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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AMGEN INC. and AMGEN MANUFACTURING, LIMITED,

Plaintiffs,

vs.

SANDOZ INC., SANDOZ INTERNATIONAL GMBH, and SANDOZ GMBH,

Defendants.

Case No. 3:14-cv-04741-RS

JOINT CASE MANAGEMENT STATEMENT

Date: October 1, 2015
Time: 10:00 AM
Dept: Courtroom 3
Judge: Hon. Richard Seeborg

Pursuant to the Clerk's Notice (Dkt. No. 134), the Standing Order for all Judges of the Northern District of California / Contents of Joint Case Management Statement ("Standing Order"), Civil Local Rule 16-9, and Federal Rule of Civil Procedure 26(f), Plaintiffs Amgen Inc. and Amgen Manufacturing, Limited (together, "Amgen") and Defendant Sandoz Inc. ("Sandoz") hereby submit the following Joint Case Management Statement. Amgen and Sandoz are referred to together as "the Parties."

1. Jurisdiction and Service

This Court has subject matter jurisdiction over Amgen's patent infringement claim and Sandoz's sixth and seventh counterclaims under 28 U.S.C. §§ 1331 and 1338(a). There are no issues currently to be resolved regarding personal jurisdiction or venue with regard to Sandoz Inc. or Amgen. No parties remain to be served. The deadline for Sandoz International GmbH and Sandoz GmbH to move, answer, or otherwise respond to the complaint for either entity remains tolled until September 28, 2015. (Dkt. No. 133.) These foreign entities object to personal jurisdiction but have been engaged in discussions with Amgen in an effort to resolve their differences. The foreign entities and Amgen will continue those discussions and, depending on the course and speed of those discussions, the foreign entities may either seek to extend the deadline for responding to the complaint, move to dismiss, or preserve their rights to dismiss in an answer and address the issue in a later motion.

2. Facts

In 1991, Amgen obtained a license from FDA under 42 U.S.C. § 262(a) for NEUPOGEN® (filgrastim) for treating side effects of certain forms of cancer therapy. Amgen discovered, developed, and markets NEUPOGEN® (filgrastim), a recombinant biologic protein that stimulates the production of neutrophils, a type of white blood cells and is used to counteract a chemotherapy-induced neutrophil deficiency. Sandoz filed an application under 42 U.S.C. §262(k) ("aBLA") seeking FDA approval of a biosimilar filgrastim product ZARXIO® designating Amgen's NEUPOGEN® as the reference product. In July 2014, Sandoz informed Amgen that FDA had accepted its aBLA and that it intended to sell upon FDA approval, which

was expected in the first half of 2015, which Sandoz contends was a legally effective notice of commercial marketing.

On October 24, 2014, Amgen sued Sandoz Inc., Sandoz International GmbH, and Sandoz GmbH in this Court, asserting unlawful competition under California Business & Professions Code § 17200 et seq., conversion, and infringement of U.S. Patent 6,162,427 ("the '427 patent"). Amgen alleged that Sandoz violated the BPCIA by seeking licensure by reference to Amgen's license and failing to disclose to Amgen the information required by 42 U.S.C. § 262(*l*)(2)(A) and by failing to comply with the notice of commercial marketing under 42 U.S.C. § 262(*l*)(8)(A). On November 20, 2014, Sandoz answered the Complaint and counterclaimed for declaratory judgments that its reading of the BPCIA was correct, noninfringement of the '427 patent, and invalidity of the '427 patent. (Dkt. No. 22.) On December 15, 2014 Amgen answered Sandoz's counterclaims. (Dkt. No. 28.)

In January 2015, the parties cross-moved for judgment on Amgen's state-law counterclaims and Sandoz's related counterclaims. On January 7, 2015, the FDA's Oncologic Drugs Advisory Committee ("ODAC") recommended approval of Sandoz's (k) application. Amgen then sought a preliminary injunction barring Sandoz from launching ZARXIO until such time as the Court could address the pending motions for judgment. FDA approved ZARXIO® on March 6, 2015 and on that same day, Sandoz gave a notice of commercial marketing, which Amgen contends was the first legally effective notice of commercial marketing. *See Amgen Inc. v. Sandoz Inc.*, 794 F.3d 1347, 1359 (Fed. Cir. 2015).

