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16 **UNITED STATES DISTRICT COURT**
 17 **DISTRICT OF NEVADA**

18 AMARIN PHARMA, INC. and AMARIN
 19 PHARMACEUTICALS IRELAND LIMITED,

20 Plaintiffs,

21 v.

22 TEVA PHARMACEUTICALS USA, INC.,

23 Defendant.
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Case No.: 2:16-cv-02525-MMD-NJK
 (Consolidated with 2:16-cv-02562-MMD-
 NJK, 2:16-cv-02658-MMD-NJK, and
 2:17-cv-02641-MMD-NJK)

**STIPULATED DISCOVERY PLAN AND
 SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW
 REQUESTED**

1 **I. LR 26-1 STATEMENT REGARDING SPECIAL SCHEDULING REVIEW**

2 In this case, Plaintiffs Amarin Pharma, Inc. and Amarin Pharmaceutical Ireland Limited
3 (collectively, “Plaintiffs” or “Amarin”) assert that Defendant Teva Pharmaceuticals USA, Inc.
4 (“Teva”) has infringed twelve of Amarin’s patents based on Teva’s filing an Abbreviated New
5 Drug Application (“ANDA”) with the U.S. Food and Drug Administration that seeks approval to
6 market a generic version of Amarin’s Vascepa® 500 mg product. In light of the similarity in the
7 factual and legal issues, the Court has consolidated this case with three others, *see* ECF No. 91,
8 in which Amarin asserts that Teva and two other defendant groups each infringed fourteen
9 Amarin patents by filing an ANDA seeking approval to market generic versions of Amarin’s
10 Vascepa® 1 g product, specifically Civ. A. Nos. 2:16-cv-02525, 2:16-cv-02562, 2:16-cv-02658
11 (the “1 g action”). The Court has already entered a schedule in the 1 g action. *See* ECF No. 60.

12 In light of the consolidation of this case with the 1 g action and the similarities in legal
13 and factual issues among the cases, the parties propose a case schedule that will ultimately keep
14 all four cases on the same schedule. With the few exceptions identified below, the parties
15 respectfully propose that the Court align the deadlines in this case with those already set in the
16 1 g action. The parties agree that the proposed discovery period is appropriate given the
17 complexity of this patent infringement action. Moreover, the 30-month stay pertaining to this
18 case does not expire until on or about February 29, 2020¹ and the proposed schedule provides
19 sufficient time for the case to be resolved in advance of expiration of the stay. Consolidating the
20 two case schedules will also streamline the matter and conserve both party and court resources.

21 **II. THE PARTIES’ PROPOSED DISCOVERY SCHEDULE**

22 The parties stipulate and agree that, with the exception of the dates specified below, the
23 deadlines already imposed in the consolidated 1 g action, *see* ECF No. 60, *as modified by* ECF
24 Nos. 88, 92, 103, 107, 110, should govern in this case.

25 _____
26 ¹ Amarin believes the expiration date is on or about March 1, 2020; Teva believes the expiration
27 date is on or about Feb. 29, 2020.

Events	Proposed Date
Initial Disclosures & Scheduling Order	January 29, 2018
Asserted Claims and Supplemental Infringement Contentions	February 16, 2018
Supplemental Noninfringement, Invalidity, and Unenforceability Contentions	March 16, 2018
Responses to Supplemental Noninfringement, Invalidity, and Unenforceability Contentions	April 6, 2018

III. ADDITIONAL INFORMATION UNDER LR 26-1(b) AND FED. R. CIV. P. 26(f)

(1) **Initial Disclosures:** The parties agree to serve initial disclosure statements pursuant to Fed. R. Civ. P. 26(a)(1) on January 29, 2018.

(2) **Subjects of Discovery:** The parties agree that all matters within the scope of Fed. R. Civ. P. 26 will be subjects of discovery (without prejudice to a party's right to object to discovery or seek a protective order). The parties propose conducting fact discovery followed by expert discovery.

(3) **E-Discovery:** The parties agree that the Discovery Confidentiality Order entered in the 1 g action, ECF No. 69, will also apply to this case.

(4) **Privileged Material:** The parties agree that the Discovery Confidentiality Order entered in the 1 g action, ECF No. 69, will also apply to this case.

(5) **Discovery Limitations:** The parties agree that the discovery limitations in the 1 g action will also apply to this case, except that Teva may serve up to 5 additional interrogatories specific to this case.

(6) **Other Orders:** The parties agree that the Discovery Confidentiality Order entered in the 1 g action, ECF No. 69, will also apply to this case.

(7) **Fed. R. Civ. P. 26(a)(3) Disclosures:** The parties agree that the disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereof shall be included in the pretrial order.

1 **(8) Alternative Dispute Resolution:** The parties certify that they met and conferred
2 about the possibility of using alternative dispute resolution processes.

3 **(9) Alternative Forms of Case Disposition:** The parties certify that they considered
4 consenting to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the
5 use of the Short Trial Program (General Order 2013-01).

6 **(10) Email Service:** The parties agree to service of all documents by email pursuant
7 to Fed. R. Civ. P. 5(b)(2)(E).

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9 Dated: January 29, 2018

Dated: January 29, 2018

10 /s/ Jason D. Smith
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and Amarin Pharmaceuticals Ireland
Limited*

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IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: January 30, 2018