

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

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	:	
JANSSEN BIOTECH, INC. and	:	
NEW YORK UNIVERSITY,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 1:15-cv-10698-MLW
	:	Civil Action No. 1:16-cv-11117-MLW
CELLTRION HEALTHCARE CO., LTD.,	:	
CELLTRION, INC., and HOSPIRA, INC.,	:	
	:	
Defendants.	:	
	:	
	X	

**REVISED JOINT MOTION FOR BRIEFING SCHEDULE FOR
DEFENDANTS’ MOTION TO DISMISS**

Defendants Celltrion Healthcare Co., Ltd., Celltrion, Inc., and Hospira, Inc. (“Defendants”) and Plaintiffs Janssen Biotech, Inc. and New York University (collectively, “Janssen”) (all collectively “the Parties”) hereby jointly submit this Revised Joint Motion for Briefing Schedule. The Parties met and conferred on August 18–19, 2016 and on August 24, 2016 to develop this revised proposed briefing schedule to extend the time for Defendants to answer or otherwise respond to the complaint in Civil Action No. 16-1117, consolidated with Civil Action 15-10698, and to set a briefing schedule for Defendants’ Motion to Dismiss the same.¹ The Parties further renew their motion, pursuant to Local Rule 7.1(b)(3), for leave to file a Reply and Sur-Reply, respectively, on the grounds that Defendants wish to further address any issues raised by Janssen in its opposition to Defendants’ Motion to Dismiss and that, should such

¹ The parties’ previously filed a joint motion on this briefing and a status report regarding the schedule for briefing in the 16-1117 action. No. 16-11117 Dkt. 6, 8; No. 15-10698 No. 227.

leave be granted, Janssen desires the opportunity to respond. Such further briefing may assist the Court in rendering a decision on the Motion to Dismiss.

The Parties respectfully propose the following revised briefing schedule:

1. No later than September 8, 2016, Defendants shall file their motion to dismiss and accompanying brief.
2. No later than October 19, 2016, Janssen shall file its opposition to Defendants' motion to dismiss.
3. No later than October 28, 2016, Defendants shall file their reply brief. Defendants' reply brief shall be limited to 15 pages, double spaced, of at least 12-point Times New Roman font or equivalent, including footnotes.
4. No later than November 4, 2016, Janssen shall file its sur-reply brief. Janssen's sur-reply brief shall be limited to 10 pages, double spaced, of at least 12-point Times New Roman font or equivalent, including footnotes.

WHEREFORE, Defendants and Janssen respectfully request that the Court enter the Revised Proposed Scheduling Order attached hereto.

RULE 7.1 CERTIFICATION

Counsel for the parties have met and conferred on the schedule proposed herein and the parties have agreed to jointly file this motion.

Respectfully submitted,

Dated: August 26, 2016

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Hospira Inc.*

CERTIFICATE OF SERVICE

I hereby certify that this document is being filed through the Court's ECF system which will send an electronic copy of the document to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non-registered participants on August 26, 2016.

/s/ Andrea L. Martin

Andrea L. Martin

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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JANSSEN BIOTECH, INC. and)	
NEW YORK UNIVERSITY,)	
)	
	Plaintiffs,)	
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v.)	Civil Action No. 1:15-cv-10698-MLW
)	Civil Action No. 1:16-cv-11117-MLW
CELLTRION HEALTHCARE CO., LTD.,)	
CELLTRION, INC., and)	
HOSPIRA, INC.)	
)	
	Defendants.)	
_____)	

[PROPOSED] SCHEDULE FOR BRIEFING

This ____ day of _____ 2016, the Court hereby enters the following schedule for briefing on Defendants Celltrion Healthcare Co., Ltd., Celltrion, Inc. and Hospira, Inc.’s motion to dismiss the complaint filed by Plaintiffs Janssen Biotech, Inc. and New York University in the action originally filed as 1:16-cv-11117;

IT IS ORDERED that:

1. No later than September 8, 2016, Defendants shall file their motion to dismiss and accompanying brief.
2. No later than October 19, 2016, Plaintiffs shall file their opposition to Defendants’ motion to dismiss.
3. No later than October 28, 2016, Defendants shall file their reply brief. Defendants’ reply brief shall be limited to 15 pages, double spaced, of at least 12-point Times New Roman font or equivalent, including footnotes.
4. No later than November 4, 2016, Plaintiffs shall file their sur-reply brief. Plaintiffs’ sur-reply brief shall be limited to 10 pages, double spaced, of at least 12-point Times New Roman font or equivalent, including footnotes.

IT IS SO ORDERED.

Dated: _____

Hon. Mark L. Wolf
United States District Court Judge

4830-2191-9031.1