On March 19, 2015, the Court granted partial judgment to Sandoz, entered judgment against Amgen on its state law claims, and denied Amgen's motion for a preliminary injunction. The Court then granted Rule 54(b) judgment on the dismissed claims and stayed all remaining claims in this action, pending the Federal Circuit's resolution of Amgen's appeal. (Dkt. No. 111.) The circuit court issued a panel opinion on July 21, 2015. *Amgen Inc. v. Sandoz Inc.*, 794 F.3d 1347 (Fed. Cir. 2015). The parties are each currently seeking *en banc* review of aspects of that opinion.

Sandoz launched ZARXIO® on September 3, 2015. On September 8, 2015 the Court issued an order granting the Parties' joint motion to lift the stay in this case as to Amgen's claims of patent infringement and Sandoz's related counterclaims. (Dkt. No. 133.) The order also sets forth that a case management conference is scheduled for October 1, 2015 and no discovery shall be served and no motions shall be filed (except for any motion on behalf of Sandoz International GmbH or Sandoz GmbH in response to the complaint) until after the case management conference.

3. Legal Issues in Dispute

Amgen alleges, and Sandoz disputes, that Sandoz infringes the '427 patent. Sandoz alleges, and Amgen disputes, that the '427 patent is invalid. Amgen intends to allege, and Sandoz intends to dispute, that Sandoz infringes U.S. Patent No. 8,940,878 ("the '878 patent"). Sandoz expects that it will allege, and Amgen intends to dispute, that the '878 patent is invalid. The foreign entities intend to dispute personal jurisdiction as described above.

4. Motions

Sandoz may bring motions under Rule 56. The foreign entities intend to challenge personal jurisdiction as discussed above. Amgen does not anticipate filing any motions at this time.

5. Amendment of Pleadings

Amgen intends to amend its complaint and assert the '878 patent. Sandoz has agreed that Amgen may amend its pleadings no later than October 15, 2015, to assert infringement of the '878 patent, although Sandoz requires adequate time in discovery and other proceedings to address Amgen's addition as discussed below. Amgen and Sandoz agree that the deadline for any other motion to amend the pleadings to add parties, claims, patents, products or counterclaims be set for October 15, 2015 and both parties reserve all their rights under Federal Rule of Civil Procedure 15 and this Court's local rules. No later than five (5) days in advance of any such proposed amendment (other than to add the '878 patent"), the

amending party shall identify the scope of any proposed amendment and seek the opposing party's consent.

6. Evidence Preservation

Amgen and Sandoz have reviewed the Guidelines for the Discovery of Electronically Stored Information ("ESI Guidelines"), and have met and conferred about reasonable and proportionate steps to take regarding evidence preservation. Amgen and Sandoz confirm that they have taken appropriate and reasonable measures to preserve relevant evidence.

7. Disclosures

Amgen and Sandoz exchanged initial disclosures pursuant to Rule 26(a)(1)(A) of the Federal Rules of Civil Procedure on January 15, 2015.

8. Discovery

- Discovery Taken to Date: Amgen and Sandoz exchanged initial disclosures on January 15, 2015, and Amgen provided first supplemental initial disclosures on January 21, 2015. Discovery to date has been largely directed to Amgen's motion for a preliminary injunction. Amgen served its first set of requests for production and its first set of interrogatories on January 22, 2015, and Sandoz responded on February 26, 2015. Sandoz served its first set of requests for production and first set of interrogatories on February 5, 2015, and Amgen responded on March 12, 2015. Sandoz produced its aBLA for filgrastim to Amgen in February 2015. Amgen deposed Alexander Thole on February 26, 2015 and expert Gordon Rausser, Ph.D. on March 2, 2015. Sandoz deposed expert Tomas Philipson, Ph.D on February 13, 2015 and Robert Azelby on February 15, 2015. Amgen disclosed asserted claims and infringement contentions on February 5, 2015.

