

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
CLARKSBURG DIVISION**

REGENERON PHARMACEUTICALS, INC.,

Plaintiff,

v.

MYLAN PHARMACEUTICALS INC.,

Defendant.

Case No. 1:22-cv-00061-TSK

**JURY TRIAL DEMANDED**

**SCHEDULING ORDER**

On September 28, 2022, this Court held a Scheduling Conference in the above-styled matter. Pursuant to Federal Rules of Civil Procedure 16(b) and 26(f), and the Local Rules of Civil Procedure, it is hereby **ORDERED** that the below listed dates be adopted:

	<b>DATE</b>
Regeneron identifies <u>6 patents</u> from <u>3 patent families</u> for initial proceedings. All deadlines herein apply only to those patents. Regeneron stipulates that it will not seek injunctive relief on the <u>other 18 patents</u> asserted in its Complaint (ECF 1) with respect to the United States marketing or sales of Mylan's current aBLA Product (BLA No. 761274)	3 days after this Order
Submission of Protective Order or Disagreements concerning same	November 1, 2022
<i>Markman</i> : exchange of proposed terms for construction	November 3, 2022
<i>Markman</i> : exchange of preliminary constructions and intrinsic support	November 10, 2022
<i>Markman</i> : File joint claim construction chart <u>The parties may identify no more than 12 claim terms for construction (6 per side)</u>	November 17, 2022
<i>Markman</i> : file positions regarding word limits	November 17, 2022

<i>Markman</i> : parties file joint opening claim construction briefs	November 29, 2022
<i>Markman</i> : parties file joint responsive claim construction briefs	December 15, 2022
Substantial completion of document production	December 7, 2022
<i>Markman</i> hearing	January 6, 2023 (10:00 a.m.)
Deadline to amend pleadings	December 9, 2022
Parties serve final infringement and invalidity contentions	January 12, 2023
Close of Fact Discovery	January 18, 2023
Regeneron narrows initial proceedings to <u>3 patents</u> and <u>25 claims</u>	7 days after <i>Markman</i> order or 7 days after close of fact discovery, whichever is later
Opening Expert Reports on Issues for Which the Party Bears the Burden of Proof	February 2, 2023
Responsive/Rebuttal Expert Reports	March 2, 2023
Reply Expert Reports	March 30, 2023
Motions for Summary Judgment (if any)	April 20, 2023
Responses to Motions for Summary Judgment (if any)	May 4, 2023
Replies to Responses to Motions for Summary Judgment (if any)	May 11, 2023
Close of Expert Discovery	April 20, 2023
Motions <i>in Limine</i> and <i>Daubert</i> Motions	May 11, 2023
Responses to Motions <i>in Limine</i> and <i>Daubert</i> Motions	May 18, 2023
Joint Stipulation of Facts	May 18, 2023
Proposed Joint Pretrial Order, L.R. Civ. P. 16.04(b)	May 18, 2023
Final Pretrial and Settlement Conference	May 30, 2023 (10:00 a.m.)
Trial	June 12-23, 2023

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

**DATED:** October 25, 2022



**THOMAS S. KLEE, CHIEF JUDGE**  
**NORTHERN DISTRICT OF WEST VIRGINIA**