IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AZURITY PHARMACEUTICALS, INC., ***Plaintiff*,** ***v.*** **BIONPHARMA INC. *et al.*,** ***Defendants*.**	**Civil Action** **No. 21-cv-1286**

ORDER

AND NOW, this 13th day of July, 2023 upon consideration of letters filed by both parties respecting a discovery dispute (ECF Nos. 358, 359, 380), and following an on-the-record phone conference on July 13, 2023, it is hereby **ORDERED** that Bionpharma may obtain Rule 30(b)(6) deposition testimony from Azurity regarding the specification and prosecution history of the patents-in-suit, with the following limitations:

1. Questions about documents that are also part of the specification or prosecution history of the "First Wave" patents (U.S. Patent Nos. 9,669,008, 9,808,442, 10,039,745, and 10,154,987) must relate to Bionpharma's defenses in this case that the patents-in-suit are invalid for inadequate written description or lack of enablement.

2. Bionpharma shall not ask the witness to provide legal conclusions.

3. So as to avoid repetitiousness, counsel for Bionpharma shall avoid asking questions of the Rule 30(b)(6) witness regarding topics that were previously covered in the "First Wave" lawsuits (Nos. 18-1962 and 19-1067). The parties are instructed to interpret "topics" of inquiry reasonably and flexibly to permit new questions about "First Wave" materials without burdening the witness with repetitious testimony.

BY THE COURT:

/s/ Mitchell S. Goldberg
MITCHELL S. GOLDBERG, J.