- Scope of Anticipated Discovery: Amgen intends to pursue discovery relating to all the factual and legal contentions identified above that involve factual disputes rather than pure issues of law. Among other things, Amgen intends to pursue discovery regarding at least the following subject matter: Sandoz's activities alleged to constitute infringement of the '427 patent and the '878 patent; methods used in the manufacture of ZARXIO®; the use of filgrastim or ZARXIO® in conjunction with Plerixafor; prior litigation and/or agreements regarding Plerixafor; knowledge and consideration of the '427 patent and the '878 patent; sales and marketing of ZARXIO®; profitability of ZARXIO® and other information relating to damages; communications with the FDA; communications with doctors regarding the use of ZARXIO®; marketing and business strategy for ZARXIO®; documents on competition and the relevant market, including the value of ZARXIO® in the market and potential and actual competitors to Amgen and/or Sandoz; payor formulary decisions, provider prescribing behaviors; the development, manufacture, importation and use of ZARXIO®; the activities and involvement of the various Sandoz entities with respect to the development, manufacture, importation, sale, offer for sale, and use of the Sandoz biosimilar product; Sandoz's (k) application and manufacturing

information; Sandoz's contentions regarding the invalidity of the '427 patent [and the '878 patent]; and Sandoz's contentions regarding the noninfringement of Sandoz's biosimilar product.

Sandoz intends to pursue discovery relating to all the factual and legal contentions identified above as well as issues related to Sandoz's defenses in this action. Among other things, Sandoz intends to pursue discovery regarding, *inter alia*: Amgen's BLA for NEUPOGEN®, including communications with the FDA; documents reflecting the development, manufacture, and use of NEUPOGEN® for the use in mobilization of stem cells, including clinical trial documents; documents reflecting the conception and reduction to practice of the claimed inventions; documents reflecting prior sales, offer for sales, and/or public use of the claimed inventions; documents reflecting patent ownership and licensing; documents reflecting the marketing and business strategy for NEUPOGEN®; information relevant to Sandoz's invalidity contentions, once served, and Amgen's contentions regarding the alleged infringement and validity of the '427 patent and the '878 patent.

- Conduct of Discovery: The Parties do not believe that discovery should be conducted in phases. The Parties believe discovery should be limited to the claims and defenses set forth in this action in accordance with Rule 26, as amended in light of new information learned in discovery.

- Written Discovery Requests: The Parties expect to issue written discovery requests on a rolling basis as appropriate, including requests for admission, document requests, and interrogatories, directed to each of the above subjects and others as the need arises.

- Anticipated Deponents: The Parties expect to depose representatives of each Party entity pursuant to Rule 30(b)(6) as well as any technical and damages expert witnesses who may provide opinions on behalf of each Party.

- Expert Witnesses: The parties each anticipate needing one or more experts in the fields of technology to which the '427 patent and the '878 patent are directed and in the field of damages. The Parties agree that expert communications and drafts will be protected as provided in Fed. R. Civ. P. 26(b)(4).

- Electronically Stored Information (ESI): The Parties have met and conferred regarding the scope of electronic discovery, including determining the form of any production, the identities of the custodians, potential search terms, the scope of metadata provided, and the relevant time period. The Parties intend to negotiate in an effort to agree on a stipulated e-discovery order as informed by the Northern District of California's ESI Guidelines.

- Privilege Log: The Parties agree that there will be no requirement to identify on a privilege log any attorney-client communications and/or attorney work-product that was created on or after October 24, 2014, the date of the filing of the Complaint in the Northern District of California. The Parties agree that neither party shall be obligated to log e-mail communication in which an attorney appears in the "from" line and the only recipients are employees or other attorneys for the party or communications in which an

employee of a party appears in the "from" line, only attorneys appear in the "to" line and all other recipients are employees or attorneys for the party. The Parties agree that a party shall not have to log each e-mail in any applicable chain but shall log only the highest level communication. The Parties otherwise agree that the production of privilege logs will be governed by Fed. R. Civ. P. 26(b)(5). The Parties further agree to provide their privilege logs twenty-one (21) days after the deadline for close of document production (which is the deadline for completing all non-expert discovery), except that privileged documents that may be relevant to depositions, and that are identified by the producing party as privileged before such depositions, shall be included on a privilege log that is served at least seven (7) days before the scheduled deposition. Failure to provide a pre-deposition privilege log will not be deemed a waiver of any privilege, and no Party will argue to the contrary.

