

ORAL ORDER: IT IS HEREBY ORDERED that, for reasons discussed during the recent teleconference (see D.I. 815), and having reviewed the parties' joint letter (D.I. 820), the bench trial in this matter is RESCHEDULED and will be held on some or all of the following dates, subject to the parties' time limits: January 4-8 and January 26-29, 2021. The pretrial conference will be held on December 22, 2020 at 4:00 p.m. and the proposed pretrial order is due on December 15. As the parties have agreed, the expert discovery deadline is now September 25, 2020. IT IS FURTHER ORDERED that: (i) Dr. Myerson's deposition on common issues of infringement and invalidity will not last more than 7 hours; (ii) each defendant contesting infringement (nine defendants) shall have a maximum of 4 additional hours to depose Dr. Myerson and either Dr. Morin (five defendants) or Dr. Gozzo (three defendants), as applicable, on infringement issues specific and unique to that defendant, provided that each such defendant shall notify Plaintiffs in advance of the beginning of expert depositions how many hours each defendant seeks to use with which of Drs. Myerson, Morin, and Gozzo; (iii) Dr. MacMillan's deposition will be limited to 9 hours; (iv) Dr. Lepore's deposition will be limited to 9 hours; (v) Dr. Rothschild's deposition will be limited to 14 hours; and (vi) all other depositions will be limited to 7 hours. The Court believes these limits reflect a reasonable and appropriate exercise of the Court's discretion, considering all circumstances, including the fact that this consolidated case is, in reality, multiple cases, and that each defendant asserting non-infringement must be given a full and fair opportunity to conduct expert discovery in preparation for trial. Plaintiffs' complaint that the aspects of Defendants' proposal the Court has adopted "would allow Defendants much more time with Plaintiffs' experts" is unpersuasive under the circumstances. Finally, IT IS ALSO ORDERED that: (i) Defendants' request for leave to serve a responsive expert report to Dr. Peck is GRANTED; (ii) Defendants shall file their responsive expert report two weeks from the date Plaintiffs approve their expert; and (iii) Plaintiffs may file a reply report no later than two weeks before Dr. Peck's deposition. Allowing Defendants to file a responsive report is justified and harmless because the Court only recently denied Defendants' motion to strike Dr. Peck's report, there is sufficient time in the schedule to allow all parties to take reasonable and necessary discovery on the issues addressed by Dr. Peck (and there is good cause for the further scheduling order modification requested by Defendants), and the Court will find having a full record on these issues useful to it as factfinder. ORDERED by Judge Leonard P. Stark on 7/6/20. (ntl) (Entered: 07/06/2020)

As of July 7, 2020, PACER did not contain a publicly available document associated with this docket entry. The text of the docket entry is shown above.

*H. Lundbeck A/S et al v. Apotex Inc. et al*  
1-18-cv-00088 (DDE), 7/6/2020, docket entry 829