

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JANSSEN BIOTECH, INC. ET AL,)	
Plaintiffs,)	
)	
v.)	C.A. No. 15-10698-MLW
)	16-11117-MLW
)	
CELLTRION HEALTHCARE CO. INC.,)	
ET AL.,)	
Defendants.)	

ORDER

WOLF, D.J.

February 17, 2017

It is hereby ORDERED that:

1. The hearing previously scheduled to begin on February 22, 2017 will begin instead on February 23, 2017, at 9:30 a.m., and continue on February 24, 2017.

2. The court will hear argument on the following issues in the following order:

a. Whether, independent of the Biologics Price Competition and Innovation Act (the "BPCIA"), if infringement of U.S. Patent No. 7,398,083 (the "083 Patent") is proven plaintiffs would be entitled to recover lost profits or whether their damages would be limited to a reasonable royalty.

b. Whether, if these cases are dismissed without prejudice because the present plaintiffs lack standing, and infringement of the '083 Patent is proven in a case filed in the future, plaintiffs would be limited to recovering only a reasonable

royalty pursuant to 35 U.S.C. §271(e)(6)(A) & (B). See Amgen Inc. v. Apotex Inc., 827 F. 3d 1052, 1058 (Fed. Cir. 2016).

c. Hospira Inc.'s Motion for Partial Summary Judgment.

3. The February 15, 2017 Order otherwise remains in effect.


UNITED STATES DISTRICT JUDGE