

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

NOVO NORDISK, INC. and
NOVO NORDISK A/S,

Plaintiffs,

v.

CIVIL ACTION NO. 1:23-CV-13
(KLEEH)

VIATRIS INC. and
MYLAN PHARMACEUTICALS INC.,

Defendants.

**FIRST ORDER AND NOTICE REGARDING
DISCOVERY AND SCHEDULING CONFERENCE**

Pursuant to Fed. R. Civ. P. 16(b) and 26(f) and Local Rule of
Civil Procedure ("L.R. Civ. P.") 16.01 and 26.01, it is hereby

ORDERED:

1. Initial Planning Meeting on or before: **May 3, 2023**
2. Meeting Report on or before: **May 17, 2023**
3. Initial Disclosures on or before: **June 5, 2023**
4. Scheduling Conference: **if necessary**

(1) **Initial Planning Meeting**: Pursuant to Fed. R. Civ. P. 16
and 26(f) and L.R. Civ. P. 16.01(b), parties to this action shall
meet in person or by telephone on or before **May 3, 2023**. At this
meeting, the parties shall discuss all matters required by Fed. R.
Civ. P. 16 and 26(f) and L.R. Civ. P. 16.01(b).

(2) **Meeting Report and Proposed Discovery Plan**: Pursuant to Fed. R. Civ. P. 26(f) and L.R. Civ. P. 16.01(c), the parties shall submit to this Court a **written report** on the results of the initial discovery meeting **and a Scheduling Order Checklist**, completed with necessary dates specific to this case, (see attached example) on or before **May 17, 2023**. The written report shall include the parties' report on those matters set forth in L.R. Civ. P. 16.01(b)(1-5) and 16.01(c) and the parties' discovery plan as required by Fed. R. Civ. P. 26(f). The parties' report on their meeting shall be considered by this Court as advisory only. Parties and counsel are subject to sanctions as set forth in Fed. R. Civ. P. 16(f) and L.R. Civ. P. 37.01 for failure to participate in good faith in the development and submission of a meeting report and proposed discovery plan.

(3) **Initial Discovery Disclosures**: Pursuant to Fed. R. Civ. P. 26(a)(1) and L.R. Civ. P. 26.01(a), each party shall provide to every other party the initial discovery disclosures required under Fed. R. Civ. P. 26(a)(1) on or before **June 5, 2023**.

(4) **Telephonic Scheduling Conference**: Upon receipt of the meeting report and proposed discovery plan, this Court may conduct a scheduling conference at a date and time deemed appropriate. See Fed. R. Civ. P. 16(b) and L.R. Civ. P. 16.01(d). However, if

this Court determines, after a review of the meeting report and proposed discovery plan, that a scheduling conference is not necessary, no conference will be scheduled, and a scheduling order will be entered. See Fed. R. Civ. P. 16(b) and L.R. Civ. P. 16.01(d).

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein, along with copies of this Court's Scheduling Order Checklist.

DATED: April 3, 2023



THOMAS S. KLEEH, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA

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

**NOVO NORDISK, INC. and
NOVO NORDISK A/S,**

Plaintiffs,

v.

**CIVIL ACTION NO. 1:23-CV-13
(KLEEH)**

**VIATRIS INC. and
MYLAN PHARMACEUTICALS INC.,**

Defendants.

SCHEDULING ORDER CHECKLIST

ATTORNEYS:

	DATE
PLAINTIFFS PRODUCE NDA AND FILE HISTORY; DEFENDANT PRODUCES ANDA	
PLAINTIFFS DISCLOSE ASSERTED CLAIMS & INFRINGEMENT CONTENTIONS	
DEFENDANT DISCLOSES INVALIDITY CONTENTIONS, PRIOR ART, AND NONINFRINGEMENT CONTENTIONS	
EXCHANGE PROPOSED TERMS FOR CONSTRUCTION	
EXCHANGE PROPOSED PRELIMINARY CONSTRUCTIONS FOR DISPUTED TERMS, INCLUDING AN INITIAL IDENTIFICATION OF INTRINSIC AND EXTRINSIC EVIDENCE	

EXCHANGE REBUTTAL INTRINSIC AND EXTRINSIC EVIDENCE	
JOINT CLAIM CONSTRUCTION STATEMENT	
JOIN PARTIES OR AMEND PLEADINGS	
OPENING CLAIM CONSTRUCTION BRIEFS (SIMULTANEOUS EXCHANGE, 25 PAGES)	
REBUTTAL CLAIM CONSTRUCTION BRIEF (SIMULTANEOUS EXCHANGE, 15 PAGES)	
CLAIM CONSTRUCTION HEARING	
STATUS REPORT TO THE COURT REGARDING THE DELAWARE DECISION AND POTENTIAL DISPOSITIVE MOTIONS	
STATUS CONFERENCE WITH THE COURT	
SUBSTANTIAL COMPLETION OF DOCUMENT PRODUCTION	
CLOSE OF FACT DISCOVERY	
FINAL INFRINGEMENT CONTENTIONS	
FINAL INVALIDITY AND NON-INFRINGEMENT CONTENTIONS	
OPENING EXPERT REPORTS ON ISSUES FOR WHICH THE PARTY BEARS THE BURDEN OF PROOF	
RESPONSIVE/REBUTTAL EXPERT REPORTS	
REPLY EXPERT REPORTS	
CLOSE OF EXPERT DISCOVERY	
MOTIONS IN LIMINE AND DAUBERT MOTIONS	

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.