

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

JANSSEN BIOTECH, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 22-1549-MN
	)	
AMGEN INC.,	)	
	)	
Defendant.	)	

**STIPULATION AND [PROPOSED] DISCOVERY PLAN AND SCHEDULE FOR  
JANSSEN’S PRELIMINARY INJUNCTION MOTION**

WHEREAS, Plaintiff Janssen Biotech, Inc. (“Plaintiff”) filed a Motion for a Preliminary Injunction (“PI Motion”) on March 6, 2023 (D.I. 35);

WHEREAS, Defendant Amgen Inc. (“Defendant”) and Plaintiff have productively met and conferred on numerous occasions to try to work out a proposed schedule and plan for resolution of the PI Motion;

WHEREAS, in connection with reaching agreement on this stipulation, the parties have come to agreement on, among other things, a provision included separately in Exhibit A;

WHEREAS, although the parties intend to be as concise as possible in their briefing, to fully address the issues presented in Plaintiff’s PI Motion, including any claim construction issues,<sup>1</sup> the parties respectfully request an additional 10 pages each in their opposition and reply briefs, and Defendant requests (and Plaintiff agrees to) a 10 page sur-reply;

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<sup>1</sup> The parties have a disagreement over whether any additional process for identifying and narrowing claim construction issues for the Court is needed. The parties promptly will contact the Court to seek guidance on how to submit that issue to the Court.

WHEREAS, Plaintiff respectfully requests a decision on its PI Motion before October 31, 2023; and

WHEREAS, the parties are at the Court's disposal to discuss the proposed Discovery Plan and Schedule or any other issues the Court would like to address;

IT IS HEREBY STIPULATED, by Plaintiff and Defendant, subject to the approval of the Court, that:

1. Each side will be permitted a total of 20 Requests for the Production of Documents limited to the issues in the PI Motion, and the parties' respective briefs related thereto.

2. Each side will be permitted to depose all declarants whose testimony is submitted by the opposing party in connection with the PI Motion, plus up to two additional witnesses.

3. To facilitate the presentation of issues and arguments, the page limits for the briefing will be as follows:

- a. Janssen has already filed its opening brief (20 pages);
- b. Amgen shall file an answering brief (up to 30 pages);
- c. Janssen shall file a reply brief (up to 20 pages); and
- d. Amgen shall file a sur-reply brief (up to 10 pages), limited to issues of claim

construction and invalidity.

4. The following schedule shall control the proceedings:

<b>Deadline</b>	<b>Date</b>
Janssen files PI Motion	3/6/2023 (Completed)
Deadline to serve initial document requests	3/14/2023 (Completed)
Deadline to serve written responses to initial document requests	3/21/2023
Substantial completion of initial document productions	3/28/2023
Deadline by which Janssen produces witnesses for deposition	4/28/2023

Amgen files Responsive brief	5/22/2023
Deadline for Janssen to serve second document requests (not to exceed total limit of 20) responding to Amgen’s Responsive brief	5/26/2023
Deadline for Amgen to serve written responses to Janssen’s second document requests	6/5/2023
Substantial completion of Amgen document productions in response to Janssen’s second document requests	6/9/2023
Deadline by which Amgen produces witnesses for deposition	6/19/2023
Janssen files Reply brief	7/10/2023
Deadline for Amgen to serve second document requests (not to exceed total limit of 20) responding to Janssen’s Reply brief	7/14/2023
Deadline for Janssen to serve written responses to Amgen’s second document requests	7/18/2023
Substantial completion of Janssen document productions in response to Amgen’s second document requests	7/21/2023
Deadline for Janssen to produce reply declarants for deposition	7/31/2023
Amgen files Sur-Reply brief	8/21/2023
PI Hearing	<p>[Janssen’s Position: As soon as possible per the Court’s schedule to facilitate resolution by 10/31/2023]</p> <p>[Amgen’s Position: Amgen believes a hearing should not be necessary unless the Court would find it helpful.]</p>

Dated: March 17, 2023

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IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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UNITED STATES DISTRICT JUDGE