

Event	Deadline
Plaintiffs' List of Asserted Claims (LPR 3.1(a)(1))	Friday, 1/14/2022
Plaintiffs' Final Infringement Contentions (LPR 3.1(a)(2))	Friday, 1/28/2022
Defendant's Final Unenforceability and Invalidity Contentions (LPR 3.1(b), 3.3)	Friday, 1/28/2022
Defendant's Final Non-Infringement Contentions (LPR 3.2(a))	Friday, 2/18/2022
Plaintiffs' Final Enforceability and Validity Contentions (LPR 3.2(b))	Friday, 2/18/2022
Fact Discovery Closes (LPR 1.3)	Wednesday, 3/2/2022
Opening Expert Reports by burden of proof (including arguments on secondary considerations by both parties)	Thursday, 3/17/2022
Rebuttal Expert Reports (including responses to secondary considerations by both parties) (LPR 5.1(c))	Wednesday, 4/27/2022
Expert Discovery Closes (LPR 5.2)	Tuesday, 6/14/2022
Serve Pretrial Disclosures; File Motions <i>in Limine</i>	Tuesday, 6/28/2022
Serve Objections to Pretrial Disclosures; Serve Rebuttal Pretrial Disclosures	Monday, 7/11/2022
Serve Objections to Rebuttal Pretrial Disclosures	Monday, 7/18/2022
File Joint Pretrial Order, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations	Monday, 7/18/2022
Pretrial Conference	Monday, 7/25/2022
Trial	Monday, 8/1/2022 to Friday, 8/19/2022
Opening Post-Trial Briefs/Proposed Findings of Fact and Conclusions of Law	Friday, 9/9/2022
Rebuttal Post-Trial Briefs/Proposed Findings of Fact and Conclusions of Law	Friday, 9/23/2022

1. The only issues to be addressed in this first phase of litigation are infringement, validity, and enforceability of the Ten Patents. The scope of discovery and the issues to be tried in August 2022 shall be limited to those issues. There shall be no discovery on the issue of injunctive relief. All other patents asserted in the pleadings in these matters are stayed. Plaintiffs will not seek a preliminary injunction on any patents other than the Ten Patents. Plaintiffs shall not seek a preliminary injunction on any patent before the Court's decision.

2. If the Court finds that Defendant has infringed one or more valid and enforceable claims, in the event that Alvotech intends to launch its product, it shall provide AbbVie at least

10-days notice prior to the launch. To the extent that Plaintiffs wish to enjoin the launch, they must file a motion within 14 days of receiving the notice from Alvotech.

3. The parties will meet and confer promptly regarding a proposed protective order, with the intent of filing one by Friday, September 24, 2021.

4. Plaintiffs will amend their complaint in Case No. 1:21-cv-02889 to add (1) U.S. Patent No. 11,083,792; (2) the patent issuing from U.S. Patent Application No. 17/137,201 (“’201 Application”), which will replace U.S. Patent No. 8,420,081 as one of the Ten Patents; and (3) the patent issuing from U.S. Patent Application No. 17/137,246 (“’246 Application”), which will not be one of the Ten Patents. To the extent the patents issuing from the ’201 Application and the ’246 Application do not issue before Wednesday, December 22, 2021, Plaintiffs may amend their pleadings within one week of the issuance of the patents.

5. The initial contentions exchanged on September 10 and 24 and October 8, 2021 will replace the initial contentions previously exchanged in Case No. 1:21-cv-02258 and will be limited to infringement, invalidity, and unenforceability contentions specific to 50 claims of the Ten Patents.

6. All discovery taken in Case Nos. 1:21-cv-02258 or 1:21-cv-02889 can be used in the other case as if taken therein. All discovery limits herein apply only to this first phase of litigation on the Ten Patents, and apply collectively to the two cases.

7. Each side will serve no more than 40 interrogatories, 125 requests for admissions, and 150 requests for production.

8. Depositions shall be limited to 120 hours of depositions per side, including depositions under Rule 30(b)(6) and third parties. These hours do not include depositions of experts. Every deposition shall count for at least 4 hours towards the 120-hour limit, even if concluded in less than four hours. Any designations of 30(b)(6) topics shall be designated at least

1 week prior to the deposition of the individual. If any party adds witnesses to its trial witness list that have not previously been deposed in this case, such witnesses shall be made available for 4 hours of deposition time, unless good cause is shown.

9. Custodial discovery with respect to ESI (e.g., e-mail) is limited to 15 custodians per side. Each side will propose an initial list of custodians of its own documents to the other by Wednesday, September 22, 2021 based on a good faith assessment of which custodians are most likely to have potentially relevant and non-cumulative information, and thereafter the sides will meet and confer regarding the selection of the custodians to arrive at final lists no later than Thursday, September 30, 2021.

10. Motions *in limine* will total no more than 15 pages per side.

11. The parties will not file *Daubert* motions or motions for summary judgment.

12. Defendant will update the Court and Plaintiffs regarding regulatory approval for AVT02 at least once every quarter, and within 7 days of any major regulatory event, including but not limited to an inspection in relation to FDA approval, complete response letter, or notification of approval.

13. In keeping with this schedule, the Court plans to issue its trial decision by the end of October of 2022. In light of that, Defendant agreed not to launch AVT02 in the United States prior to the issuance of the Court's decision.

IT IS SO ORDERED.

September 20, 2021



JOHN Z. LEE
UNITED STATES DISTRICT JUDGE