

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

GENENTECH, INC. and CITY OF HOPE,)
)
Plaintiffs and Counterclaim Defendants,)
)
v.)
)
PFIZER INC.,)
)
Defendant and Counterclaim Plaintiff.)
_____)

C.A. No. 17-1672-CFC

GENENTECH, INC., CITY OF HOPE, and)
HOFFMANN LA ROCHE INC.,)
)
Plaintiffs and Counter Defendants,)
)
v.)
)
CELLTRION, INC., CELLTRION,)
HEALTHCARE CO., LTD., TEVA)
PHARMACEUTICALS USA, INC., and)
TEVA PHARMACEUTICALS)
INTERNATIONAL GMBH,)
)
Defendants and Counterclaim Plaintiffs.)
_____)

C.A. No. 18-95-CFC

GENENTECH, INC. and CITY OF HOPE,)
)
Plaintiffs and Counterclaim Defendants,)
)
v.)
)
AMGEN, INC.,)
)
Defendant and Counterclaim Plaintiff.)
_____)

C.A. No. 18-924-CFC

GENENTECH, INC., CITY OF HOPE, and
HOFFMANN LA ROCHE INC.,

Plaintiffs and Counter Defendants,

v.

CELLTRION, INC., CELLTRION,
HEALTHCARE CO., LTD., TEVA
PHARMACEUTICALS USA, INC., and
TEVA PHARMACEUTICALS
INTERNATIONAL GMBH,

Defendants and Counterclaim Plaintiffs.

C.A. No. 18-1025-CFC

GENENTECH, INC. and CITY OF HOPE,

Plaintiffs,

v.

SAMSUNG BIOEPIS CO., LTD,

Defendant.

C.A. No. 18-1363-CFC

SCHEDULING ORDER

This ____ day of _____, 2018, the Court having conducted a scheduling conference pursuant to Local Rule 16.1(b), 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 ORDERED that:

1. Rule 26(a)(1) Initial Disclosures and E-Discovery Default Standard. All parties except those in *Genentech, Inc. et al. v. Samsung Bioepis Co., Ltd.*, C.A. No. 18-1363-CFC have exchanged Rule 26(a)(1) Initial Disclosures, and the parties in the *Samsung* action shall exchange them within 5 days of the date of this Order. If they have not already done so, the

parties in each of the above-captioned cases are to meet and confer on a Proposed Standard for Discovery of Electronically Stored Information (“Proposed ESI Order”). Such Proposed ESI Orders shall be filed no later than **November 16, 2018**.

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 **April 5, 2019**.

3. Discovery.

a. Discovery Cut Off. All discovery in this case shall be initiated so that it will be completed on or before **May 13, 2019**. The Plaintiffs and Defendant Groups¹ will provide final contentions no later than the close of fact discovery.

b. Document Production. Substantial completion of document production shall be completed on or before **January 14, 2019**.

c. Discovery Limits. The parties are conferring to discuss limits on coordinated discovery, including depositions and written discovery. The parties will report back to the court at a later date with a joint proposal for such discovery limits, or, to the extent the parties are unable to submit a joint proposal, competing proposals that conform to the Court’s procedures for disputes relating to discovery matters. The parties further agree and stipulate that depositions shall not proceed until either the parties reach agreement or an order from the Court issues regarding appropriate limitations for depositions.

¹ “Defendant Group” shall be defined to include all parties sued by Plaintiffs in a single cause of action. The four Defendant Groups are: (1) Pfizer Inc.; (2) Celltrion, Inc., Celltrion Healthcare Co., Ltd., Teva Pharmaceuticals USA, Inc., and Teva Pharmaceuticals International GMBH; (3) Amgen, Inc.; and (4) Samsung Bioepis Co., Ltd.

4. Application to Court for Protective Order. A protective order has been entered in *Genentech, Inc. et al. v. Pfizer Inc.*, C.A. No. 17-1672-CFC. The parties in *Genentech, Inc. et al. v. Celltrion, Inc. et al.*, C.A. No. 18-95-CFC, *Genentech, Inc. et al. v. Amgen, Inc.*, C.A. No. 18-924-CFC, and *Genentech, Inc. et al. v. Samsung Bioepis Co., Ltd.*, C.A. No. 18-1363-CFC, will propose protective orders for the Court's entry within two weeks from the date of this Order, and such proposed orders will 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 as confidential 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.

5. Disputes Relating to Discovery Matters and Protective Orders. Should counsel find they are unable to resolve a dispute relating to a discovery matter or protective order, the parties shall contact the Court's Case Manager to schedule an in-person conference/argument. Unless otherwise ordered, by no later than 48 hours prior to the conference/argument, the party seeking relief shall file with the Court a letter, not to exceed three pages, outlining the issues in dispute and the party's position on those issues. The party shall submit as attachments to its letter (1) an averment of counsel that the parties made a reasonable effort to resolve the dispute and that such effort included oral communication that involved Delaware counsel for the parties, and (2) a draft order for the Court's signature which identifies with specificity the relief sought by the party. By no later than 24 hours prior to the conference/argument, any party opposing the application for relief may file a letter, not to exceed three pages, outlining that party's reasons for its opposition. Should any document(s) be filed under seal, a courtesy copy of the sealed

document(s) must be provided to the Court within one hour of e-filing the document(s). If a motion concerning a discovery matter or protective order is filed without leave of the Court, it will be denied without prejudice to the moving party's right to bring the dispute to the Court through the procedures set forth in this paragraph.

6. Papers Filed Under Seal. When filing papers under seal, counsel shall deliver to the Clerk an original and one copy of the papers. A redacted version of any sealed document shall be filed electronically within seven days of the filing of the sealed document.

7. Courtesy Copies. The parties shall provide to the Court two courtesy copies of all briefs and one 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.

8. Claim Construction Issue Identification. Subject to Plaintiffs' reservation of due process rights stated on the record at the October 16, 2018 status conference, on or before **November 7, 2018**, Plaintiffs shall narrow the number of patents and claims asserted in this litigation against each Defendant Group to ten (10) patents with a maximum of two (2) claims per patent. Of the ten (10) patents per Defendant Group, at least six (6) patents must be the same for all Defendant Groups, with no more than 30 claims in total from these six (6) patents identified across the Defendant Groups. Absent further Order of the Court on a motion by Plaintiffs based on constitutional due process notions, no other patents or claims will be asserted against any Defendant Group in this litigation beyond those identified on or before **November 7, 2018** in accordance with this Paragraph. For avoidance of doubt, nothing in this Paragraph shall preclude Plaintiffs from seeking leave to assert additional patents or claims based upon changed circumstances—such as, for example, material changes to a Defendant's product or

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