

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

AMGEN INC., et al.,

Plaintiffs,

v.

SAMSUNG BIOEPIS CO., et al.,

Defendants.

Civil No. 24-8417 (CPO/EAP)

AMENDED 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. 75; and the Court having considered the parties' joint submission; and for good cause shown,

IT IS this 19th day of **December 2024**, hereby **ORDERED**:

1. **Disclosures.**

- a. By **March 3, 2025**, Plaintiffs shall narrow their asserted claims and infringement contentions to no more than twenty (20) patents and shall disclose their asserted claims and infringement contentions with accompanying document production (L. Pat. R. 3.1, 3.2).
- b. By **April 15, 2025**, 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 **April 30, 2025**, Plaintiffs shall provide their response to Defendants' invalidity contentions (L. Pat. R. 3.4A).
- d. By **August 21, 2025**, Plaintiffs shall narrow their asserted claims and infringement contentions to no more than twelve (12) patents.
- e. By **September 4, 2025**, Defendants shall narrow their invalidity theories to no more than five (5) per claim.
- f. By **April 30, 2026**, Plaintiffs shall narrow their asserted claims and infringement contentions to no more than five (5) patents.

- g. By **May 14, 2026**, Defendants shall narrow their invalidity theories to no more than three (3) per claim.
- h. By **May 21, 2026**, 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) Jurisdictional Discovery between Plaintiffs and Samsung Biologics

- i. No later than **January 3, 2025**, Samsung Biologics shall respond to all jurisdictional discovery requests with substantive interrogatory responses and production of requested documents.
- ii. All jurisdictional discovery between Plaintiffs and Samsung Biologics shall be substantially completed by **January 31, 2025**.
- iii. No later than **February 13, 2025**, Samsung Biologics may submit a pre-motion conference letter seeking leave to file a motion to dismiss on jurisdictional grounds.

(b) Fact Discovery. All fact discovery in this case shall be completed on or before **December 15, 2025**.

- i. No later than **December 23, 2024**, Plaintiffs shall substantially complete production of their BLA and associated regulatory filings; and Defendants shall substantially complete production of documents requested during the BPCIA exchange, including cell culture media composition and samples.
- ii. No later than **December 23, 2024**, each side shall identify twenty (20) priority Requests for the Production of Documents and ten (10) interrogatories for initial reciprocal discovery.
- iii. No later than **January 31, 2025**, the parties shall complete the reciprocal discovery period on the priority discovery requests.
- iv. No later than **February 14, 2025**, Amgen shall make a determination as to (a) an expedited trial, and/or (b) preliminary injunction proceedings, both with associated further discovery.

(c) Interrogatories and Requests for Admissions

- i. A maximum of forty (40) interrogatories, including contention interrogatories, are permitted for each side.¹ This number is inclusive of the interrogatories submitted for priority discovery.
- ii. A maximum of twenty-five (25) requests for admissions are permitted per side.

(d) Depositions

- i. Each side shall have a maximum of 100 hours of deposition time for a maximum of fifteen (15) people.
- 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).

(e) 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).**

¹ Samsung Bioepis and Samsung Biologics are considered one "side" for purposes of this Scheduling Order.

- 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. **Disclosure of Expert Testimony**

- (a) **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 **January 21, 2026**. The supplemental disclosure to contradict or rebut evidence on the same matter identified by another party is due on or before **February 27, 2026**. Any reply expert reports are due no later than **March 16, 2026**.
- (b) All expert discovery, including expert depositions, shall be completed on or before **April 15, 2026**.

4. **Claim Construction Issue Identification.**

- (a) No later than **May 15, 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) (L. Pat. R. 4.1). These documents will not be filed with the Court. Subsequent to exchanging that list, the parties will meet and confer to narrow the list of dispute terms to **no more than ten (10) term(s)/phrase(s)**.
- (b) No later than **June 5, 2025**, the parties shall exchange respective "Preliminary Claim Constructions" and evidence (L. Pat. R. 4.2(a)-(b)).
- (c) No later than **June 19, 2025**, the parties shall exchange the evidence they will rely on to oppose the claim construction proposed by the opposing side (L. Pat. R. 4.2(c)).
- (d) No later than **July 3, 2025**, the parties shall file a "Joint Claim Construction and Prehearing Statement" (L. Pat. R. 4.3).
- (e) No later than **August 4, 2025**, the parties shall complete all fact discovery related to claim construction (L. Pat. R. 4.4).

- (f) No later than **September 18, 2025**, the parties shall complete all expert discovery related to claim construction (L. Pat. R. 4.5(b)).

5. **Claim Construction Briefing.**

- (a) No later than **August 18, 2025**, the parties shall submit their opening *Markman* briefs and evidence supporting claim construction, including experts' certifications or declarations (L. Pat. R. 4.5(a)).
- (b) No later than **October 17, 2025**, the parties shall submit their responding *Markman* briefs (L. Pat. R. 4.5(c)).
- (c) No later than **October 31, 2025**, the parties shall meet and confer regarding the timing/necessity of a *Markman* hearing (L. Pat. R. 4.6)).

6. **Summary Judgment and Daubert Motions.** No case dispositive motions will be permitted without filing a pre-motion conference letter seeking leave of Court. Such letters shall be submitted no later than **May 22, 2026**.

7. **All further deadlines** shall be set following resolution of summary judgment and *Daubert* motion or the expiration of the deadline for filing such motions.

8. 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.