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January 4, 2022

**BY ECF**

**AMENDED SCHEDULING ORDER**

Hon. Jessica S. Allen, U.S.M.J.  
United States District Court  
Martin Luther King Building  
& U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07102

Re: *Bausch Health Ireland Limited et al. v. MSN Laboratories Private Ltd. et al.*,  
2:21-cv-10057-SRC-JSA

Dear Judge Allen:

This firm, along with Merchant & Gould P.C., represents Defendants MSN Laboratories Ltd. and MSN Pharmaceuticals Inc. (“MSN”) in the above-referenced matter. Defendants request an amendment to the discovery schedule, and Plaintiffs consent to Defendants’ request.

As set forth in the table on the following page, an extension of approximately three months is proposed. As the Court is aware, a separate action involving the same patents is pending in the District of New Jersey, with docket number 21-cv-10403, wherein a motion to dismiss has been filed. Depending on the outcome of that motion, an additional three months in the preliminary case schedule should aid in coordinating with that case’s schedule, if necessary. Moreover, in the interest of conserving judicial resources, the parties believe it will be more efficient to proceed through the Local Patent Rule disclosures at a later time. We respectfully request that, if the Court approves of these modifications, it “so order” this letter on the docket.

We thank Your Honor for your courtesies in this matter.

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**\*The Court having held a Status Conference by Videoconference on January 5, 2022; and for the reasons set forth on the record, which are incorporated herein at length; and with the consent of the parties and for good cause shown; the schedule in this case is amended as follows:**

<b>Event</b>	<b>Current Date</b>	<b>Revised Date</b>
Status conference by way of Zoom videoconference with Court on January 5, 2022, at 10:00 a.m.	1/5/22	1/5/22
Any motion by Defendants for judgment on the pleadings, pursuant to Fed. R. Civ. P. 12(c),	N/A, as represented by counsel on the record	N/A, as represented by counsel on the record
Defendants shall serve invalidity and non-infringement contentions; Production of documents required under 3.4(b) and (c) produced with Invalidity Contention	1/19/22	4/18/22
Plaintiff shall serve any infringement contentions and responses to the invalidity contentions and accompanying document production per 3.6(f)	5/4/22	8/4/22
The parties will exchange proposed terms necessary for claim construction and thereafter meet and confer to narrow the issues	5/31/22	8/31/22
The parties will exchange their preliminary claim constructions and identify any intrinsic and extrinsic evidence and thereafter meet and confer to narrow the issues	6/21/22	9/21/22
The parties will exchange evidence opposing proposed claim constructions	7/5/22	10/5/22
The parties will file their Joint Claim Construction and Prehearing Statement	7/21/22	10/21/22
The parties will complete any fact discovery regarding claim construction, including depositions of non-expert witnesses identified before claim construction exchanges.	8/22/22	11/22/22

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The parties will have substantially completed document production	8/22/22	11/22/22
The parties shall file opening Markman briefs, including expert declarations, pursuant to L. Pat. R. 4.5(a)	9/12/22	12/12/22
Discovery disputes (other than those arising during depositions) shall be brought to the Court's attention	9/23/22	12/23/22
All expert discovery regarding Markman issues shall be completed	10/12/22	1/12/23
The parties shall file responsive Markman papers	11/11/22	2/13/23
The parties will meet and confer on a proposed schedule for a Markman hearing, and shall submit the proposed schedule	11/28/22	2/28/23
Claim Construction Hearing	TBD	TBD
Depositions of fact witnesses completed by today	12/23/22	3/23/23
Fact Discovery Closes	12/23/22	3/23/23
The parties shall exchange opening expert reports on issues for which that party bears the burden of proof, including Plaintiff's opening expert report(s) on objective indicia of non-obviousness	3/1/23	6/1/23
The parties will exchange rebuttal expert reports	5/1/23	8/1/23
The parties will exchange reply expert reports	6/15/23	9/15/23
All expert discovery, including depositions of experts	8/15/23	11/15/23
Dispositive Motions	TBD	TBD
Final Pretrial Conference	TBD	TBD

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All counsel are directed to assemble at the office of plaintiff's counsel not later than ten (10) days before the pretrial conference to prepare the Final Pretrial Order in the form and content required by the Court. Plaintiff's counsel shall prepare the Pretrial Order and shall submit it to all other counsel for approval.	TBD	TBD
The original of the Final Pretrial Order shall be delivered to Chambers not later than seventy-two (72) hours before the pretrial conference. All counsel are responsible for the timely submission of the Final Pretrial Order.	TBD	TBD
Trial	TBD	TBD

**\*All other provisions of the prior Pretrial Scheduling Order issued on September 27, 2021 (ECF No. 32), shall remain in full force and effect.**

**\*There shall be Status Conference by Videoconference before the Undersigned on March 29, 2022 at 10:00 a.m. The Court will provide the connection information in advance. On or before March 22, 2022, the parties shall file a joint status letter.**

**SO ORDERED.**

s/Jessica S. Allen

United States Magistrate Judge

**Dated: January 5, 2022**