the status conference scheduled for September 12 at 2:00 p.m.

BOSTON

**Fact Discovery**

HARTFORD

1. The parties’ production of documents shall be completed by **October 31, 2017**.

NEW YORK

2. The parties need not produce unresponsive family members in the production, but must produce such family members of specifically identified documents by the opposing party upon request in a reasonable time period.

NEWARK

3. All other fact discovery, including depositions of fact witnesses, shall be completed by **April 1, 2018**.

PHILADELPHIA

4. All fact discovery disputes (other than those arising during depositions) shall be filed with the Court in a joint letter pursuant to the Court’s November 7, 2016 Pretrial Scheduling Order no later than **December 15, 2017**.

STAMFORD

WILMINGTON

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**Expert Discovery**

5. Plaintiffs' affirmative expert reports shall be delivered by **May 1, 2018**.
6. Defendant's affirmative and rebuttal expert reports shall be delivered by **June 26, 2018**.
7. Plaintiffs' rebuttal and reply expert reports shall be delivered by **July 16, 2018**.
8. All expert depositions, including the completion of expert depositions, shall be completed by **August 23, 2018**.

Thank you for your consideration.

Respectfully submitted,

*s/John E. Flaherty*

John E. Flaherty

cc: Counsel of Record (via ECF)