- Protective Order: The Court entered a Protective Order on February 9, 2015. (Dkt. No. 60.)

- Any Proposed Limitations or Modifications of the Discovery Rules: The Parties propose that the discovery rules set forth in the Federal Rules of Civil Procedure should apply as follows: For both fact and expert depositions, the Parties will work in good faith to agree to the date, location, deponent, and burden of expenses for the deposition of the Parties' employees so that no party suffers excessive burden caused by another party's request to depose such employees. No fact witness shall be deposed for more than seven (7) hours total absent an agreement between the Parties or leave of the Court. Each 7 hours of a Rule 30(b)(6) deposition (from a single notice) constitutes 1 deposition, regardless of the number of witnesses. No single witness may be deposed longer than 14 hours total even if deposed in his personal capacity and as a Rule 30(b)(6) witness, and the Parties will work in good faith to limit the total deposition time of any such witness. No Party will use a Rule 30(b)(6) notice to seek the infringement, validity, enforceability or other legal contentions of the opposing party. Each side may serve up to 25 written interrogatories and up to 40 requests for admission upon the opposing side, not including any requests for admission relating to authenticity. Discrete subparts in any interrogatory will each count as a separate interrogatory.

  In addition, the Parties agree that each deposition of a foreign witness conducted in a foreign language through an interpreter shall be permitted 1.5 times the amount of time set forth above if the entirety of the testimony is in a foreign language and this expansion of time shall apply to the total amount of time available for depositions.

  Amgen Separate Statement: Amgen proposes that the default provisions of Fed. R. Civ. P. 30 of ten (10) fact depositions per side is appropriate in this case, particularly in light of the Parties agreement regarding Rule 30(b)(6) depositions. At this time, Amgen does not believe that differences in technology and potential prior art between the '427 and '878 patents warrants expanding the number of fact depositions as these are topics customarily addressed by expert witnesses the depositions of which are not subject to this limitation.

  Sandoz Separate Statement. Sandoz proposes that each side be limited to 15 fact depositions and a maximum total time of 90 hours, excluding expert depositions. Sandoz

proposes this figure based on the inclusion by Amgen of both the '427 patent and the newly asserted '878 patent. Sandoz notes that in Amgen's February 2015 initial disclosures, which accounted only for the '427 patent, Amgen had already identified a total of 10 individuals and entities (including an entire company, Roche). Fifteen depositions are needed in light of the addition of the '878 patent, which covers a completely different subject matter than Amgen's previously asserted patent, which involves new inventors, and which implicates new and different prior art and new and different technology. Sandoz has mitigated the burden of additional depositions by reducing the total number of hours for all depositions compared to what would apply if all depositions went 7 hours.

- Identification of Any Discovery Disputes: There are currently no discovery disputes between the Parties.

- Additional Matters Required by Local Patent Rule 2-1: The Parties have included any proposed modifications to the obligations and deadlines established by the Patent Local Rules in the proposed schedule in Exhibit A below. The timing of the claim construction discovery schedule is set forth in Exhibit A below. At this point in the case, the Parties are not in a position to determine whether they will rely on experts for claim construction purposes but should the Parties desire to use an expert and are permitted to do so by the Court, the Parties will work in good faith to set a schedule at that time. As to the claim construction hearing, the Parties are not currently in a position to determine whether live testimony will be presented or the estimated length of the hearing. Amgen as Plaintiff will present its claim construction arguments first. Both parties may offer a short summary, explanation of the technology at issue and/or tutorial presentation to educate the court about the technology at issue.

9. Class Actions

This case is not a class action.

