

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

**KNOWLEDGE ECOLOGY
INTERNATIONAL,**

Plaintiff,

v.

**NATIONAL INSTITUTES OF HEALTH,
*et al.***

Defendants.

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Civil No. **PJM 18-1130**

ORDER

Having considered Defendants’ Motion to Dismiss for Lack of Jurisdiction, ECF No. 5, and Plaintiff’s Opposition thereto and following oral arguments, it is, for the reasons stated on the record, this 16th day of October, 2018,

ORDERED:

1. The parties shall submit supplemental briefing on the applicability of the Administrative Procedures Act with respect to Plaintiff’s entitlement, if any, to a hearing and to an appeal of their comments to NIH pertaining to the licensing of patents for a drug to Kite Pharma, in accordance with the following schedule:
2. Plaintiff shall submit its brief within forty-five (45) days;
3. Defendants shall submit their response within thirty (30) days thereafter;
4. Plaintiff shall submit its Reply within ten (10) days thereafter;
5. In the interim, the Court will defer ruling on Defendants’ Motion to Dismiss;

6. The Court will hereafter determine if any future oral argument is appropriate.

/s/

PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE