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SUPPLEMENTAL CASE MANAGEMENT  
SUBMISSION AND SCHEDULING ORDER  
CASE NO. 10-CV-05467 RS

1 IN THE UNITED STATES DISTRICT COURT  
 2 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 3 SAN FRANCISCO DIVISION

4 SHIRE LLC, SUPERNUS  
 5 PHARMACEUTICALS, INC., AMY F.T.  
 6 ARNSTEN, PH.D., PASKO RAKIC, M.D., and  
 7 ROBERT D. HUNT, M.D.,

8 Plaintiffs,

9 v.

10 IMPAX LABORATORIES, INC., WATSON  
 11 PHARMACEUTICALS, INC., WATSON  
 12 LABORATORIES, INC.–FLORIDA,  
 13 WATSON PHARMA, INC., and ANDA, INC.,

14 Defendants.

No. 10-CV-05467 RS

**SUPPLEMENTAL CASE  
 MANAGEMENT SUBMISSION,  
 SCHEDULING ORDER, AND ORDER  
 ON PRESUMPTIVE LIMIT OF  
 HOURS FOR INVENTORS’  
 DEPOSITIONS**

AS MODIFIED BY THE COURT

**Hon. Richard Seeborg**

15 At the Case Management Conference of June 2, 2011, the Court indicated that it would  
 16 adopt a modified version of Plaintiffs’ proposed case schedule. The Court also directed the  
 17 parties to further confer regarding discovery. Pursuant to the Court’s instructions at the Case  
 18 Management Conference and the Court’s June 2, 2011 Order requiring the parties to submit an  
 19 updated proposed schedule and discovery plan, the parties submit the following:

**UPDATED CASE MANAGEMENT SCHEDULE**

Event	Date
Disclosure of Asserted Claims and Preliminary Infringement Contentions and Document Production Accompanying Disclosure (PLR 3.1, 3.2)	10/03/2011
Disclosure of Preliminary Invalidity Contentions and Document Production Accompanying Disclosure (PLR 3.3, 3.4)	11/17/2011
Exchange List of Claim Terms each Party contends should be Construed by the Court (PLR 4.1(a))	12/01/2011
Deadline to Meet and Confer to Limit Terms in Dispute and Identify 10 Terms likely to be Most Significant to Resolving Dispute (PLR 4.1(b))	12/08/2011

Event	Date
Exchange Proposed Constructions for Each Term Identified by the Parties, including Intrinsic and Extrinsic Evidence Supporting each Construction (PLR 4.2(a)(b))	12/22/2011
Deadline to Meet and Confer for Purposes of Finalizing Preparation of Joint Claim Construction and Prehearing Statement (PLR 4.2(c))	01/09/2012
File Joint Claim Construction and Prehearing Statement, including identification of 10 claim terms who construction will be most significant to resolution of the case (PLR 4.3)	01/16/2012
Complete Claim Construction Discovery (PLR 4.4)	02/17/2012
Deadline to Amend Pleadings	02/17/2012
Deadline for Plaintiffs serving and filing Opening Claim Construction Brief (PLR 4.5(a))	03/02/2012
Deadline for Defendants serving and filing Opposition to Claim Construction Brief (PLR 4.5(b))	03/23/2012
Reply in support of Claim Construction Brief (PLR 4.5(c))	04/06/2012
<i>Markman</i> Hearing (PLR 4.6)	05/02/12 @ 10:00 a.m.

Further Case Management Conference, Statement due on week prior: 7/12/12 @ 10:00 a.m.  
Following the issuance of the *Markman* ruling, the Court will schedule a second Case Management Conference to schedule the remainder of the case through trial.

**STIPULATION AND DISPUTE ON DISCOVERY SCOPE**

**Stipulation on Depositions.** The parties agree that Plaintiffs shall be entitled to sixteen (16) depositions of fact witnesses, of which no more than eight (8) will be of the Watson Defendants and no more than eight (8) will be of Impax. Impax shall be entitled to eight (8) depositions of fact witnesses; and the Watson Defendants shall be entitled to eight (8) depositions of fact witnesses.

**Dispute on Presumptive Length of Named Inventor Depositions.** The parties disagree on the presumptive time limit for the depositions of the named inventors of the Patents-in-Suit.

Plaintiffs' position is that an inventor deposition should be limited to seven hours in accordance with the Federal Rules, unless otherwise agreed upon by the parties on a deposition-

1 by-deposition basis. If the parties cannot agree, either party may seek a decision from the Court.

2 Defendants' position is that the time limit for named inventors' depositions should be  
3 enlarged to ten hours given the presumptive importance of their testimony. Defendants do not  
4 anticipate that every inventor deposition will take ten hours. However, Defendants do anticipate  
5 seeking a ten hour limit from Plaintiffs for each inventor deposition and believe it would be more  
6 efficient to resolve this issue now to avoid seeking piecemeal Court intervention with respect to  
7 each of the five inventor depositions.

8 **Stipulation on Interrogatories.** Plaintiffs may serve no more than ten (10)  
9 "joint" interrogatories on the Watson Defendants and Impax.<sup>1</sup> In addition to the joint  
10 interrogatories, Plaintiffs may serve no more than ten (10) interrogatories on the Watson  
11 Defendants and no more than ten (10) interrogatories on Impax.

12 The Watson Defendants and Impax together may serve no more than ten (10)  
13 joint interrogatories on Plaintiffs. In addition to the joint interrogatories, the Watson  
14 Defendants may serve no more than ten (10) interrogatories on Plaintiffs, and Impax may serve  
15 no more than ten (10) interrogatories on Plaintiffs.

16 **ORDER**

17 The Court adopts the foregoing Case Management Schedule and the parties' stipulations  
18 on the number of depositions and interrogatories. As to the issue of the presumptive number of  
19 hours for the inventors' depositions, the Court orders that a presumptive limit of [~~seven (7)~~] [ten  
20 (10)] hours shall apply to all named inventor depositions in this matter. If a party would like to  
21 modify the presumptive time limit, the parties first must meet and confer on the issue. If the  
22 parties cannot resolve the dispute, the parties then may seek relief from the Court.

23  
24 DATED: 6/15/11

25   
26 HONORABLE RICHARD SEEBORG  
27 Judge of the United States District Court

28 <sup>1</sup> "Joint" interrogatories are defined as interrogatories that are identical irrespective of defendant.