10. Related Cases

There are no related cases under Civil L.R. 3-12.

11. Relief

The relief sought by Amgen is fully set forth on pages 36-37 of its October 24, 2014 Complaint (Dkt. No. 1). The relief sought by Sandoz is fully set forth on pages 32-33 of its November 20, 2014 Answer and Counterclaims (Dkt. No. 22).

12. Settlement and ADR

The Parties met and conferred pursuant to ADR L.R. 3-5(a), and did not reach agreement on an ADR process. The Parties attended an ADR Phone Conference held on January 21, 2015 with Daniel Bowling. A further ADR Phone Conference was scheduled for

May 6, 2015. After the case was stayed, the further ADR Conference was moved off calendar, and counsel were directed to contact the ADR unit if necessary following the ruling from the Federal Circuit. The Parties believe that it is not feasible to identify the appropriate method for or timing for additional ADR proceedings until both Parties have delivered their respective contentions regarding infringement and validity.

13. Consent to Magistrate Judge For All Purposes

The Parties have not consented to proceed before a magistrate judge for all purposes.

14. Other References

The Parties agree that this case is not suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

15. Narrowing of Issues

The Parties are not presently aware of any issues that can be narrowed by agreement. The Parties reserve the right to seek further narrowing of issues and will do so in conjunction with the mandatory Pretrial Conference.

16. Expedited Trial Procedure

The Parties do not believe that this case is the type of case that can be handled under the Expedited Trial Procedure of General Order No. 64, Attachment A.

17. Scheduling

The Parties have agreed upon a proposed case schedule through the Claim Construction Hearing as reflected in Exhibit A. The Parties not been able to come to agreement regarding a proposed schedule for the remainder of the case and therefore present separate proposals in Exhibit A.

Amgen's Statement Regarding Schedule: Trial in this case was previously scheduled to begin June 13, 2016. Following the Court's ruling on the parties cross motions for judgment on the pleadings, the case was stayed on March 25. In late August, Amgen initiated efforts, which Sandoz ultimately joined, to lift the stay in this case so that the case may progress expeditiously to trial. The Court lifted the stay on September 8. Amgen has proposed a schedule that seeks to account for the stay and adjust the trial date. As set forth in Exhibit A, Amgen has proposed a case schedule that provides adequate time for the Parties to prepare their claims and defenses and allows the case to be trial ready by early October 2016 (approximately

two years from the commencement of this action). In contrast, Sandoz has proposed a schedule that would delay trial until spring 2017.

Amgen has proposed a schedule that allows for the expeditious resolution of the parties' disputes. Amgen has proposed a schedule that provides seven and a half months to conduct fact discovery. Amgen does not anticipate the need for extensive fact discovery following claim construction as the schedule requires that each party disclose its claim construction positions early in discovery and the parties may conduct their discovery accordingly. Fact discovery is followed by separate periods for expert discovery, dispositive motion practice, and pretrial submissions. Sandoz overstates the issues related to timing of expert discovery. The proposed schedule provides for three rounds of expert reports (opening on issues for which the parties bear the burden of proof, rebuttal, and reply). As rebuttal experts are likely to provide a single report, the parties may begin depositions of rebuttal experts immediately upon exchange of their reports leaving the period between reply reports and the close of expert discovery for the depositions of experts who provide opinions on which the party bears the burden of proof (opening and reply reports). Thus, under Amgen's proposed schedule the parties have almost a month to take expert depositions beginning on or about June 17 and continuing through July 15.

Sandoz's opposition to the schedule proposed by Amgen is, in large part, driven by Sandoz's contention that inclusion of the '878 patent necessitates greatly expanding fact and expert discovery. However, the addition of a single patent to a case, making this a two patent case, is hardly unusual in this District 2and, contrary to Sandoz's contention, does not warrant dramatically delaying resolution of the case. One of the two patents that will be at issue has been known to Sandoz since the case was filed in October 2014. Indeed, Sandoz has had the benefit of Amgen's infringement contentions for the '427 patent since February and has had more than six months to develop its invalidity contentions (invalidity contentions were due in March but the case was stayed the same week as the contentions would have been due).

