

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MEDA PHARMACEUTICALS INC. and)
CIPLA LTD.,)

Plaintiffs,)

v.)

APOTEX INC. and APOTEX CORP.,)

Defendants.)

Civil Action No. 1:14-cv-01453-LPS

SCHEDULING ORDER

This 13th day of April, 2015, the Court having consulted with the parties' attorneys and received a joint proposed scheduling order, and the parties having determined after discussion that the matter cannot be resolved at this juncture by settlement, voluntary mediation, or binding arbitration;

IT IS HEREBY ORDERED that:

1. Rule 26(a)(1) Initial Disclosures and E-Discovery Default Standard. Unless otherwise agreed to by the parties, the parties shall make their initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) **within fifteen (15) days of the date of this Order.** If they have not already done so the parties are to review the Court's Default Standard for Discovery, including Discovery of Electronically Stored Information ("ESI") (which is posted at <http://www.ded.uscourts.gov>; see Other Resources, Default Standards for Discovery, and is incorporated herein by reference). Specifically, the parties shall start the initial discovery set

forth in Paragraph 4(a)-(d) of the Default Standard commencing **within 30 days after the entry of this ORDER.**

2. Joinder of Other Parties and Amendment of Pleadings. All motions to join other parties, and to amend or supplement the pleadings, shall be filed on or before **May 29, 2015.**

3. Application to Court for Protective Order. Should counsel find it will be necessary to apply to the Court for a protective order specifying terms and conditions for the disclosure of confidential information, counsel should confer and attempt to reach an agreement on a proposed form of order and submit it to the Court **within ten (10) days from the date of this Order.** Should counsel be unable to reach an agreement on a proposed form order, counsel must follow the provisions of Paragraph 7(g) below.

Any proposed protective order must include the following paragraph:

Other Proceedings. By entering this order and limiting the disclosure of information in this case, the Court does not intend to preclude another court from finding that information may be relevant and subject to disclosure in another case. Any person or party subject to this order who becomes subject to a motion to disclose another party's information designated "confidential" [the parties should list any other level of designation, such as "highly confidential," which may be provided for in the protective order] pursuant to this order shall promptly notify that party of the motion so that the party may have an opportunity to appear and be heard on whether that information should be disclosed.

4. Papers Filed Under Seal. In accordance with section G of the Administrative Procedures Governing Filing and Service by Electronic Means, a redacted version of any sealed document shall be filed electronically **within seven (7) days** of the filing of the sealed document.

Should any party intend to request to seal or redact all or any portion of a transcript of a court proceeding (including a teleconference), such party should expressly note that intent at the start of the court proceeding. Should the party subsequently choose to make a request for sealing or redaction, it must, promptly after the completion of the transcript, file with the Court a motion for sealing/redaction, and include as attachments (1) a copy of the complete transcript highlighted so the Court can easily identify and read the text proposed to be sealed/redacted, and (2) a copy of the proposed redacted/sealed transcript. With their request, the party seeking redactions must demonstrate why there is good cause for the redactions and why disclosure of the redacted material would work a clearly defined and serious injury to the party seeking redaction.

5. Courtesy Copies. Other than with respect to “discovery matters,” which are governed by paragraph 7(g), and the final pretrial order, which is governed by paragraph 20, the parties shall provide to the Court two (2) courtesy copies of all briefs and one (1) courtesy copy of any other document filed in support of any briefs (i.e., appendices, exhibits, declarations, affidavits etc.). This provision also applies to papers filed under seal.

6. ADR Process. This matter is referred to a magistrate judge to explore the possibility of alternative dispute resolution.

7. Discovery. Unless otherwise ordered by the Court, the limitations on discovery set forth in Local Rule 26.1 shall be strictly observed.

a. Discovery Cut Off. All [fact] discovery in this case shall be initiated so that it will be completed on or before: **February 26, 2016**.

b. Document Production. Document production shall be substantially complete by: **October 23, 2015**.

c. Requests for Admission. A maximum of **50 requests** for admission are permitted for each side, excluding those solely related to authentication of documents.

d. Interrogatories.

i. A maximum of **20 interrogatories**, including contention interrogatories are permitted for each side.

ii. The Court encourages the parties to serve and respond to contention interrogatories early in the case. In the absence of agreement among the parties, contention interrogatories, if filed, shall first be addressed by the party with the burden of proof. The adequacy of all interrogatory answers shall be judged by the level of detail each party provides; i.e., the more detail a party provides, the more detail a party shall receive.

e. Depositions.

i. Limitation on Hours for Deposition Discovery. Each side is limited to a total of **70 hours**, not to exceed 10 notices of deposition, of taking testimony by deposition upon oral examination, excluding experts and third parties. To the extent a witness requires an interpreter, only half of the deposition time used for that witness shall count towards the 70 hour limitation.

ii. Location of Depositions. Any party or representative (officer, director, or managing agent) of a party filing a

civil action in this district court must ordinarily be required, upon request, to submit to a deposition at a place designated within this district. Exceptions to this general rule may be made by order of the Court. A defendant who becomes a counterclaimant, cross-claimant, or third-party plaintiff shall be considered as having filed an action in this Court for the purpose of this provision.

f. 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 26(a)(2) disclosure of expert testimony is due on or before **April 1, 2016**. The supplemental disclosure to contradict or rebut evidence on the same matter identified by another party is due on or before **May 6, 2016**. Reply expert reports from the party with the initial burden of proof are due on or before **June 3, 2016**. By agreement of the parties, plaintiffs will serve opening and reply expert reports regarding objective indicia of non-obviousness and defendants will serve rebuttal expert reports regarding objective indicia of non-obviousness, but this agreement shall not be construed as altering any party's burden of proof at trial on any issues. No other expert reports will be permitted without either the consent of all parties or leave of the Court. Along

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