IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BRISTOL-MYERS SQUIBB CO.	:	CIVIL ACTION
	:	
v.	:	
	:	
TEVA PHARMACEUTICALS USA, INC.	:	NO. 10-805

SECOND SCHEDULING ORDER

AND NOW, this 17th day of November, 2010, it is hereby ORDERED that:

1. The First Scheduling Order dated November 15, 2010 is VACATED.

2. The Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware will apply to the instant proceedings.

3. The following is the Scheduling Order for matters through the close of expert discovery. After the close of expert discovery on February 17, 2012, the court will hold a second status conference to set the schedule for the balance of the case through trial.

4. All discovery shall proceed forthwith and continue in such manner as will assure that all requests for, and responses to, fact and expert discovery will be completed within the deadlines stated below.

5. Parties shall complete their initial disclosures and begin fact discovery on or before November 17, 2010.

6. Parties shall exchange their proposed lists of Markman claim terms for construction on or before April 1, 2011.

7. Parties shall exchange their proposed constructions of claim terms on or before April 15, 2011.

8. The parties shall identify the expert witness(es), if any, on which they will rely for claim construction, and provide such expert(s)' report(s) on or before May 13, 2011, without prejudice to further order of court to permit plaintiff to obtain expert witnesses if defendant obtains expert witnesses after plaintiff declined to do so.

9. Plaintiff shall file and serve its opening Markman claim construction brief on or before May 13, 2011.

10. Defendant shall file and serve its opposing Markman claim construction brief on or before June 10, 2011.

11. Plaintiff shall file and serve its reply Markman brief on or before June 24, 2011.

12. Every factual assertion in any brief shall be supported by a citation to the record where that fact may be found.

13. No brief filed in support of or in opposition to any motion shall exceed 25 pages in length without prior leave of court.

14. The court will hold a claim construction technology tutorial and a Markman claim construction hearing to be scheduled in July 2011.

15. Parties shall file and serve any motion to add parties or to amend the pleadings, including claims of inequitable conduct, on or before September 2, 2011.

16. Parties shall complete their fact discovery on or before October 14, 2011.

17. Parties may each take up to 15 fact depositions.

18. Parties agree that they shall not limited to only one 30(b)(6) deposition.

19. Parties shall serve reports of expert witnesses with respect to issues on which they have the burden of proof on or before October 28, 2011.

20. Parties shall serve any responsive reports on or before December 2, 2011.

21. Plaintiff shall serve expert reports on any secondary considerations on or before December 2, 2011.

22. Defendant shall serve expert reports on any secondary considerations on or before January 6, 2012.

23. Parties shall complete depositions of experts on or before by February 17, 2012.

BY THE COURT:

/s/ Harvey Bartle III
Harvey Bartle III C.J.
SITTING BY DESIGNATION