

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS

Hospira, Inc.,)	
)	
Plaintiff,)	
)	
v.)	No. 16 C 651
)	
Fresenius Kabi USA, LLC,)	Judge Rebecca R. Pallmeyer
)	
)	
Defendant.)	

ORDER

The Court adopts proposed Joint Rule 26(f)(1) report of Plaintiff Hospira and is entered. Status hearing set for 4/20/2016 at 9:00 AM.

General Discovery:

Rule 26(a)(1) Initial Disclosures to be made by 2/16/2016.

Initial Core Document Production (LPR 2.1) due by 2/16/2016.

Substantial Completion of Document Production by 8/9/2016.

Rule 26(e) supplementation is ongoing.

Close of fact discovery 10/4/2016 (may reopen for 42 days following claim construction ruling) (LPR 1.3)).

Pleadings:

Parties to amend pleadings or join parties by 9/6/2016.

Contentions:

Hospira's Initial Infringement Contentions (LPR 2.2) by 3/1/2016.

Fresenius Kabi's Initial Non-Infringement, Unenforceability, and Invalidity Contentions and accompanying document production (LPR 2.3, 2.4) by 3/15/2016.

Hospira's Initial Response to Invalidity Contentions (LPR 2.5) by 3/29/2016.

Hospira's Final Infringement Contentions (LPR 3.1) by 7/26/2016.

Fresenius Kabi's Final Unenforceability and Invalidity Contentions, and accompanying document production (LPR 3.1, 3.3) by 7/26/2016.

Fresenius Kabi's Final Non-Infringement Contentions (LPR 3.2) by 8/23/2016.

Hospira's Final Contentions in Response to Final Unenforceability and Invalidity Contentions (LPR 3.2) by 8/23/2016.

Claim Construction:

Exchange Proposed Claim Terms for Construction and Proposed Constructions (LPR 4.1(a)) by 9/6/2016.

Agreement on Terms for Construction (LPR 4.1(b)) by 9/13/2016.

Fresenius Kabi's Opening Brief (LPR 4.2(a)) by 10/11/2016.

Joint Appendix (LPR 4.2(b)) by 10/11/2016.

Hospira's Responsive Brief (LPR 4.2(c)) by 11/8/2016.

Fresenius Kabi's Reply Brief (LPR 4.2(d)) by 11/22/2016.

Joint Chart of Proposed Constructions & Joint Status Report Proposing Format for Hearing (LPR 4.2(f)) by 12/6/2016.

Exchange Hearing Exhibits (LPR 4.3) – 3 days prior to hearing.

Claim Construction Hearing set for December 20, 2016 at 10:00 AM.

Expert Discovery:

Opening Expert Reports (issues on which party bears burden of proof (LPR 5.1(b)) – 21 days after Claims Construction Ruling.

Rebuttal Expert Reports (LPR 5.1(c)) – 35 days after Opening Expert Reports.

Close of Expert Discovery (LPR 5.2) – 35 days after Rebuttal Expert Reports.

Summary Judgment:

Dispositive Motions (LPR 6.1) – 28 days after Close of Expert Discovery.

Trial:

Hospira's Draft of Pre-Trial Order – 40 days after close of Expert Discovery.

Final Pre-Trial Order – 60 days after Close of Expert Discovery.

Rule 26(a)(3) Disclosures (witness lists and exhibit lists) – During editing of Pre-trial Order.

Pre-Trial Conference – 90 days after Close of Expert Discovery.

Trial (4 days) – 30 days after Pre-Trial Conference.

ENTER:



Dated: February 4, 2016

REBECCA R. PALLMEYER
United States District Judge