

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**WARNER CHILCOTT COMPANY, LLC,
AND QUALICAPS CO., LTD.,**

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

Civil Action No. 2:15-cv-1471-JRG-RSP

LEAD CONSOLIDATED CASE

**WARNER CHILCOTT COMPANY, LLC,
AND QUALICAPS CO., LTD.,**

Plaintiffs,

v.

**MYLAN PHARMACEUTICALS, INC.,
MYLAN LABORATORIES LIMITED,
AND MYLAN, INC.,**

Defendants.

Civil Action No. 2:15-cv-1740-JRG-RSP

AMENDED DOCKET CONTROL ORDER

It is hereby ORDERED that the following schedule of deadlines is in effect until further order of this Court:

Current Deadline(s)	New Deadline(s)	Event
October 23, 2017		*Bench Trial – 9:00 a.m. in Marshall, Texas
September 25, 2017		*Pretrial Conference – 9:00 a.m. in Marshall, Texas before Judge Roy Payne

September 20, 2017		<p>*Notify Court of Agreements Reached During Meet and Confer</p> <p>The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i>. The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.</p>
September 18, 2017		*File Joint Pretrial Order, Findings of Facts and Conclusions of Law
September 11, 2017		<p>*File Notice of Request for Daily Transcript or Real Time Reporting.</p> <p>If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.</p>
September 4, 2017		Serve Objections to Rebuttal Pretrial Disclosures
August 28, 2017		Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
August 14, 2017		Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
July 17, 2017		<p>*File Dispositive Motions or Motions to Strike Expert Testimony (including <i>Daubert</i> Motions)</p> <p>No dispositive motion or motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.</p>
June 30, 2017		Deadline to Complete Expert Discovery
June 20, 2017		Serve reply expert disclosures concerning Plaintiffs' infringement position as to Teva.
June 12, 2017		Serve rebuttal expert disclosures concerning Teva's noninfringement position.
June 9, 2017		Serve Disclosures for Reply Expert Witnesses (except reply expert disclosures concerning Plaintiffs' infringement position as to Teva). With regard to disclosures concerning invalidity, Defendants will be limited to opinions concerning objective indicia of nonobviousness. Plaintiffs will be responsible for serving in this round disclosures regarding infringement.

May 26, 2017		Serve Disclosures for Rebuttal Expert Witnesses (except rebuttal expert disclosures concerning Teva's noninfringement position). Specifically, Plaintiffs will be responsible for serving in this round disclosures regarding validity, including objective indicia of nonobviousness. Defendants will be responsible for serving in this round disclosures regarding non-infringement.
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(*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

ADDITIONAL REQUIREMENTS

Notice of Mediator: The parties are to jointly file a notice that identifies the agreed upon mediator or indicates that no agreement was reached. If the parties do not reach an agreement, the Court will appoint a mediator. The parties should not file a list of mediators to be considered by the Court.

Indefiniteness: In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules' normal page limits.

Motions for Continuance: The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:

- (a) The fact that there are motions for summary judgment or motions to dismiss pending;
- (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
- (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

Amendments to the Docket Control Order ("DCO"): Any motion to alter any date on the DCO shall take the form of a motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

Proposed DCO: The Parties' Proposed DCO should also follow the format described above under "Amendments to the Docket Control Order ('DCO')."

SIGNED this 19th day of May, 2017.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE