THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

AMGEN INC., et al., **Plaintiffs,** **v.** **CELLTRION, INC., et al.,** **Defendants.**	**Civil No. 24-6497 (CPO/EAP)**

SCHEDULING ORDER

This matter having come before the Court upon the parties' joint letter setting forth each party's proposed case management schedule, ECF No. 192, and the Court having held a status conference with the parties on November 13, 2024, regarding scheduling, ECF No. 177, and the Court having considered the parties' joint submission and the arguments made at the November 13, 2024 hearing; and for good cause shown,

IT IS this **25th** day of **November 2024**, hereby **ORDERED**:

1. **Disclosures.**

   (a) By **December 6, 2024**, Plaintiffs shall disclose their asserted claims and infringement contentions with accompanying document production (L. PAT. R. 3.1, 3.2).

   (b) By **December 20, 2024**, Defendants shall disclose their non-infringement contentions and invalidity contentions with accompanying document production (L. PAT. R. 3.2, 3.3, 3.4).

   (c) By **January 3, 2025**, Plaintiffs shall provide their response to Defendants' invalidity contentions.

   (d) By **January 15, 2025**, Plaintiffs shall narrow their infringement claims to **five (5)** patents.

   (e) By **January 17, 2025**, Defendants shall narrow their invalidity theories to no more than **three (3)** per claim.

(f) By **March 10, 2025**, the parties shall submit to the Court their final narrowing and identification of asserted claims and defenses.

2. **Discovery.** Unless otherwise ordered by the Court or agreed to by parties, the limitations on discovery set forth in the Federal Rules shall be strictly observed.

(a) Fact Discovery. All fact discovery in this case shall be completed on or before **February 21, 2025**.

(b) Document Production. Document production, include Celltrion's sample production, shall be substantially complete by **January 10, 2025**.

(c) Depositions.

i. Fact depositions shall be completed by **January 31, 2025**.

ii. The parties shall meet and confer regarding locations of depositions, considering the convenience of the deponent.

iii. All depositions are to be conducted in accordance with the procedures set forth in *Hall v. Clifton Precision*, 150 F.R.D. 525 (E.D. Pa. 1993).

(d) Disclosure of Expert Testimony.

i. Expert Reports. For the party who has the initial burden of proof on the subject matter, the initial Federal Rule of Civil Procedure 26(a)(2) disclosure of expert testimony is due on or before **February 7, 2025**. The supplemental disclosure to contradict or rebut evidence on the same matter identified by another party is due on or before **February 21, 2025**. No other expert reports will be permitted without either consent of all parties or leave of the Court.

ii. Expert Discovery. All expert discovery, including expert depositions, shall be completed on or before **March 7, 2025**.

(g) Discovery Matters. Counsel shall meet and confer in a good faith attempt to informally resolve any and all discovery or case management disputes before seeking the Court's intervention. *See* L. CIV. R. 37.1(a)(1). Absent exigent circumstances, the Court expects parties to "meet and confer" in person or by telephone before making a discovery application, rather than just exchanging letters or emails. Should such informal effort fail to resolve the dispute:

i. The party seeking the discovery shall submit, via ECF, a letter not to exceed three pages that sets forth (1) a specific description of the discovery sought; (2) the relevance of the discovery; (3) an

explanation of the parties' efforts to meet and confer to resolve the dispute; and (4) any appropriate legal arguments.

ii. Within three (3) calendar days, the party opposing the request may submit, via ECF, a letter in response not exceeding three pages that sets forth any factual considerations and legal arguments. **Failure to respond within three (3) calendar days of the filing of the initial letter will be deemed a waiver of any objection to the discovery request(s)**.

iii. **No further submissions** regarding the dispute may be filed without leave of the Court. If necessary, the Court will schedule a conference to address the dispute.

The failure of any party to meet and confer in good faith will result in the Court deeming that party to have waived its right to take a position on the discovery issue(s) in dispute. The parties should promptly bring any unresolved issue(s) to the Court's attention and should not wait until the close of discovery to address a dispute. No discovery motion or motion for sanctions for failing to provide discovery shall be filed before utilizing the procedures set forth above and without prior leave of the Court.

