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 9 *Attorneys for Plaintiffs Amgen Inc. and Amgen Manufacturing, Limited*

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**

12 AMGEN INC. and
 13 AMGEN MANUFACTURING, LIMITED,
 Plaintiffs,
 14 v.
 15 SANDOZ INC., SANDOZ
 16 INTERNATIONAL GMBH, and
 17 SANDOZ GMBH,
 Defendants.

Case No. 3:14-cv-04741-RS
 Case No. 3:16-cv-02581-RS

STIPULATION AND ~~PROPOSED~~ SCHEDULING ORDER

18 AMGEN INC. and AMGEN
 19 MANUFACTURING, LIMITED,
 Plaintiffs,
 20 v.
 21 SANDOZ INC. SANDOZ
 22 INTERNATIONAL GMBH, SANDOZ
 23 GMBH, and LEK PHARMACEUTICALS,
 D.D.,
 24 Defendants.

1 Pursuant to Civil Local Rule 7-12, Plaintiffs Amgen Inc. and Amgen Manufacturing,
2 Limited and Defendants Sandoz Inc., Sandoz International GmbH, Sandoz GmbH, and Lek
3 Pharmaceuticals, d.d. through their undersigned counsel, hereby stipulate as follows:

4 WHEREAS, on May 4, 2017, the Parties submitted a Further Case Management
5 Statement (-04741 Dkt. No. 240) setting forth reasons for requesting an extension of the
6 schedule and proposing separate modified schedules to extend the dates;

7 WHEREAS, following a Further Case Management Conference (-04741 Dkt. No. 246, -
8 02581 Dkt. No. 79) and the Parties submissions of modified schedules, the Court entered an
9 order setting the schedule through dispositive motions (-04741 Dkt. No. 248, -02581 Dkt. No.
10 81) and through trial (-04741 Dkt. No. 253, -02581 Dkt. No. 87);

11 WHEREAS, there have been no other scheduling modifications since the Court entered
12 the Case Management Scheduling Order on October 28, 2016 (-04741 Dkt. No. 220, -02581
13 Dkt. No. 56) and modified the schedule through dispositive motions on May 15, 2017 (-04741
14 Dkt. No. 248, -02581 Dkt. No. 81); and modified the schedule through trial on May, 19, 2017
15 (-04741 Dkt. No. 253, -02581 Dkt. No. 87);

16 WHEREAS, the Parties agree that a short extension in the deadlines for exchange of
17 expert reports is needed and have now further agreed to the proposed modified expert discovery
18 dates for the exchange of opening expert reports, rebuttal expert reports, and reply expert
19 reports as set forth below;

20 WHEREAS, the requested extensions will change the Court's previous scheduling order
21 only as to the deadlines for the exchange of expert reports;

22 NOW, THEREFORE, the parties hereby jointly request the modified schedule as set
23 forth below.

Proposed Revised Schedule

Amgen v. Sandoz, Case No. 3:14-cv-04741-RS (N.D. Cal.)

Amgen v. Sandoz, Case No. 3:16-cv-02581RS (N.D. Cal.)

Description	Current Date from Court's Scheduling Order	Parties' Proposed Date
Opening Expert Reports (on issues where the party bears the burden of proof)	7/14/2017	7/28/2017
Rebuttal Expert Reports	8/18/2017	9/1/2017
Reply Expert Report (to rebut any alleged secondary considerations of non-obviousness, which shall be addressed first by Amgen in its Rebuttal Expert Reports)	9/1/2017	9/15/2017
Completion of Expert Discovery	10/6/2017	10/6/2017 (Unchanged)
Next mediation before	9/7/2017	9/7/2017 (Unchanged)
Deadline for Dispositive Motions	10/25/2017	10/25/2017 (Unchanged)
Dispositive Motion Responsive Briefs	11/13/2017	11/13/2017 (Unchanged)
Dispositive Motion Reply Briefs	11/21/2017	11/21/2017 (Unchanged)
Dispositive Motion Hearing	12/7/2017 or at the Court's convenience	12/7/2017 or at the Court's convenience (Unchanged)
Pretrial Meet and Confer [21 Days prior to the final Pretrial Conference; Judge Seeborg Guidelines, ¶ A]	12/20/2017	12/20/2017 (Unchanged)

Description	Current Date from Court's Scheduling Order	Parties' Proposed Date
Joint Pretrial Statement and Order, Pretrial Exchanges, and Motions in Limine [10 days prior to the final Pretrial Conference; Judge Seeborg Guidelines, ¶¶ B, D]	1/16/2018	1/16/2018 (Unchanged)
Jury Voir Dire Questions, Proposed Jury Instructions, and Proposed Jury Verdict Forms [5 days prior to the final Pretrial Conference; Judge Seeborg Guidelines, ¶ D]	1/23/2018	1/23/2018 (Unchanged)
Oppositions to Motions in Limine [3 days prior to final Pretrial Conference; Judge Seeborg Guidelines, ¶¶ B, D]	1/25/2018	1/25/2018 (Unchanged)
Pretrial Conference	1/30/2018	1/30/2018 (Unchanged)
Optional Trial Briefs, Deposition and Discovery Designations [5 days prior to Trial; Judge Seeborg Guidelines, ¶ D]	1/31/2018	1/31/2018 (Unchanged)
Trial	3/26/2018	3/26/2018 (Unchanged)

1 Respectfully submitted,

2 Dated: July 10, 2017

By: /s/ Peter Sandel

Peter Sandel

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Attorneys for Amgen Inc. and Amgen Manufacturing, Ltd.

13 Dated: July 10, 2017

By: /s/ Eric C. Pai

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1 **SIGNATURE ATTESTATION**

2 Pursuant to Civil Local Rule 5-1(i)(3), I hereby certify that concurrence in the
3 filing of this document has been obtained from each of the other Signatories shown
4 above.

5 Dated: July 10, 2017

6 By: /s/ Sue Wang
Sue Wang

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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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3 Dated: July 11, 2017



4 THE HONORABLE RICHARD SEEBORG
5 UNITED STATES DISTRICT COURT JUDGE

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