Although the Parties have engaged in extensive efforts to reach agreement with regard to the case schedule, they have only been able to do so through claim construction. Amgen respectfully submits that its proposed schedule strikes a fair balance between the interests of the Parties and adequately addresses Sandoz's counsel's other matters and thus should be adopted.

Sandoz's Statement: On September 21, 2015, Amgen stated, for the first time, that it intended to amend its complaint and assert U.S. Patent No. 8,940,878 ("the '878 patent"), a patent not previously identified by Amgen in any prior allegation or communication. The technology of the '878 patent differs in every possible way from the prior patent. Amgen's prior patent claims a method of treating patients with filgrastim. The new patent involves technology to perform a purification step during the production of recombinant proteins. There is no relationship at all between the technology claimed in the original and new patent. Nor do the steps associated with any alleged infringement overlap.

Amgen's addition of a new, previously undisclosed patent that claims different technology requires additional time for fact discovery and additional time to complete expert deposition since it is certain that additional expert witnesses will be required. Sandoz's proposed schedule after the Claim Construction Hearing has been included in Exhibit A.

The following discusses the primary differences between the two proposed schedules and the reasons for Sandoz's proposal:

- *Fact and Expert Discovery Deadlines.* Sandoz's schedule permits fact discovery to continue for approximately 45 days after the time set for claim construction, anticipating based on experience that claim construction proceedings may identify issues not previously addressed. Similarly, Sandoz's schedule allows experts to prepare reports with the benefit of the Court's claim construction rulings. Amgen's schedule requires the experts to guess the outcome. The adoption of Sandoz's schedule will avoid duplication of effort and confusion regarding the scope, nature and applicability of any expert opinions that arise from a claim construction different than the constructions adopted by the Court. Finally, Sandoz's proposed schedule provides approximately seven weeks additional time for fact discovery in comparison to Amgen's proposal to account for the additional discovery that will be required due to Amgen's late introduction of the '878 patent.

- *Expert Depositions*. Amgen's schedule does not allow sufficient time between the completion of expert reports and completion of expert depositions. Each side will likely have 3 or 4 expert witnesses, for a total of 6 to 8 expert deposition. Amgen's proposed schedule is likely to require many (if not all) of those deposition to occur between July 1, 2016, to July 15, 2016, a period that also includes the July 4 holiday. Sandoz's schedule permits those depositions to occur over 30 days.

18. Trial

The Parties have both requested a trial by jury for all issues so triable. The Parties currently anticipate the length of trial to be approximately 7-9 days.

19. Disclosure of Non-Party Interested Entities or Persons

Each party has filed the Certification of Interested Entities or Persons required by Civil L.R. 3-15, and restates here the contents of its certification.

- Plaintiff Amgen Inc. states that it has no parent corporation and that no publicly-held corporation owns 10% or more of its stock. Plaintiff Amgen Manufacturing, Ltd. states that it is a wholly owned subsidiary of Amgen Inc.

- Defendant Sandoz Inc. states that it is an indirect subsidiary of Novartis AG. Novartis AG's shares are listed and traded on the SIX Swiss Exchange as well as on the NYSE in the form of American Depositary Receipts representing Novartis American Depositary Shares.

20. Professional Conduct

All attorneys of record for the Parties have reviewed the Guidelines for Professional Conduct for the Northern District of California.

21. Other Matters

The Parties have not identified any other matters that may facilitate the just, speedy and inexpensive disposition of this matter.

Dated: September 23, 2015

Respectfully submitted,

By: */s/ Vernon M. Winters*

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SIGNATURE ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I hereby certify that concurrence in the filing of this document has been obtained from each of the other Signatories shown above.