3. **Advice of Counsel.** On or before **January 16, 2025**, the parties shall advise each other if they intend to assert an advice of counsel defense and, if so, shall comply with the requirements of L. PAT. R. 3.8 no later than **ten (10) days** after entry of the Court's claim construction order.

4. **Technology Tutorials.** The parties shall schedule a technology tutorial with District Judge Christine P. O'Hearn no later than **seven (7) days** before the claim construction hearing.

5. **Claim Construction Issue Identification.** On **January 21, 2025**, the parties shall exchange a list of those claim term(s)/phrase(s) that they believe need construction and their proposed claim construction of those term(s)/phrase(s). On **January 27, 2025**, the parties shall exchange counter proposed constructions for any terms identified only by the opposing party in the initial exchange of claim terms. These documents will not be filed with the Court. Subsequent to exchanging that list, the parties will meet and confer to prepare a Joint Claim Construction Chart to be submitted on **February 3, 2025**. The parties' Joint Claim Construction Chart should identify for the Court **no more than five (5) term(s)/phrase(s)** of the claim(s) in issue for construction, and should include each party's proposed construction of the disputed claim language with citation(s) only to the intrinsic evidence in support of their respective proposed constructions. Intrinsic evidence (including copies of the patent(s) at issue) shall NOT be attached to the joint claim construction chart; instead, the parties shall include a joint appendix with the joint claim construction brief, and the joint appendix shall include a copy of the patent(s) at issue and portions of all relevant intrinsic evidence that would have otherwise been included with the joint claim construction chart, as well as any additional evidence cited in the parties' briefing.

6. **Claim Construction Briefing.** The parties shall serve and file their respective claim construction briefs, not longer than twenty-five (25) pages, on or before **February 3, 2025**. The parties should address any anticipated arguments by the opposing party. No responsive briefs will be permitted.

7. **Hearing on Claim Construction.** Beginning at **9:00 a.m. on February 14, 2025**, the Court will hear argument on claim construction. The parties need not include any general summaries of the law relating to claim construction in their presentations to the Court. The parties shall notify the Court, by joint letter submission, no later than the date on which their joint claim construction brief is filed: (i) whether they request leave to present testimony at the hearing; and (ii) the amount of time they are requesting be allocated to them for the hearing.

Provided that the parties comply with all portions of this Scheduling Order, and any other orders of the Court, the parties should anticipate that the Court will issue an oral ruling on claim construction issues on the day of the hearing or a written order within one week of the hearing. In light of the parties' time constraints, no written opinion will be provided.

8. **Summary Judgment Motions.** No case dispositive motions will be permitted.

9. ***Daubert* Motions.** Each side is permitted to file a single, comprehensive *Daubert* motion. Any *Daubert* motion and any opening brief in support of the motion shall be served and filed on or before **March 12, 2025**. Any opposition brief shall be served and filed on or before **March 17, 2025**. Opening and opposition briefs shall be limited to fifteen (15) pages. Counsel is reminded that Federal Rule of Evidence 702 has a "liberal policy of admissibility," *Pineda v. Ford Motor Co.*, 520 F.3d 237, 243 (3d Cir. 2008) (quotation omitted), and "the rejection of expert testimony is the exception rather than the rule." Fed. R. Evid. 702, Advisory Comm. Notes (2000).

10. **Trial.** The above-captioned matter is listed for trial on **April 7, 2024, at 9:00 a.m. in Courtroom 5A**. District Judge Christine P. O'Hearn will issue a separate trial order.

11. Any application for an extension of time beyond the deadlines set herein shall be made in writing to the undersigned and served upon all counsel prior to expiration of the period sought to be extended and shall disclose in the application all such extensions previously obtained, the precise reasons necessitating the application showing good cause under FED. R. CIV. P. 16(b), and whether adversary counsel consent to the application. The scheduling deadlines set herein will not be extended unless good cause is shown. All applications regarding motions returnable before a District Judge shall be presented to the District Judge.

THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER MAY RESULT IN IMPOSITION OF SANCTIONS UNDER FED. R. CIV. P. 16(f).

s/ Elizabeth A. Pascal
ELIZABETH A. PASCAL
United States Magistrate Judge

cc: Hon. Christine P. O'Hearn, U.S.D.J.