

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BAUSCH & LOMB, INC.;
BAUSCH & LOMB IRELAND LIMITED;
and EYE THERAPIES, LLC,

Plaintiffs,

v.

SLAYBACK PHARMA LLC and
SLAYBACK PHARMA INDIA LLP,

Defendants.

Civil Action No. 21-16766 (MAS) (DEA)

SCHEDULING ORDER

This matter having come before the Court during an initial scheduling conference on February 10, 2022; and counsel for Plaintiffs Bausch & Lomb, Inc., Bausch & Lomb Ireland Limited, and Eye Therapies, LLC (collectively, “Plaintiffs”) and Defendants Slayback Pharma LLC and Slayback Pharma India LLP (collectively, “Defendants”) having prepared and agreed to this Scheduling Order:


IT IS HEREBY ORDERED the parties’ proposed schedule is adopted as follows:

<u>EVENT</u>	<u>DATE</u>
Plaintiffs’ Disclosure of Asserted Claims pursuant to L. Pat. R. 3.6(b)	February 17, 2022
Submission of Proposed Discovery Confidentiality Order	February 24, 2022
Defendants’ Invalidity Contentions and accompanying production pursuant to L. Pat. R. 3.6(c)-(d)	March 14, 2022
Defendants’ Non-Infringement Contentions and accompanying production pursuant to L. Pat. R. 3.6(e)-(f)	March 14, 2022

Deadline to add parties and/or amend pleadings	March 15, 2022
Plaintiffs' Disclosure of Asserted Claims and Infringement Contentions and accompanying production pursuant to L. Pat R. 3.6(g)-(h)	April 28, 2022
Plaintiffs' Response to Invalidity Contentions pursuant to L. Pat. R. 3.6(i)	April 28, 2022
Exchange of Proposed Terms for Construction pursuant to L. Pat. R. 4.1(a); thereafter the Parties will meet and confer pursuant to L. Pat. R. 4.1(b)	May 12, 2022
Exchange of Preliminary Claim Constructions and identification of evidence, pursuant to L. Pat. R. 4.2(a)-(b), including the name of any witness, including experts, and a description of that witness' proposed testimony that includes a listing of any opinions to be rendered in connection with claim construction	June 2, 2022
Exchange of identification of all intrinsic and extrinsic evidence for opposing proposed claim constructions, pursuant to L. Pat. R. 4.2(c); thereafter the Parties will meet and confer pursuant to L. Pat. R. 4.2(d)	June 16, 2022
Telephonic Status Conference before the Honorable Douglas E. Arpert, U.S.M.J. (to be initiated by Plaintiffs' counsel)	June 27, 2022 at 10:30 AM
Submit Joint Claim Construction and Prehearing Statement, pursuant to L. Pat. R. 4.3	July 5, 2022
Completion of Claim Construction Discovery, pursuant to L. Pat. R. 4.4	August 4, 2022
Opening <i>Markman</i> Submissions, pursuant to L. Pat. R. 4.5(a)	August 23, 2022
Completion of Expert Discovery related to Claim Construction, pursuant to L. Pat. R. 4.5(b)	September 22, 2022
Responding <i>Markman</i> Submissions pursuant to L. Pat. R. 4.5(c), with any expert declarations limited to those experts who submitted an opening expert declaration pursuant to L. Pat. R. 4.5(a)	October 25, 2022

Submission of proposed schedule for Claim Construction Hearing, pursuant to L. Pat. R. 4.6	November 8, 2022
Substantial completion of document production	Sixty (60) days before close of fact discovery
Close of fact discovery	TBD by Court following <i>Markman</i> proceedings
Disclosure of reliance on advice of counsel	Thirty (30) days after entry of Court's claim construction order
Exchange Opening Expert Reports on issues for which the party bears the burden of proof	Sixty (60) days after close of fact discovery
Exchange Rebuttal Expert Reports (including Plaintiffs' expert reports on any objective indicia of nonobviousness)	Sixty (60) days after exchange of Opening Expert Reports
Exchange Reply Expert Reports (including Defendants' responsive expert reports to Plaintiffs' expert reports on any objective indicia of nonobviousness)	Forty-five (45) days after exchange of Rebuttal Expert Reports
Close of Expert Discovery	Sixty (60) days after exchange of Reply Expert Reports
Deadline to File Dispositive Motions	Thirty (30) days after close of expert discovery
Submission of Proposed Joint Final Pretrial Order	TBD by Court
Final Pretrial Conference	TBD by Court

Dated: February 15, 2022



Hon. Douglas E. Arpert, U.S.M.J.