

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Kowa Company, Ltd.,
Kowa Pharmaceuticals America, Inc., and
Nissan Chemical Industries, Ltd.,

Plaintiffs,

v.

Aurobindo Pharma Limited and
Aurobindo Pharma USA Inc.,

Defendants.

Civil Action No. 14-CV-2497 (PAC)

Kowa Company, Ltd.,
Kowa Pharmaceuticals America, Inc., and
Nissan Chemical Industries, Ltd.,

Plaintiffs,

v.

Amneal Pharmaceuticals, LLC,

Defendants.

Civil Action No. 14-CV-2758 (PAC)

Kowa Company, Ltd.,
Kowa Pharmaceuticals America, Inc., and
Nissan Chemical Industries, Ltd.,

Plaintiffs,

v.

Mylan Inc. and Mylan Pharmaceuticals
Inc.,

Defendants.

Civil Action No. 14-CV-2647 (PAC)

Kowa Company, Ltd.,
Kowa Pharmaceuticals America, Inc., and
Nissan Chemical Industries, Ltd.,

Plaintiffs,

v.

Zydus Pharmaceuticals (USA) Inc., and
Cadila Healthcare Ltd. (dba Zydus Cadila),

Defendants.

Civil Action No. 14-CV-2760 (PAC)

Kowa Company, Ltd.,
Kowa Pharmaceuticals America, Inc., and
Nissan Chemical Industries, Ltd.,

Plaintiffs,

v.

Orient Pharma Co., Ltd.,

Defendants.

Civil Action No. 14-CV-2759 (PAC)

Kowa Company, Ltd.,
Kowa Pharmaceuticals America, Inc., and
Nissan Chemical Industries, Ltd.,

Plaintiffs,

v.

Sawai USA, Inc., and
Sawai Pharmaceutical Co., Ltd.,

Defendants.

Civil Action No. 14-CV-5575 (PAC)

CIVIL CASE MANAGEMENT PLAN AND SCHEDULING ORDER

This Civil Case Management Plan, submitted in accordance with Rule 26(f), Fed. R. Civ. P., is adopted as the Scheduling Order of this Court in accordance with Rule

16(f), Fed. R. Civ. P., and pursuant to the Initial Pretrial Conference in the above-captioned cases held on October 6, 2014.

1. All parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c).
2. This case is not to be tried to a jury.
3. Parties may file amended pleadings or additional parties may be joined without leave of the Court on or before March 2, 2015.
4. Initial disclosures pursuant to Rules 26(a)(1), Fed. R. Civ. P., shall be completed no later than October 20, 2014.
5. All fact discovery shall be completed no later than October 5, 2015.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The interim deadlines, as set forth in paragraphs 7-8 and 10-12, may be extended by the written consent of all parties without application to the Court, provided all fact discovery is completed by the date set forth in paragraph 5 above.
7. Initial requests for production of documents to be served not later than November 20, 2014.
8. Document production by all parties shall be substantially complete by May 1, 2015.
9. The parties shall propose a protective order to the Court on or before November 20, 2014. Documents to be produced will be produced in accordance with the Protective Order adopted by the Court.
10. Interrogatories to be served not later than September 4, 2015.
 - a. The parties may commence serving Local Civil Rule 33.3(a) interrogatories on October 20, 2014. Defendants shall be permitted to serve up to 25 joint interrogatories on Plaintiffs. In addition, each Defendant shall be permitted to serve up to 10 individual interrogatories on Plaintiffs. Plaintiffs shall be permitted to serve up to 25 interrogatories on each Defendant (for clarity, e.g., Mylan Inc. and Mylan Pharmaceuticals Inc. shall be treated collectively as a single Defendant).
11. Depositions of fact witnesses to be completed by October 5, 2015. The parties shall meet and confer regarding logistics and scheduling of depositions of foreign witnesses, including locations of the depositions, by January 20, 2015.

12. Requests to Admit shall be served by no later than September 4, 2015.

13. **Expert Discovery:**

All expert discovery shall be completed no later than March 11, 2016.

The parties' opening expert reports shall be served by December 15, 2015.

The parties' responsive expert reports shall be served by January 29, 2016.

The parties' reply expert reports shall be served by February 15, 2016.

Expert depositions shall conclude by March 11, 2016.

14. **Markman Proceedings**

a. A *Markman* (claim construction) hearing shall be held, if necessary, to determine the meaning of any terms for the claims of the patents-in-suit, as follows:

(i) no later than February 27, 2015, each party shall exchange a list of potentially disputed claim terms;

(ii) no later than March 13, 2015, each party shall identify and exchange its proposed construction of all of the potentially disputed claim terms;

(iii) no later than March 27, 2015, the parties shall meet and confer to discuss and analyze the proposed construction of the claim terms, if the parties have a claim-term dispute;

(iv) no later than April 6, 2015, the parties shall jointly file a Joint Disputed Claim Terms Chart pursuant to Local Patent Rule 11;

(v) no later than May 6, 2015, Plaintiffs and Defendants shall file their opening claim construction brief (including any supporting intrinsic and extrinsic evidence);

(vi) no later than June 8, 2015, Plaintiffs and Defendants shall file their responsive claim construction brief(s) (including any rebuttal evidence that could not have been raised in the opening submission);

(vii) the claim construction hearing shall be held at a date and time to be scheduled by the Court, preferably before August 31, 2015.

15. All motions and applications shall be governed by the Court's Individual Practices, including pre-motion conference requirements.

16. The Final Pretrial Submission Date shall be April 25, 2016.

By the Final Pretrial Submission Date, the parties shall submit a Joint Pretrial Order prepared in accordance with the Court's Individual Practices and Rule 26(a)(3), Fed. R. Civ. P. Any motions *in limine* (for which the pre-motion conference requirement is waived) shall be filed by the Final Pretrial Submission Date. Responsive briefs, if any, to said motions shall be filed 7 days after the Final Pretrial Submission Date.

17. Counsel for the parties have conferred and their present best estimate of the length of trial is: 14 to 21 days.

18. Summary of Civil Case Management Plan Scheduling Dates:

| Civil Case Management Plan Requirement | Dates: |
|--|-------------------|
| Initial Disclosure pursuant to Rule 26(a)(1), Fed. R. Civ. P. to be served no later than: | October 20, 2014 |
| Parties may file amended pleadings or additional parties may be joined without leave of the Court. | March 2, 2015 |
| All fact discovery to be completed no later than: | October 5, 2015 |
| <ul style="list-style-type: none"> Fact Discovery - initial requests for production of documents to be served no later than: | November 20, 2014 |
| <ul style="list-style-type: none"> Deadline for the parties to meet and confer regarding logistics and scheduling of foreign witnesses for depositions, including locations of the depositions, | January 20, 2015 |
| <ul style="list-style-type: none"> Fact Discovery - Document Production: All parties shall substantially complete document production | May 1, 2015 |
| <ul style="list-style-type: none"> Fact Discovery - interrogatories (aside from those contemplated by Local Civil Rule 33.3(a)) to be served no later than: | September 4, 2015 |
| <ul style="list-style-type: none"> Fact Discovery - requests to admit to be served no later than: | September 4, 2015 |
| <ul style="list-style-type: none"> Fact Discovery - depositions of fact witnesses to be completed no later than: | October 5, 2015 |

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