Dated: September 23, 2015

By: /s/ Alexander D. Baxter

Exhibit A: Proposed Schedule

Description	Amgen's Proposed Date	Sandoz's Proposed Date
Order Granting Joint Motion to Lift Stay of Patent Proceedings	09/08/2015	
Deadline for Sandoz International GmbH and Sandoz GmbH to move, answer, or otherwise respond to the complaint	09/28/2015	
Case Management Conference	10/01/2015	
Deadline for Infringement Contentions for '878 Patent	10/15/2015	
Deadline for Joining Parties and Amending Pleadings	10/15/2015	
Amgen's Supplemental FRCP 26(a) Disclosures for '878 Patent	11/5/2015	
Invalidity Contentions Due [45 days after infringement contentions under P.R. 3-3]	12/11/2015	
Sandoz's Supplemental FRCP 26(a) Disclosures	12/18/2015	
Exchange of Proposed Terms for Construction [14 days after invalidity contentions under P.R. 4-1]	12/22/2015	
Exchange of Preliminary Claim Constructions and Extrinsic Evidence [21 days after exchange of proposed terms under P.R. 4-2]	1/20/2016	
Joint Claim Construction and Prehearing Statement [60 days after invalidity contentions; P.R. 4-3]	2/19/2016	
Completion of Claim Construction Discovery [30	3/16/2016	

Description	Amgen's Proposed Date	Sandoz's Proposed Date
days after Joint Claim Construction and Prehearing Statement under P.R. 4-4]		
Amgen's Opening Claim Construction Brief [45 days after Joint Claim Construction and Prehearing Statement under P.R. 4-5(a)]	4/1/2016	
Sandoz's Opposing Claim Construction Brief [14 days after opening briefs under P.R. 4-5(b)]	4/15/2016	
Amgen's Reply Claim Construction Brief [7 days after opposition briefs under P.R. 4-5(c)]	4/22/2016	
Claim Construction Hearing [2 weeks after submission of reply brief under P.R. 4-6]	5/2/2016 or at the Court's earliest convenience	
Advice of Counsel Defense Discovery Due [P.R. 3-7]	50 days from claim construction ruling	
Completion of Non-Expert Discovery	5/13/2016	7/7/2016
Opening Expert Reports (on issues where the party bears the burden of proof)	5/30/2016	8/15/2016
Final Privilege Logs	6/3/2016	7/21/2016
Rebuttal Expert Reports	6/17/2016	9/15/2016
Reply Expert Report (to rebut any alleged secondary considerations of non-obviousness, which shall be addressed first by Amgen in its Rebuttal Expert Reports)	7/1/2016	9/30/2016
Completion of Expert Discovery	7/15/2016	11/3/2016
Dispositive Motions	7/25/2016	11/17/2016
Dispositive Motion	8/8/2016	12/8/2016

Description	Amgen's Proposed Date	Sandoz's Proposed Date
Responsive Briefs [14 days under L-R 7-3]		
Dispositive Motion Reply Briefs [7 days under L-R 7-3]	8/15/2016	12/15/2016
Dispositive Motion Hearing	Week of 8/29/2016 or at the Court's earliest convenience	1/6/2017 or at the Court's earliest convenience
Pretrial Meet and Confer [21 Days prior to the final Pretrial Conference; Judge Seeborg Guidelines, ¶ A]	9/22/2016	1/19/2017
Joint Pretrial Statement and Order, Pretrial Exchanges, and Motions in Limine [10 days prior to the final Pretrial Conference; Judge Seeborg Guidelines, ¶¶ B, D]	10/3/2016	1/31/2017
Jury Voir Dire Questions, Proposed Jury Instructions, and Proposed Jury Verdict Forms [5 days prior to the final Pretrial Conference; Judge Seeborg Guidelines, ¶D]	10/7/2016	2/2/2017
Oppositions to Motions in Limine [3 days prior to final Pretrial Conference; Judge Seeborg Guidelines, ¶¶ B, D]	10/10/2016	2/6/2017
Optional Trial Briefs, Deposition and Discovery Designations [5 days prior to Trial; Judge Seeborg Guidelines, ¶ D]	10/12/2016	2/14/2017
Pretrial Conference	10/13/2016	2/9/2017
Trial	Week of 10/17/2016 or at the Court's earliest convenience	Week of 2/20/2017 or the Court's earliest convenience